



turner

# Precinct C Concept Plan 41-45 Hill Road, Wentworth Point Section 75W Modification Report

Prepared on behalf of Sekisui House. November 2013

dowling urban



Dowling Urban Pty Ltd  
Suite 302 4-14 Buckingham Street Surry Hills NSW 2010  
P 02 9698 9590 | m: 0407 404 898 | greg@dowlingurban.com.au

# Table Of Contents

1	INTRODUCTION	1
2	BACKGROUND	2
2.1	Subject Land	2
2.2	Statutory Context	4
2.3	Approvals History	5
4	PROPOSED MODIFICATIONS	7
4.1	Description Of Concept	7
4.2	Concept Massing And Details	8
4.3	Public Domain	13
4.4	Part B Modifications and Statement Of Commitments	14
5	ASSESSMENT	19
5.1	Land Use, Massing and Amenity	19
5.2	Public Domain and Landscaping	19
5.3	Traffic and Transport	20
5.4	Remediation and Infrastructure	20
5.5	Public Interest	20
6	CONCLUSION	21
7	APPENDICES	22
A	Concept Plan Approval incorporating proposed modifications	Dowling Urban
B	Architectural Drawings	Turner
C	Landscape Drawings	Site Image
D	Floor space transfer covenants (advice Auburn Ccl)	Wilshire Webb Stauton Beattie
E	Adaptable Unit parking bay standards advice	Morris Goding / Accessibility Solutions / Turner
F	Wentworth Point TMAP	Cattell Cooper
G	Homebush Bay Bridge VPA	Lindsay Taylor Lawyers
SUBMITTED UNDER SEPARATE COVER		
1	Architectural Plans (full size)	Turner
2	Landscape Plans (full size)	Site Image

# 1 Introduction

This report has been prepared on behalf of SH Homebush Peninsula Pty Ltd to support an application made under Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) to modify Concept Plan Approval MP No. 06\_0098 for a residential development at 41 to 45 Hill Road, Wentworth Point.

The purpose of the modification is to revise the Concept Plan to accord with the amended planning provisions in the *Homebush Bay West Development Control Plan 2006* (HBW DCP) applying to the Site. HBW DCP was amended to provide for additional development potential and building height in consideration of the construction of the Homebush Bay Bridge.

The current Concept Plan approval precludes Council from granting consent to development applications that comply with the revised planning controls and which are being lodged simultaneously with this application.

The aim of the modification is therefore administrative in nature but includes additional details for inclusion in the Concept Plan Approval as well as the updating of details to accord with development consents granted subsequent to the Concept Plan Approval.

Attached to this application is:

- Compiled Concept Plan Approval incorporating requested modifications;
- Architectural drawings prepared by Turners;
- Landscape drawings prepared by Site Image;
- Advice on floor space transfer covenants on behalf of Auburn Council;
- Advice from Morris Goding, Accessibility Solutions / Turner on Adaptable Unit parking bay standards;
- The Wentworth Point Transport and Accessibility Management Plan; and
- The Executed Voluntary Planning Agreement for the Homebush Bay Bridge.

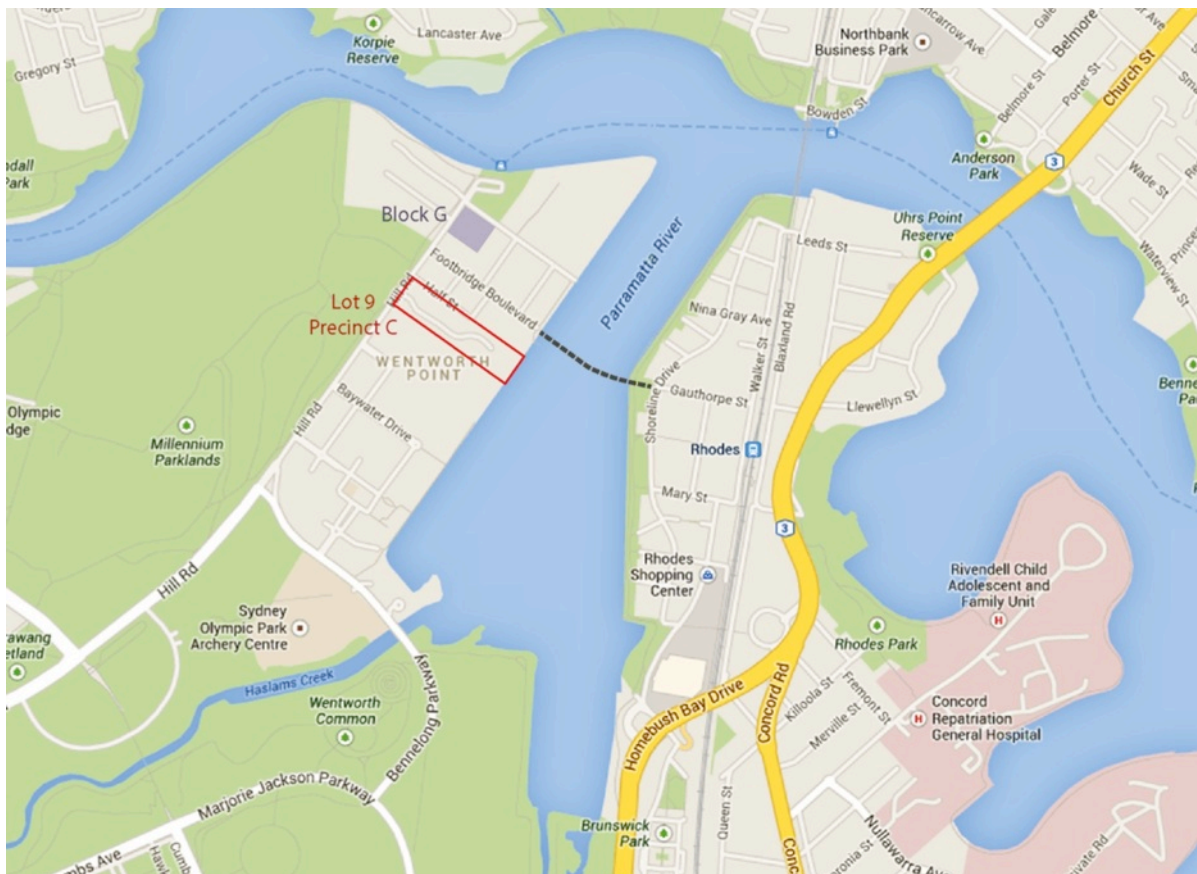
## 2 Background

### 2.1 SUBJECT LAND

The current legal description of the subject land at 41-45 Hill Rd, Wentworth Point is Lot 9 DP 776611.

The land is known as Precinct C in the HBW DCP and has a site area of 31,946 m<sup>2</sup> and dimensions of approximately 406 m between Hill Road and Homebush Bay and 75 to 78 metres in width.

Precinct C adjoins Precinct B, which will contain the landing of the Homebush Bay Bridge to be used for pedestrians, cyclists and public transport. The two precincts are connected by north-south major and minor streets and a foreshore street and share a one-way street at their boundary.



Map of locality and site: Source Google Maps

As discussed below, the land is subject to the provisions of Sydney Regional Environmental Plan No. 24 – Homebush Bay Area (SREP 24) whereby development is governed by the HBW DCP as reflected in the following image.





*Oblique aerial view of Wentworth Point redevelopment under HBW DCP from the west indicating location of subject land*

Development is proposed to be staged in four street blocks ((A to 9D) as shown below with temporary arrangements being in place for access until the adjoining parcels are developed and the street network completed.



*Aerial photo showing staging of development*

## 2.2 STATUTORY CONTEXT

The Concept Plan for the subject land, otherwise known as “Lot 9” or Precinct C in HBW DCP, was approved under Section 75O of the Act on 21 January, 2008 by the then Minister for Planning.

The Concept Plan was prepared as a result of the requirement under Clause 16 of the *Sydney Regional Environment Plan No. 24 Homebush Bay Area* to have a master plan in place prior to the consenting of development applications.

The Concept Plan Approval included a requirement that the subsequent development applications be subject to Part 4 in accordance with Section 75P of the Act.

Separate development applications were subsequently granted consent by Auburn Council under delegation for public domain and infrastructure works for the whole site as well as three of the four stages of residential development (9A, 9C and 9D). The construction of site works has commenced and the first two stages of residential development, 9A and 9D, are in various processes of certification and construction.

The owner of the site, Sekisui House, joined a consortium of landowners at Wentworth Point to propose a Voluntary Planning Agreement for the funding and construction of the Homebush Bay Bridge for public transport, pedestrians and cyclists only. The VPA is in consideration of additional floor space and building heights by amendment to HBW DCP.

The proposal was supported by a Transport and Accessibility Management Plan (TMAP), which was accepted by State authorities. This TMAP demonstrated that as a consequence of enhanced public transport services and improved accessibility provided by the Bridge, the overall trip generation by car from Wentworth Point will be equal to or less than what would otherwise occur as a result of development anticipated by the HBW DCP. It made recommendations to assist manage the demand to travel by car by including limits on parking provision.

The HBW DCP was amended by the Director General on 30 July 2013. The operation of the new provisions introduced into a new Part 5 of the HBW DCP are dependant on the execution of Voluntary Planning Agreement for the implementation of the proposed Homebush Bay Bridge.

The central consequences of the amendment for the development of Precinct C was:

- an increase in floorspace permitted on the site from 50,242m<sup>2</sup> to 74,424m<sup>2</sup>;
- an increase in building heights particularly for stages 9B and 9C from a maximum of 8 stories to a maximum of 25 and 20 stories respectively; and

- an obligation to reduce parking to discourage dependence on cars for trips and therefore help moderate overall travel demand served by car.

The Voluntary Planning Agreement has now been executed so that the provisions of Part 5 now apply and the land owners are required to commence planning and funding for the Bridge.

A consequence of the amendment to HBW DCP is an incompatibility with the approved Concept Plan for the site such that the development potential provided by the amendment to fund the Bridge, cannot be realised. Auburn Council cannot grant consent to development applications that comply with the revised planning controls because they would be inconsistent with the approved Concept Plan.

As a result of procedural delays in the execution of the VPA and the consequent obligations under that Agreement, urgency is required to lodge the development applications for the remaining two stages of the site, 9B and 9C.

Accordingly, the landowner has simultaneously sought to modify the Concept Plan Approval as well as lodge development applications for Stages 9B and 9C, all of which is generally compliant with the revised planning controls in HBW DCP.

## 2.3 APPROVALS HISTORY

The Concept Plan was approved January 2008 and its primary focus was to demonstrate the master planning of the site, transfer unrealised floor space from development parcels to the south under the same ownership of the then applicant, set building heights and public open space and resolve the boundary arrangements with Precinct B.

The Concept Plan allowed for the following development:

- (1) *A residential development comprising around 685 dwellings in a mix of 1 bedroom, 2 bedroom and 3 bedrooms with a maximum 50,424m<sup>2</sup> of floor space (i.e. maximum floor space ratio of 1.58:1) as described in Homebush Bay West Development Control Plan (HBWDCP).*
- (2) *Maximum building heights including pop-up levels and maximum building envelopes for the four residential development allotments.*
- (3) *Public domain in the form of a foreshore park, pocket park and a pedestrian through link including communal and private open space.*

Development was to occur generally in accordance with plans prepared by Allen Jack and Cottier, and was subject to modifications imposed by the Minister as well as the applicant's Statement of Commitments.



Subsequent to the Concept Plan Approval, a number of applications have been granted development consent for site works and residential development of stages as follows:

- DA 235/2010 approved 27.9.10  
Demolition of existing structures, importation of landfill and turfing of the site with associated works including retaining walls and fencing.
- DA 309/2010 approved 19.12.11 (modified 23.5.13)  
Block 9C. Residential flat building of 156 units over basement car parking and associated works (to be surrendered).
- DA 308/2010 approved 19.12.11 (modified 23.5.13)  
Block 9D. Residential flat building of 147 units over basement car parking and associated works.
- DA 109/2011 approved 31.1.12 (modified 29.5.13)  
Subdivision of land into 3 lots, roads and park
- DA 462/2010 approved 7.2.12  
Public domain and infrastructure works comprising roads, parks, services and associated works
- DA 350/2012 approved 8.8.2013  
Block 9A. Residential flat building of 185 units over basement car parking and associated works.

Importantly, the public domain and infrastructure works consent has been commenced and is incorporated into the revised Concept Plan details.

Similarly, the processes for certification and construction has commenced to implement the approvals for Stages 9A and 9D and therefore, the details of these consents have also been incorporated into the revised Concept Plans.

However, the development consent for 9C will be surrendered on the granting of consent for a revised development application to be lodged with Auburn Council that utilises the additional floor space and building heights under the revised planning controls.



## 4 Proposed Modifications

The aim of the Concept Plan modification is to permit the amended planning controls within the HBW DCP as they apply to Precinct C to be able to be implemented as anticipated by the Homebush Bay Bridge VPA.

Accordingly, the objectives of the proposed modification of the Concept Plan is to update:

1. the description of the proposed development to accord with approvals to date and proposals compliant with the HBW DCP;
2. the building envelopes and associated details for Block 9B and 9C in particular, to reflect the revised permitted heights and floorspace in HBW DCP
3. the details of the public domain including the provision of public open space to accord with approvals to date and the DCP requirements; and
4. the Part B Modifications to Concept Plan and Schedule 3 Statement of Commitments to remove redundant provisions and introduce new details to reflect new obligations provided by the DCP.

### 4.1 DESCRIPTION OF CONCEPT

Previously, the Concept Plan Approval has permitted a transfer of floor space from outside the site from the maximum permitted in the DCP as it applied then of 41,530 m<sup>2</sup> to 50,424 m<sup>2</sup>.

The amendment to HBW DCP included an increase to the allowable floorspace on the site from that permitted by the concept plan to 74,424 m<sup>2</sup> (or a maximum floor space ratio of 2.33:1). This incorporated the amount previously transferred to the site.

Consequently, the revised approximation of dwelling yield is increased from 685 as stated in the Concept Plan approval to approximately 996 as broken down in the following table:

Stage	Status	Floor space	Dwellings
9A	DA approved	14,502	185
9B	DA submitted	27,185*	383*
9C	DA submitted	20,536*	281*
9D	DA approved	12,056	147
Total		74,279	996*

\* subject to development consents

Accordingly, the description of development as set out in Schedule 2 A1 of the Approval is required to be revised as follows.

- (1) *A residential development comprising around ~~685~~ 996 dwellings in a mix of 1 bedroom, 2 bedroom and 3 bedrooms with a maximum ~~50,424m<sup>2</sup>~~ 74,424m<sup>2</sup> of floor space (i.e. maximum floor space ratio of ~~1.58:1~~ 2.33:1) as described in Homebush Bay West Development Control Plan (HBWDCP).*

In addition, the description of development as set out in Schedule 2 B1 of the Approval is required to be revised as follows (noting the removal of the unnecessary caution as to the attainment of floor space given the advance state of design of the remaining stages).

**B1. BUILT FORM**

- (1) *Approval is given for a maximum of ~~50,424m<sup>2</sup>~~ 74,424 m<sup>2</sup> residential floor space which equates to a maximum floor space ratio (FSR) of ~~1.58:1~~ 2.33:1. ~~(the resultant floor space/FSR may be less after complying with modifications listed below).~~*

## **4.2 CONCEPT MASSING AND DETAILS**

The amendment to HBW DCP increased building heights and simplified the massing hierarchy so as to remove RL restrictions and the use of “pop ups”. It instead provides for the following heights as shown on the diagram under 5.3.2 of the HBW DCP:

- 4 stories remaining at the foreshore except at the termination of major east-west street which was permitted to rise to 6 stories (as per Rhodes);
- 6 stories adjoining minor streets;
- 8 stories adjoining major streets; and
- a tower of 25 stories on Block 9B and 20 stories on Block 9C.

It should be noted that the change in heights provided by the DCP amendment are not being utilised for Block 9A and 9D which will remain as previously approved approved by Auburn Council.

Otherwise, it should also be noted that the building shapes shown in the diagrams to 5.3.2 in HBW DCP are indicative only as noted. They are required to have an address to the major north-south street as described in the objectives to “*ensure the location of towers reinforce the urban structure and street orientation*”. Note also the provision of 5.3.3 (iv) “*to locate tower forms generally in accordance with the Tower Height Diagram noting that locational adjustment is permitted.*”

Notwithstanding the above, the tower locations are closely aligned to that indicated in the HBW DCP amendments.

Substitute Concept Plan architectural drawings are provided in the appendix to this Report and reflect the approved development for stages 9A and 9D as well as development proposals submitted for stages 9B and 9C which are compliant with the HBW DCP.

The substitute plans provide details of the overall site layout (including open space provision) and massing as well as levels and basement extents and street interface. Envelopes for the two blocks being revised, 9B and 9C have been constructed as follows with indicative sketches.

### **Stage 9B**

Buildings are restricted to 8 stories on the major n-s and e-w streets with a tower commencing at the corner of the major n-s street and minor ("Half") street as indicated in HBW DCP and projecting westward within the maximum floor plate limitation. The tower coincidentally addresses the pocket park anticipated by the current Concept Plan and effectively consumes the 6 storey height limit onto the minor street.

Refer Indicative Sketch Images below for representation of the stage 9B envelopes.

#### Indicative Sketch Views



## Indicative Sketch Views



### Stage 9C

Buildings are restricted to 8 stories on the major e-w street with a tower commencing at the corner of the major e-w and n-s street intersection and projecting northward within the maximum floor plate limitation as indicated in HBW DCP. After the tower extent is achieved, the building height reduces to 8 stories on the major n-s street and 6 stories on the minor ("Half") street.

Refer Indicative Sketch Images on the next page for representation of the stage 9C envelopes.



## Indicative Sketch Views



## Indicative Sketch Views



The revised envelopes, massing and general details are shown on the submitted plans which, if approved, should be reflected in the Schedule 2 A1 of the Approval as follows:

*A2 Development in Accordance with Plans and Documentation*

(1) *The following plans and documentation (including any appendices therein) are approved subject to modifications contained in Part B of Schedule 2 as part of the Concept Plan:*

(a) *Environmental Assessment, and Preferred Project Report and Requests for Modification for a Mixed Use and Development Lot 9 Hill Road, Homebush Bay prepared for Payce Properties Ltd by Cite Urban Strategies and Allen Jack & Cottier and the following plans;*

<i>Architectural Plans by <del>Allen Jack &amp; Cottier</del> Turners</i>			
<i>Drawing No</i>	<i>Revision</i>	<i>Number of Plan</i>	<i>Date</i>
<del>LT9 AR CD 1000</del>	<del>G</del>	<del>Title Sheet</del>	<del>20/8/2007</del>
<del>LT9 AR CD 1001</del>	<del>E</del>	<del>Site Plan (Roof Plan)</del>	<del>20/8/2007</del>
<del>LT9 AR CD 1002</del>	<del>E</del>	<del>Floor Plans Levels LO &amp; L1</del>	<del>20/8/2007</del>
<del>LT9 AR CD 1003</del>	<del>E</del>	<del>Floor Plans Levels L2 &amp; L3</del>	<del>20/8/2007</del>
<del>LT9 AR CD 1004</del>	<del>E</del>	<del>Floor Plans Levels L4 &amp; L5</del>	<del>20/8/2007</del>
<del>LT9 AR CD 1005</del>	<del>E</del>	<del>Floor Plans Levels L6 &amp; L7</del>	<del>20/8/2007</del>
<del>LT9 AR CD 1006</del>	<del>E</del>	<del>Floor Plans Levels L8 &amp; L9</del>	<del>20/8/2007</del>
<del>LT9 AR CD 1011</del>	<del>E</del>	<del>Street Elevations</del>	<del>20/8/2007</del>
<del>LT9 AR CD 1012</del>	<del>E</del>	<del>Sections/Internal Site Elevations</del>	<del>20/8/2007</del>
<del>LT9 AR CD 1013</del>	<del>G</del>	<del>East and West Contextual Elevations</del>	<del>20/8/2007</del>
<del>LT9 AR CD 1014</del>	<del>G</del>	<del>Street Sections</del>	<del>20/8/2007</del>
<del>LT9 AR CD 1015</del>	<del>G</del>	<del>Detail Street Sections</del>	<del>20/8/2007</del>
<del>SK 1052</del>	<del>A</del>	<del>Homebush Bay Site levels</del>	<del>15/8/2007</del>
<del>LT9 AR CD 1053</del>	<del>A</del>	<del>Half Street Sections</del>	<del>23/8/2007</del>
<del>LT9 AR CD 1041</del>	<del>A</del>	<del>Public Open Space Areas</del>	<del>12/11/2007</del>
<u>13022 100-002</u>	<u>A</u>	<u>Site Plan (Roof Plan)</u>	<u>26/11/2013</u>
<u>13022 100-003</u>	<u>A</u>	<u>Floor Plan Level 00</u>	<u>26/11/2013</u>
<u>13022 100-004</u>	<u>A</u>	<u>Floor Plan Level 01</u>	<u>26/11/2013</u>
<u>13022 100-005</u>	<u>A</u>	<u>Floor Plan Level 02</u>	<u>26/11/2013</u>
<u>13022 100-006</u>	<u>A</u>	<u>Floor Plan Level 03</u>	<u>26/11/2013</u>
<u>13022 100-007</u>	<u>A</u>	<u>Floor Plan Typical Mid Level</u>	<u>26/11/2013</u>
<u>13022 100-008</u>	<u>A</u>	<u>Floor Plan Typical Tower Level</u>	<u>26/11/2013</u>

<u>13022 100-009</u>	<u>A</u>	<u>East + West Elevations</u>	<u>26/11/2013</u>
<u>13022 100-010</u>	<u>A</u>	<u>North + South Elevations</u>	<u>26/11/2013</u>
<u>13022 100-011</u>	<u>A</u>	<u>East and West Contextual Elevations</u>	<u>26/11/2013</u>
<u>13022 100-012</u>	<u>A</u>	<u>Street Sections</u>	<u>26/11/2013</u>

The HBW DCP contains provisions at 3.4.2 vii (Building Height) to allow building modulation with small variations to the heights of 4 and 6 storey buildings calculated by percentages of building floor space. These provisions were utilised in the Concept Plan and reflected in the Approval's Part B Modifications B1. (2), (3) and (4).

A consequence of the amendments to HBW DCP and the approach of limiting height variations to provide for greater built form coherence was to render the provisions under 3.4.2 vii redundant for the site.

These Modifications are required to be removed for stages 9B and 9C in particular, as they are either of no consequence in the case of four storey buildings, or misdirected in the case of 6 storey buildings, which use to be limited to north-south major streets but which now applies to buildings on minor streets in general.

Accordingly, the Part B modification B1 Built Form under Schedule 2 is required to be revised as follows.

#### *B1. BUILT FORM*

.....

- (2) *Approval is given for the maximum building heights and envelopes identified in the plans referred to in Schedule 2, Part A, Modification A2 and Schedule 2, Part 8, Modification 81(3) & (4).*
- (3) ~~*Approval is given for the construction of up to 2 levels of "pop ups" on the 4 & 6 storey buildings designated in HBWDGP at the rate of 10% and 8% of the total gross floor area of the buildings respectively, subject to the provisions of condition 81(4).*~~
- (4) ~~*"Pop ups" on 4 storey buildings fronting Half Street in Lots 9A, 9B shall not exceed more than 1 level. No "pop ups" are allowed for 4 storey building in Lot 9C.*~~
- (53) *The lowest habitable floor level .... (etc)*

### **4.3 PUBLIC DOMAIN**

The details of the public domain has been approved by Auburn Council and staged construction has commenced with the waterfront primarily completed and

infrastructure well advanced. The approved plans contain staging arrangements allowing for temporary access and boundary interfaces, which are to be removed once development on adjoining land is completed and streets are fully formed.

The development consent reflected the requirement for the provision of a minimum of 3,195 m<sup>2</sup> public open space as contained in the Concept Plan approval as follows:

- Public foreshore within Lot 9D: 2,300 m<sup>2</sup> (allowing for the inclusion of the foreshore street as allowed for by 3.3 HBW DCP - page 43, third dot point - to encourage public access to the foreshore);
- Through-site link between Lot 9C and 9D: 700 m<sup>2</sup>; and
- Pocket park within stage 9B: 920 m<sup>2</sup>.

While the total of over 3,900 m<sup>2</sup> exceeds the minimum open space required by HBW DCP, it compensates for the utilisation of the spaces for access purposes.

The proposals for Lot 9B has altered the shape of the pocket park to optimise its relationship with surrounding buildings and the sloping street while maximising its usability as public open space. Also, details of the landscaping of the public domain are omitted as these are better detailed in individual applications as part of the design development process.

Accordingly, the approved Landscape Drawings for the Concept Plan are required to be substituted as follows for completeness only as they do not represent a specific modification of the Concept Plan approval.

(b)

<i>Landscape Plans by <del>James Pfeiffer Landscape Architects</del> Site image</i>			
<i>Drawing No</i>	<i>Revision</i>	<i>Number of Plan</i>	<i>Date</i>
<i><del>06-036-01</del></i>	<i><del>C</del></i>	<i><del>Landscape Concept Plan</del></i>	<i><del>01/03/2007</del></i>
<i><del>06-036-02</del></i>	<i><del>B</del></i>	<i><del>Landscape Concept Plan</del></i>	<i><del>01/03/2007</del></i>
<i><u>CP-C100</u></i>	<i><u>A</u></i>	<i><u>Landscape Concept Plan</u></i>	<i><u>09/12/2013</u></i>

#### 4.4 PART B MODIFICATIONS AND STATEMENT OF COMMITMENTS

Other than the matters raised above, two major issues remain to allow the proper implementation of the amendments to HBW DCP and indirectly, the VPA for the Homebush Bay Bridge.



These are:

- The inability to implement Modification B8 and Schedule 3 Commitment 1 concerning the transfer of floorspace from Precinct F but which alternatives to the satisfaction of Auburn Council are available; and
- The need to clarify the rate of resident visitor and commercial patron car parking and the standards able to be utilised for adaptable housing parking.

#### 4.4.1 Transfer of Floorspace from Precinct F

As disused above, a feature of the original Concept Plan application was the proposal to transfer floor space from Precinct F that was unable to be realised because of changes to the planning controls introduced by the HBW DCP when pre-existing development and approvals was taken into account.

The transfer was accepted and incorporated into the Approval whereby 8,994m<sup>2</sup> was transferred from Precinct F to Precinct C. Modification B8 and Statement of Commitment 1 was introduced to effect the transfer of floor space from Precinct F. These required the placing of restrictive covenants on properties within that Precinct reflecting the subsequent reduction in floor space.

Since that time, the status of effected properties has altered significantly as,

- ownership of the site at Precinct C has changed from Payce (the then applicant) to Sekisui House (the current applicant),
- properties within Precinct F referred to Modification B8 have been developed and strata titled or are otherwise not in the ownership of Sekisui House, and
- all properties within Precinct F are now either built or have development applications approved by Auburn Council and in the case of 23 Bennelong Parkway Wentworth Point, is subject to a Part 3A Concept Plan approval (MP 09-0160).

As a consequence of the changes to the status of affected properties, Modification B8 is unable to be complied with and the Statement of Commitment 1 is outside of the control of the current landowner.

These discrepancies were addressed in the approval of the development applications on Precinct C by Auburn Council adopting a practical approach to resolving the inability to comply with these requirements.

Council in the advice from its legal practitioners in the Appendices accepted instead that Council would assess applications utilising the principal involved but would “waive” compliance with Condition B8.

While Council's response was appreciated in overcoming the technical difficulties of complying with this condition, the process was lengthy and the efficacy of Council being able to "waive" compliance with a Modification of a Concept Plan Approval is uncertain.

Accordingly, it is requested that Modification B8 and Statement of Commitment 1 be removed from the Approval given:

- the reasons outlined in Council's response to this issue,
- the alternative approach available to manage the historic transfer of floorspace,
- the complexity and delays these provisions may invoke, and
- the uncertainty as to relying on the ability for Council to "waive" the requirements.

#### **4.4.2 Parking Provisions**

The controls for parking provision within the revised HBW DCP applying to the site served two important purposes.

First, the reduction in parking provision was a requirement of Transport for NSW acceptance of the Transport Management and Accessibility Plan (TMAP) which was a pre-condition of the Director-General's adoption of the proposed DCP amendment.

Parking reductions are to assist the moderation of car ownership and usage in achieving the mode split targets to non-car forms of travel in implementing the Homebush Bay Bridge for use by pedestrians, bikes and public transport. The improved mode split would ensure that additional residential development would not place any additional demands on the road access network for vehicle movements serving Wentworth Point.

Second, the moderation of parking was also required to ensure that built form outcomes would be optimal as the majority of the land within the DCP amendment is on reclaimed land whereby conditions do not allow for the economic excavation of building basements.

Accordingly, above ground solutions are required for parking which include raising the terrain and disguising structures though slieving with apartments and other means. Limiting the amount of parking as well as a high efficiency of parking layouts and other basement functions is therefore paramount to achieving successful built form outcomes.

Two aspects to parking provision currently adopted by Council are considered to be undermining the implementation of these principles by mandating the maximum

range of visitor parking as well as the least efficient current Australian Standard for adaptable dwelling parking.

### ***Visitor Parking***

In the case of visitor parking, 5.3.5 (x) of HBW DCP allows for a maximum rate of visitor parking of 1 per 8 dwellings and a minimum rate of 1 per 12. Council has adopted as policy, the mandating of the 1 in 8 rate as its response to resident concerns on parking supply as manifested by constrained on-street parking and visitor parking availability.

Analysis undertaken as part of the TMAP demonstrated that parking supply for past development averaged about 1.2 spaces per dwelling while car ownership averaged 1.5 cars per dwelling. The disparity must manifest itself somehow and include the overutilization of street parking as well as the unauthorised use of visitor parking within basements by residents.

This disparity is in effect the result of the State government's and HBW DCP's policies to limit parking to achieve sustainable transport outcomes as stated at 3.1.3 Public Transport, the objectives and performance criteria in 4.3.2 Parking and within the introduction to 5.3.5 General Provisions.

It is considered that the adverse effect of the limited parking at Wentworth Point are common and temporary features of newly developing areas given reasons such as the nature of new residents often forming households for the first time and the lag in behavioural change flowing from the parking restrictions.

Importantly, there is currently a lack of effective public transport at Wentworth Point which will be addressed by the implementation of the Homebush Bay Bridge and subsequent improvements to access to mass transit services which will become more frequent as the population rises to the planned total.

A lesser issue for the site is the requirement for patron parking to the required 100 m<sup>2</sup> café/restaurant/retail facility which could be as high as fifteen spaces for patrons alone. However, such facilities are intended solely for nearby and local residents and visitors within a walking range of 400 or more metres so that patron parking for small tenancies is an excessive requirement.

### ***Adaptable Unit Parking***

In the case of parking for adaptable units, under AS4299, each adaptable unit is required to have one adaptable unit car bay that are to have a clear width of 3.8 metres. Car bays that comply with AS2890.6 (2009) are suitable as a performance solution in principle to this requirement given that the occupant of each car bay has effective use of a space that has a total width of 4.8 metres. This is achieved of combining three normal car bays and setting aside the middle bay for a shared zone.

Auburn Council to date has insisted on the use of the AS2890.6 (2009) approach which can lead to significant basement inefficiencies and does not necessarily lead to a superior outcome for occupiers of adaptable dwellings.

The advice prepared by Morris Godding Accessibility Consultants, supported by the extract from previous advice from Accessibility Solutions, in the Appendices highlights the shortcomings of this approach and recommends the use of the AS4299 standard or that a mix of the two standards should be applied.

It is understood from recent approvals that other Councils such as Sydney City, Botany and Sutherland permit a mix of the standards as set out in the list of recent approved designs undertaken by Turners also attached.

### ***Modification***

The combined effect of an oversupply of visitor and patron parking and the inefficiencies of mandating a single Australian Standard for adaptable dwelling parking has a marked adverse effect on built form requiring either the additional intrusion of parking structures onto the public domain or the raising of internal courtyards with adverse effects on apartment and overall amenity.

In addition, it is considered that the oversupply of visitor parking will simply provoke unauthorised use and therefore be self-defeating and also undermine the objectives of limiting resident parking supply to encourage a greater mode share to public transport, walking and cycling.

Accordingly, given the importance of these issues to the overall development concept as envisioned in the amendments to HBW DCP, it is requested that the following modification be applied to the Concept Plan Approval.

## ***SCHEDULE 2: PART B- MODIFICATIONS TO CONCEPT PLAN***

### ***B11. PARKING PROVISION***

*Parking for resident visitors may be supplied at the minimum rate of 1 space per 12 dwellings for each development, no parking for patrons is required for shops, café's/restaurants of 100 m2 or less, and parking for adaptable units may utilise either or both of the Australian Standards AS4299 and AS2890.6 (2009).*



## 5 Assessment

The following assessment addresses the key issues identified in the Major Project Assessment by the Director General dated December 2007.

### 5.1 LAND USE, MASSING AND AMENITY

The HBW DCP provides for residential development except for 100 m<sup>2</sup> to be used for a Retail/Café/Dining facility adjacent to the waterfront. The development approved for the waterfront does not contain such a facility as allowed for under the Concept Plan Approval but is proposed adjoining the public pocket park in Stage 9B.

The floor space proposed is compliant with the HBW DCP which has now incorporated the historic transfer of floor space from Precinct F. As a result, the current Modification making requirements in regard to the transfer are redundant and cannot be implemented in any case, so are proposed to be removed.

Building heights are strictly in accordance with those set out in the HBW DCP and envelopes have been formulated in compliance with the massing controls within the DCP as well as SEPP 65 Residential Flat Design Code (RFDC) for building separation and the like. The massing allows for appropriate level changes and interfaces at the street frontages for all building stages.

Subsequent development applications will be subject to the amenity and other controls within the HBW DCP and SEPP 65 RDFC. In this regard, the proposals for the remaining stages 9B and 9C are able to meet key performance criteria for solar access, natural ventilation, amenities including storage, balconies and the like.

### 5.2 PUBLIC DOMAIN AND LANDSCAPING

The details for the public domain have been granted development consent by Council and have been designed in accordance with the HBW DCP, Vol. 2, Public Domain Manual as required by the Concept Plan Approval. The works have been commenced and are therefore included in the Concept Plan revision with minor adjustments to account for the detail design of Stages 9B and 9C.

The Public Domain development consent contains landscaping details while landscaping of the private domain is left for the development application stage to allow appropriate design integration with the details of buildings.

The provision of public open space is consistent with the Concept Plan Approval and meets the requirements for a minimum of 3,195 m<sup>2</sup> in area within a foreshore park, through-site link and pocket park.

All the details of the public domain development consent are reflected in the submitted substitute Landscape Plans.

### **5.3 TRAFFIC AND TRANSPORT**

The amendment to the HBW DCP to permit additional floorspace in consideration of the VPA for the construction of the Homebush Bay Bridge was predicated on no additional traffic generated from the Wentworth Point peninsular. As set out in the adopted TMAP, this is to be achieved by a shift in mode share to non-car travel facilitated by the Bridge to more than compensate for the additional trips generated by the increase in development.

An important component of achieving the mode share split is through limits on parking to discourage the ownership and hence use, of private cars as provided for in the amended controls in HBW DCP. The request to set the minimum rate of 1 in 12 dwellings under the HBW DCP for resident visitor parking will ensure that surpluses are not subject to unauthorised use by residents and thereby undermining parking limitation controls for residents and subsequent sustainable transport behavioural change objectives.

### **5.4 REMEDIATION AND INFRASTRUCTURE**

All development consents for remediation and infrastructure provision have been obtained and works are in various stages of completion in accordance with the staging of the development.

### **5.5 PUBLIC INTEREST**

The proposed modification to the Concept Plan Approval is considered to meet the objectives and primary controls of the SREP 24 and the HBW DCP. It will permit subsequent development applications to meet the provisions these instruments as well as those of other relevant planning instruments such as SEPP 65 Design Quality of Residential Flat Development and SEPP (Building Sustainability Index: BASIX) 2004.

The revised Concept Plan will permit the approval of development applications under the provisions of the HBW DCP as amended in consideration of the VPA for the construction of the Homebush Bay Bridge which will be of significant public benefit.

Accordingly, the proposed modifications are considered to be in the public interest.

## 6 Conclusion

The proposed Modification of the Concept Plan Approval MP06\_0098 has been necessitated by the adoption of amendments to the HBW DCP and the execution of the VPA for the Homebush Bay Bridge.

The Modifications are considered to be consistent with the planning controls that apply to the land and have been formulated appropriate to the circumstances of the site and its context as well as the overall status of development and approvals on the site.

The concept proposal is suitable for the site and its location, and is considered to be in the public interest especially given that it will directly lead to the implementation of the Homebush Bay Bridge.

Accordingly, the application under Section 75W of the Act to modify Concept Plan Approval MP No. 06\_009 for a residential development within Precinct C at 41 to 45 Hill Road, Wentworth Point as proposed is worthy of support on its merits and is recommended for approval.

## 7 Appendices

Appendix	Description	Source
A	Concept Plan Approval incorporating requested modifications	Dowling Urban
B	Architectural Drawings	Turner
C	Landscape Drawings	Site Image
D	Floor space transfer covenants advice (Auburn Council)	Wilshire Webb Stauton Beattie
E	Adaptable Unit parking bay standards advice	Morris Goding /Accessibility Solutions / Turner
F	Wentworth Point TMAP	Cattell Cooper
G	Homebush Bay Bridge Voluntary Planning Agreement	Lindsay Taylor Lawyers