



Wentworth Point Residential Development Modification 4

Increase the building envelope height of Buildings C and F to 15 storeys, reduce gross floor area and an additional basement level

Section 75W Modification Assessment (MP09_0160 MOD 4)

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Cover image: Photomontage of proposed Building C and F, looking east

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	City of Parramatta Council
Department	Department of Planning, Industry and Environment
DPI	Department of Primary Industries, DPIE
DEAP	Design Excellence Advisory Panel
DES	Design Excellence Strategy
Das	Development applications
EESG	Environment, Energy and Science Group, DPIE
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FAR	Future Assessment Requirement
GFA	Gross floor area
HBW DCP	Homebush Bay West Development Control Plan 2004
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
Proponent	Piety Development Pty Ltd
RMS	Roads and Maritime Services, TfNSW
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SSD	State Significant Development
SOPA	Sydney Olympic Park Authority
TfNSW	Transport for NSW

Executive Summary

Introduction

This report provides an assessment of a Section 75W modification application (MP 09_0160 MOD 4) seeking to amend the building envelopes and gross floor area (GFA) for a residential development at 23 Bennelong Parkway, Wentworth Point.

In June 2020, the then Planning Assessment Commission granted concept approval to the Wentworth Point development for residential buildings (envelope heights of 4 to 8 storeys), public open space, parking and roadworks. The approval was modified in September 2014 to increase the GFA to 50,045 m² and the maximum height to 9 storeys.

This application seeks to increase the height of building envelopes C and F from 9 storeys to 15 storeys, reduce GFA to 47,487 m², increase indicative apartment numbers by eight, one additional basement level and 100 m² of communal space across Buildings C and F.

The application has been revised three times by the Proponent, with the proposed height reducing from 25 and 35 storeys (2018 proposal) to the current proposal at 15 storeys.

The application has been lodged by Piety Development Pty Ltd (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The site is located within the City of Parramatta local government area (LGA).

Engagement

The Department of Planning, Industry and Environment (the Department) publicly exhibited the proposal on three occasions and received a combined total of 1525 submissions.

Council objects to the proposal as it considers it is an overdevelopment of the site and would result in a poor urban design outcome. Council also raised concern that there is no additional public benefit for the increased yield, it will adversely impact traffic and increased overshadowing of the Nuwi wetland.

The majority of the public submissions received object to the application and raised concerns about excessive building height, overdevelopment, character of the area, increase in traffic, lack of car parking, lack of public transport, loss of solar access, visual impacts and no community benefits.

The Proponent made a number of amendments to the proposal in response to concerns raised. In particular, it reduced the height of the proposed building envelopes from 25 and 35 storeys to a maximum of 15 storeys and the overall GFA from 67,466 m² to 47,487 m², which is 2,558 m² less than approved.

Assessment

The Department has considered the merits of the proposal in accordance with the relevant requirements of the EP&A Act, the issues raised in submissions and the Proponent's response.

The Department acknowledges Council's position and the strong community opposition to any increase in height and density on the site. Notwithstanding, the Department is of the view that the character of Wentworth Point has evolved and now includes taller building heights. This provides a

reasonable basis for the Department to assess and consider the merits of permitting increased building heights at the subject site.

Following careful consideration, the Department's assessment concludes the proposal is acceptable for the following reasons:

- the proposal is consistent with the Region Plan and Western City District Plan, as it would support the delivery of additional housing in proximity to jobs, services and public transport
- the proposed increase in density can be comfortably accommodated on the site noting it would only result in 8 (indicative) additional apartments, no significant increase in traffic and the site has excellent access to services and shops at Wentworth Point and good public transport connections
- the increased building heights would:
 - sit comfortably within the backdrop of other taller buildings located to the north of the site
 - not result in any significant amenity impacts, noting the proposal would continue to comply with the Apartment Design Guideline (ADG) requirements for overshadowing
- the introduction of setbacks between the proposed building envelopes and existing apartments would improve outlook and privacy compared to the current approval which would fully enclose the internal courtyard
- the Department has recommended a suite of amendments to ensure an appropriate built form outcome is achieved and to minimise amenity impacts for internal facing units including:
 - increasing building separation across the courtyard to 22.5 m and 24 m
 - increasing the side setback separation to 12 m
 - reducing the building depth to a maximum of 22 to 23 m
- future buildings will be capable of achieving a high level of design quality and amenity in accordance with the Proponent's Design Excellence Strategy, SEPP 65 and the ADG
- it would not result in significant traffic generation as no additional car parking is proposed, and the adjacent intersection of Hill Road and Bennelong Parkway will be upgraded by Council in 2021/22
- other matters including ESD, landscaping, construction management and waste management have been found to be acceptable and/or can be appropriately managed and mitigated.

Conclusion

Following its detailed assessment, the Department concludes the proposed height is consistent with the evolving character of Wentworth Point, which now includes taller buildings. Further, the Department is satisfied that the revised proposal would not result in any unreasonable visual, density, overshadowing or traffic impacts beyond those already assessed and approved.

The Department has carefully considered the community and Council concerns and concludes the amended building envelopes are acceptable as the proposal would result in taller slimmer buildings with greater separation from the existing apartments, compared to the currently approved 9-storey building envelopes which would fully enclose the space.

The Department's assessment therefore concludes the modification application is in the public interest and recommends the application be approved, subject to the recommended amendments and conditions.

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1 Introduction

This report provides an assessment of a section 75W modification application to a concept approval (MP 09_0160) for a residential development at 23 Bennelong Parkway, Wentworth Point.

The modification application (as amended) seeks approval to:

- increase the height of building envelopes C and F from 9 storeys to 15 storeys
- reduce GFA to 47,487 sqm (from 50,045 sqm)
- increase the indicative apartment numbers by 8 (a total of 649 apartments across the site)
- provide one additional basement level
- provide 100 sqm communal space across Buildings C and F.

The application has been lodged by Piety Development Pty Ltd (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Wentworth Point

Wentworth Point is bound by the Parramatta River to the north, Homebush Bay to the east (and Rhodes), Sydney Olympic Park to the south and Millennium Parklands to the west (Figure 1).



Figure 1 | Site context and location map (Source: basemap Nearmap)

Wentworth Point is a former industrial precinct which is being regenerated into a mixed-use residential precinct. The southern part of the peninsula is largely complete and characterised by 3-9 storey residential buildings. The northern end of Wentworth Point has direct access to Rhodes via the bus, pedestrian and cycle bridge across the bay and includes tower forms up to 40 storeys as well as sites yet to be developed (refer **Section 3.3**).

1.2 The subject site

The subject site is located at 23 Bennelong Parkway, Wentworth Point (Lot 3 in DP 776611 and Lot 22 DP 104874), in the City of Parramatta local government area (LGA).

The site is at the southern end of the Wentworth Point peninsula at the intersection of Hill Road and Bennelong Parkway (Figure 2). The site has a total area of 25,570 m² and a frontage of approximately 278 m to Bennelong Parkway. The site adjoins:

- residential development to the north and east (3 - 8 storeys)
- the Millennium Parklands to the west,
- the Nuwi wetlands, to the south, which provides habitat for a variety of estuarine wetland species, including saltmarsh, mangroves and water birds (Figure 1).



Figure 2 | Site layout (red), with constructed buildings (black) and location of buildings C and F (orange) (Source: basemap Nearmap)

The site has been developed in accordance with the concept approval (**Section 1.3**), including the construction of buildings A, B, D, E, G, H and J (4 to 9 storeys) with a shared basement. The site includes Bay Park, a communal courtyard and public through site link (Figure 2).

The site has access to public transport, including the Bennelong Bridge providing a public and active transport link between Wentworth Point and Rhodes. Bus services provide connections to Rhodes, Sydney Olympic Park, Chatswood, Parramatta and Sydney Town Hall. The Sydney Olympic Park ferry wharf is located approximately 1 km north of the site.

The Sydney Metro West includes a station at Sydney Olympic Park and the preferred route for the Parramatta Light Rail Stage 2 is through Wentworth Point.

1.3 Previous approvals and other relevant applications

Concept approval

On 22 June 2010, the then Planning Assessment Commission approved a Concept Plan (MP 09_0160) for the construction of a residential development and public open space with a maximum GFA of 44,703 m² at 23 Bennelong Parkway, Wentworth Point comprising (Figure 3):

- use of the site for residential purposes and public open space
- indicative building envelopes for 3 separate buildings A, B and C over a single podium and basement level car parking, with heights ranging from 4 to 8 storeys
- a minimum of 6,060 m² public open space in a neighbourhood park and pedestrian site link
- road works to extend Amalfi Drive and
- associated landscaping and site facilities.

The development consent has been modified on three occasions (**Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Amend layout and number of units and increase GFA by 770 m ² to 45,400 m ²	Department	s75W modification	22 December 2017
MOD 2	Increase the height of Buildings B and C by 1 – 2 storeys, increase GFA to 50,045 m ² and additional car parking spaces	Department	s75W modification	22 July 2013
MOD 3	Extend the lapsing date of the approval by 3 years to 22 June 2018	Department	S75w modification	1 September 2014

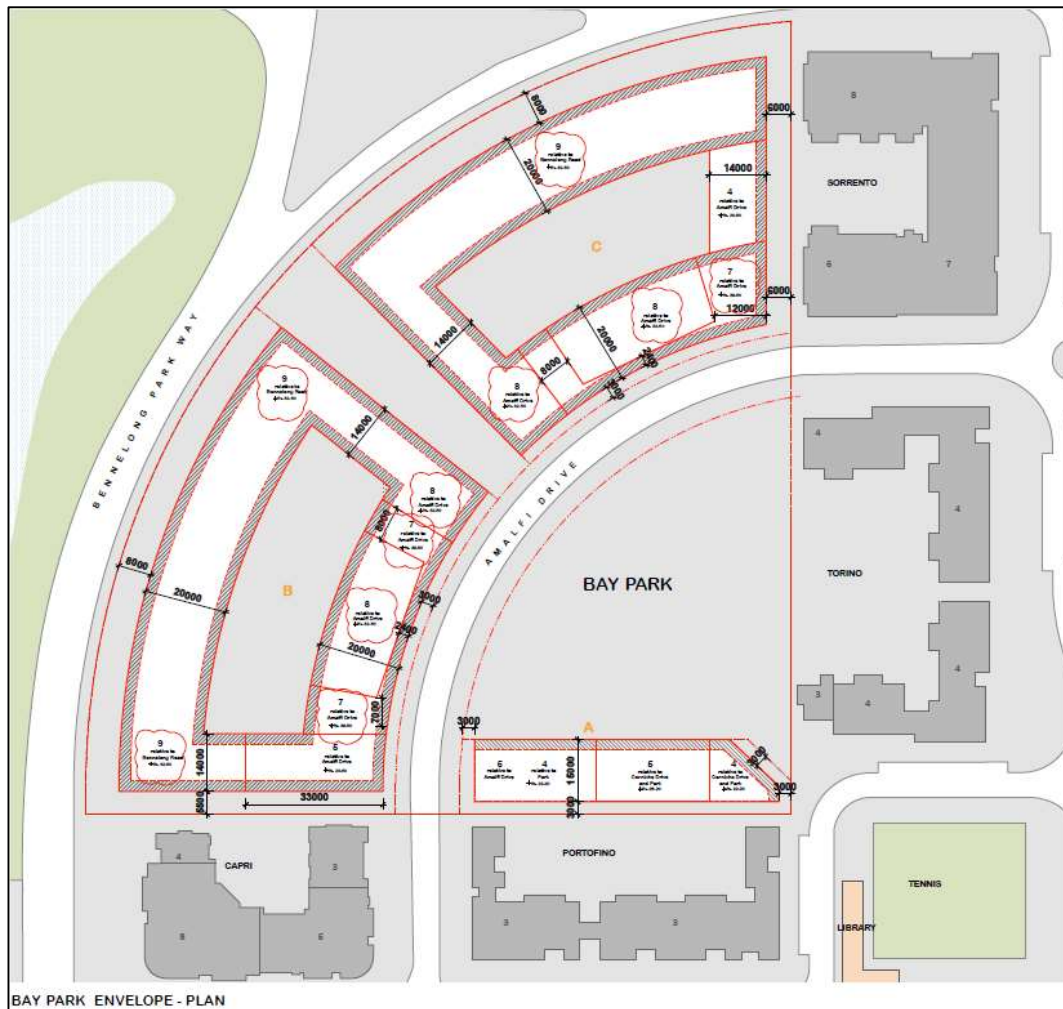


Figure 3 | Approved Concept Plan (as modified)

Development Approvals

The following development consents have been issued for the site, pursuant to the concept approval (Figure 4):

- DA-48/2012 for the demolition and decommissioning of a fuel storage facility, backfill of the land and remediation, approved on 23 April 2012 by Auburn City Council
- DA-201/2015 for the demolition of buildings and above ground structures, approved 6 July 2015 by Auburn City Council
- DA-329/2015 for Stage 1 development for demolition and construction of five residential buildings (Buildings A, B, D, E and G) containing 273 apartments, 3 levels of basement parking, provision of a new public road and park, approved 21 July 2016 by the Sydney West Joint Regional Planning Panel
- DA/759/2016 for Stage 2 development for two six storey residential flat buildings, 150 dwellings over 3 levels of basement car parking, approved 3 May 2018 by the Sydney City Central Planning Panel
- DA/338/2018 for Stage 3 development for two additional levels to Buildings H and J, 42 additional apartments and additional car parking, approved 8 September 2018 by the Parramatta Local Planning Panel.

Construction of all approved buildings is complete, and all buildings are occupied (Figure 5).

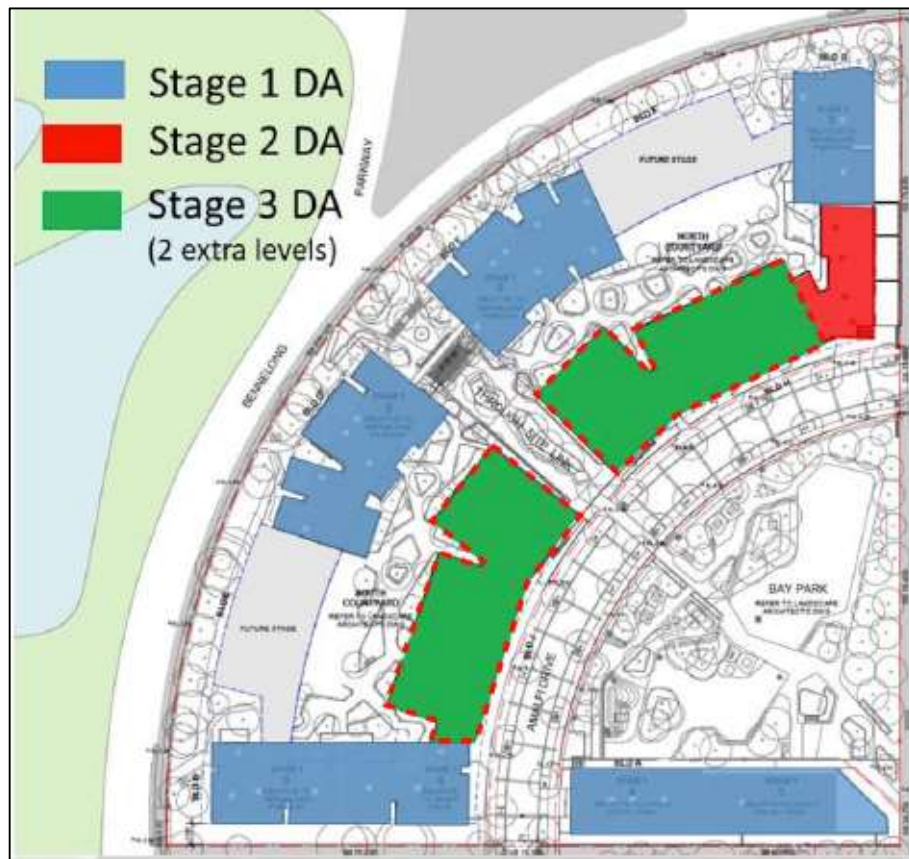


Figure 4 | Development approvals at the site (Source: RtS April 2020)

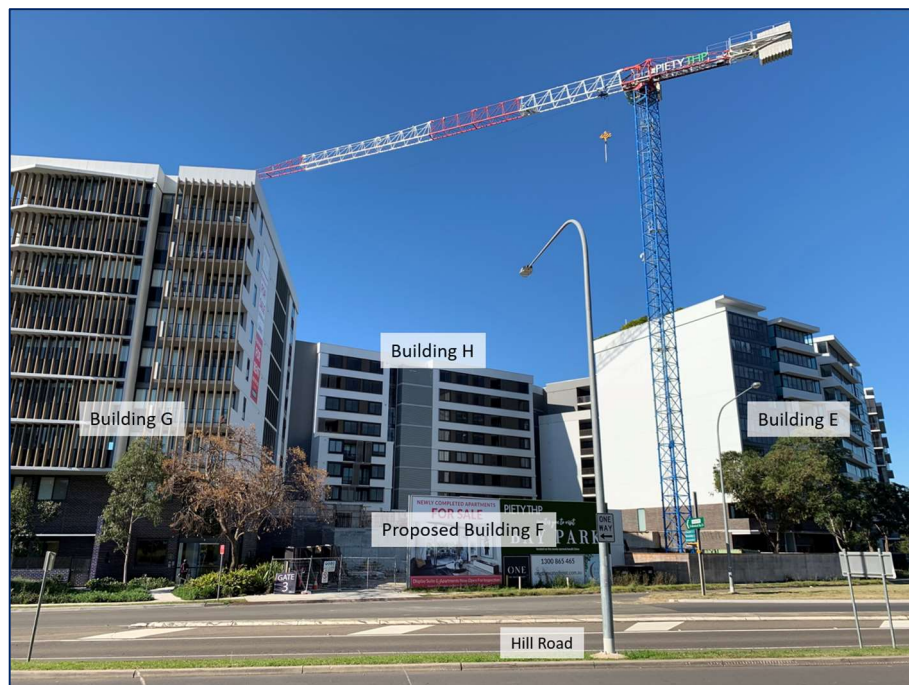


Figure 5 | View of completed Buildings G and E facing Hill Road, Building H in the background, with proposed location of Building F (Source: Department site visit)

2 Proposed modification

The section 75W modification application seeks to modify the concept approval (MP 09_0160) for a residential development at 23 Bennelong Parkway, Wentworth Point, to amend the building envelope heights.

The proposal initially sought to increase heights from 9 storeys to 25 and 35 storeys and the gross floor area (GFA) from 50,045 m² to 67,466 m² (17,421 m² increase) however the height of the proposal was reduced in the Proponent's Response to Submissions (RtS) to 17 and 19 storeys with no increase in GFA and again in its Further RtS (FRtS) to 15 storeys and a GFA of 47,487 m² (2,558 m² reduction).

A detailed description of the proposal, as refined by the Proponents FRtS, is provided in **Table 2** and **Figures 6 to 9**.

A link to the modification application documents is provided in **Appendix A**.

Table 2 | Overview of proposed application

Component	Description
Building envelope	<ul style="list-style-type: none"> Building C - increase height from 9 storeys to 15 storeys Building F - increase height from 9 storeys to 15 storeys amend the building envelope footprint by removing a portion of the building envelope to the south of Building C and to the north of Building F.
GFA	<ul style="list-style-type: none"> reduce the maximum GFA to 47,487 m² (from 50,045 m²)
Apartment numbers	<ul style="list-style-type: none"> indicative total of 184 apartments across Buildings C and F (increase by 8 from 176 apartments) indicative total of 649 apartments across the site.
Communal space	<ul style="list-style-type: none"> 100 m² of communal floor space across Buildings C and F
Basement	<ul style="list-style-type: none"> One additional basement level.
Car parking	<ul style="list-style-type: none"> 279 car spaces for Buildings C and F 850 car spaces across the entire site (no change to concept approval).

A comparison between key elements of the concept approval and proposed modification is provided in **Table 3**.

Table 3 | Comparison of concept approval and proposed modification

Component	Concept approval (as modified)	Proposed modification	Difference (+/-)
GFA	<ul style="list-style-type: none"> 50,045 m² maximum GFA 34,039 m² GFA used under approved development applications 	<ul style="list-style-type: none"> Reduce maximum GFA to 47,487 m² GFA of 13,448 m² across Buildings C and F. 	- 2,558 m ²

Component	Concept approval (as modified)	Proposed modification	Difference (+/-)
	<ul style="list-style-type: none"> 16,006 m² GFA remains unused 		
Apartment numbers (indicative)	<ul style="list-style-type: none"> 176 in Building C and F 641 across entire site 	<ul style="list-style-type: none"> 184 in Building C and F 649 across the entire site 	+ 8 apartments
Building envelope height	<ul style="list-style-type: none"> Building C: 9 storeys Building F: 9 storeys 	<ul style="list-style-type: none"> Building C: 15 storeys Building F: 15 Storeys 	Building C: + 6 storeys Building F: + 6 storeys
Communal space	<ul style="list-style-type: none"> Communal courtyard 3,335 m². 	<ul style="list-style-type: none"> Communal courtyard 3,371 m² 100 m² community space across Building C and F 	+ 36 m ² (communal courtyard) + 100 m ² (community space)
Car parking	<ul style="list-style-type: none"> 850 	<ul style="list-style-type: none"> 850 across entire site 	No change

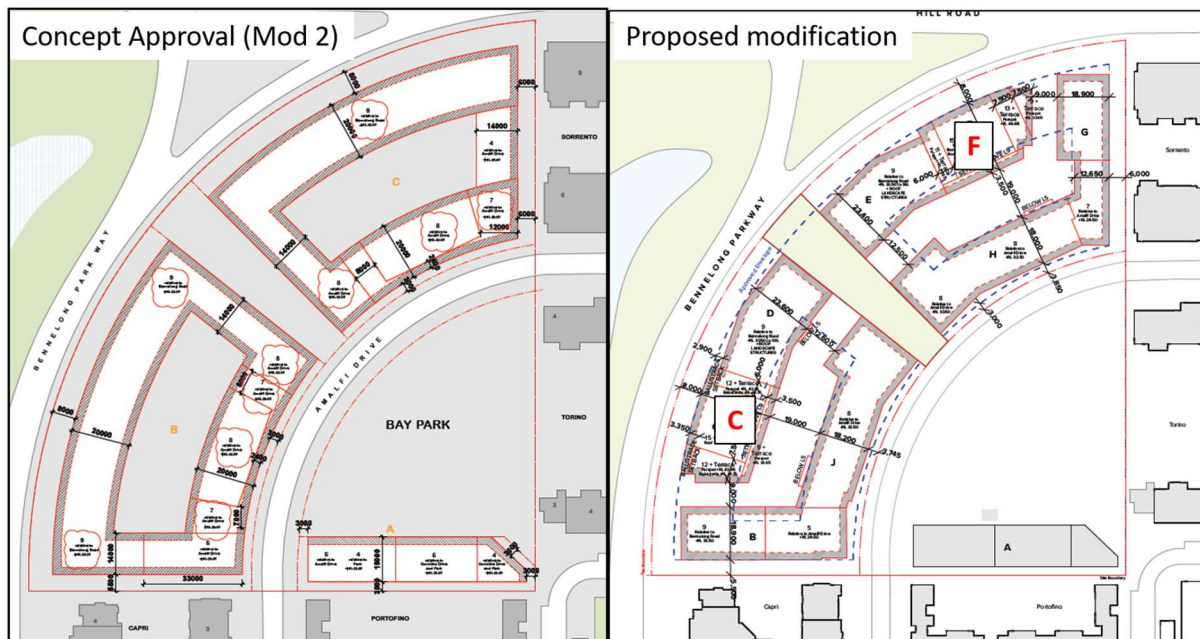


Figure 6 | Concept approval urban form (left) and proposed modification (right) (Source: approved and submitted plans)

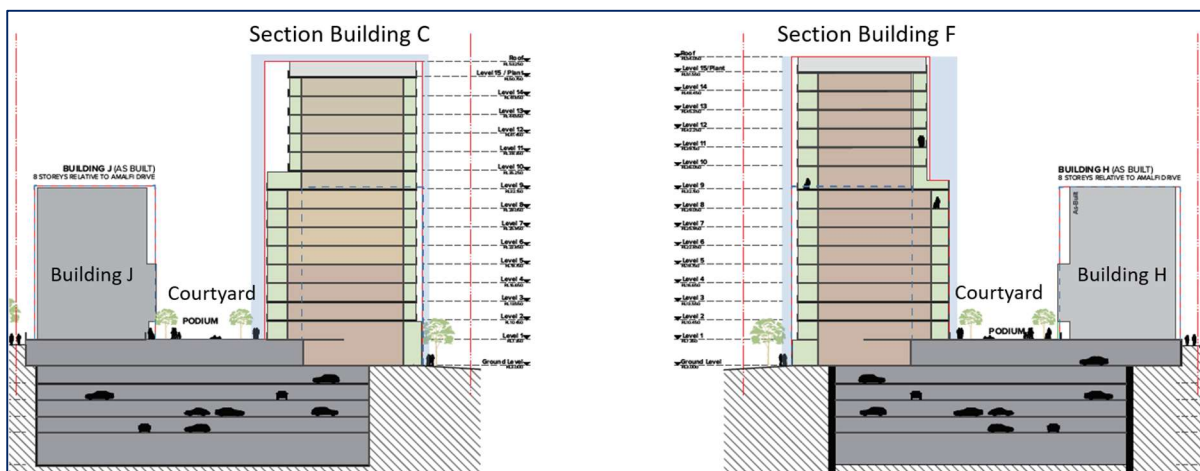


Figure 7 | Proposed sections of building envelopes C and F (Source: FRtS Modified Concept Plan Drawings)



Figure 8 | Photomontage proposed Building C, from Bennelong Parkway (Source: FRtS Modified Concept Plan Drawings)



Figure 9 | Photomontage proposed Building F, from Bennelong Parkway (Source: FRtS Modified Concept Plan Drawings)

3 Strategic Context

3.1 Greater Sydney Region Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared the Greater Sydney Region Plan (Region Plan) to provide a 40-year vision for a metropolis of three cities, the Eastern Harbour City, the Central River City and the Western Parkland City, that will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney.

The Plan aims to integrate land use, transport links and infrastructure across the three cities, with more people having access within 30 minutes to jobs, schools, hospitals and services.

The proposed modification is consistent with the Region Plan as it:

- provides for housing, contributing to increasing Sydney's housing supply (objective 10)
- contributes to the creation of great places, with a well-designed built environment, inclusive of people of all ages and abilities, that is walkable with access to social infrastructure and local services (objective 12)
- is accessible by public transport, including buses, ferries along the Parramatta River and is in proximity of Rhodes train station, which contributes to a walkable and 30-minute city (objective 14)
- is located in the Greater Parramatta and the Olympic Peninsula (GPOP) Economic Corridor and the Sydney Olympic Park Lifestyle super precinct, contributing to the reinvention of Sydney Olympic Park and surrounds for wellbeing and healthy activity in a unique setting (objective 15).

3.2 Central City District Plan

The GSC has also prepared District Plans to implement the Region Plan through local planning and influence state agency decisions. District plans connect local planning with the longer-term metropolitan planning for Greater Sydney.

The site is located within the Central City District area. The proposal is consistent with the relevant objectives in the Central City District Plan as it will:

- foster a healthy, creative, culturally rich and socially connected community (Planning Priority C2)
- provide increased access to the Sydney Olympic Park parklands, contributing to the opportunity for healthy and active lifestyles (Planning Priority C4)
- contribute to increased housing supply in proximity to jobs, services and public transport (Planning Priority C5)
- deliver a more connected and competitive GPOP economic corridor (Planning Priority C8)
- deliver integrated land use and transport planning and a 30-minute city (Planning Priority C9).

3.3 Homebush Bay West Planning Context

3.3.1 Homebush Bay West Development Control Plan

The Homebush Bay West Development Control Plan 2004 (HBW DCP) applies to the site pursuant to the Sydney Regional Environmental Plan No. 24 – Homebush Bay Area (**Figure 10**).

The HBW DCP establishes objectives and controls for new development to deliver an attractive, appropriate, high amenity and high-quality environment for residents, workers and visitors. This includes designing building heights and massing to enable views to the Millennium marker (constructed for the Sydney 2000 Olympics to the west of the precinct) as a backdrop to the precinct and as the highest element viewed from Sydney Olympic Park.

The site is in Precinct F, at the southern end of the precinct. The Department considers the proposal is consistent with the HBW DCP objectives and controls as it:

- supports the identifiable character of Wentworth Point by responding to the key elements of the urban structure and the stepping of building heights down from Hill Road to the waterfront
- provides residential housing in an appropriate location, adjacent to local open space and the Piazza commercial uses
- enhances the existing open space by adding new links from the internal courtyard to the street and provides additional space for recreational uses
- incorporates ESD principles into the design including energy efficient lighting and water cycle management
- provides a built form that responds to the evolving character of the precinct, as discussed in **Section 6.1**
- does not affect views to and from the Millennium marker within the precinct and surrounding area, noting that the marker is no longer the dominant element on the horizon due to building height increases at the north of the precinct
- will provide a high level of residential amenity, subject to the Department's recommended building envelope modifications and Future Assessment Requirements (FARs).

3.3.2 Homebush Bay West Development Control Plan Amendment No. 1

The HBW DCP was amended on 31 July 2013 (HBW DCP Amendment No. 1) and provides additional planning and design controls for development subject to a Voluntary Planning Agreement (VPA) for a pedestrian, cycling and public transport bridge linking Wentworth Point to Rhodes (Bennelong Bridge).

HBW DCP Amendment No. 1 permits additional floor space and tower forms, up to 25 storeys, in Precincts B, C, D and part E (northern part of Wentworth Point) (**Figure 10**).

Although the HBW DCP No.1 does not apply to the site, the proposal responds to the building typology supported by this DCP as:

- it continues the overarching design framework of the HBW DCP, with tower forms sensitively added to the predominant midrise perimeter block built forms
- the proposed height (15 storeys) allows for a transition to adjoining lower height land and acknowledges the northern 'focal' point of the precinct (with 25 storey towers)

- it minimises visual and overshadowing impacts, through the Department's recommended building envelope modifications and FARs (refer **Section 6.1**).

3.3.3 Wentworth Point Precinct Development Control Plan 2014

The Wentworth Point Precinct Development Control Plan (WPP DCP) came into force on 7 August 2014 and applies to two areas in the north east and north west of Wentworth Point (**Figure 10**).

The purpose of the WPP DCP is to identify the vision and key development principles for future development of the precinct, provide planning, design and environmental objectives, ensure orderly, efficient and environmentally sensitive development and promote a high-quality urban design. The WPP DCP includes controls relating to land use, open space, transport networks and building heights including tower forms of 25 – 40 storeys.

While the subject site is not located in this area, the proposal is considered to be broadly consistent with the overarching vision to strengthen the role of Wentworth Point, provide high and medium density housing to increase housing choice and create a diverse and innovative built form that provides a high quality living environment.

3.3.4 Planning proposals

The City of Parramatta Council is currently considering the following planning proposals at Wentworth Point:

- 14-16 Hill Road: A planning proposal and draft DCP amendment was lodged with Council in December 2017 to amend planning controls for a new site layout, additional height (up to 40 storeys), open space and a planning agreement. Council endorsed the draft planning proposal in August 2019 and the Department issued a gateway determination in March 2020 to allow the proposal to proceed to public exhibition.
- Block H, Wentworth Point Marinas: Proposed amendments to the HBW DCP no.1 for a 25/40 storey tower or a 40/50 storey tower (subject to Sydney Metro West and Parramatta Light Rail or bus) and a planning agreement. The Planning Proposal was exhibited to the 15 November 2020.

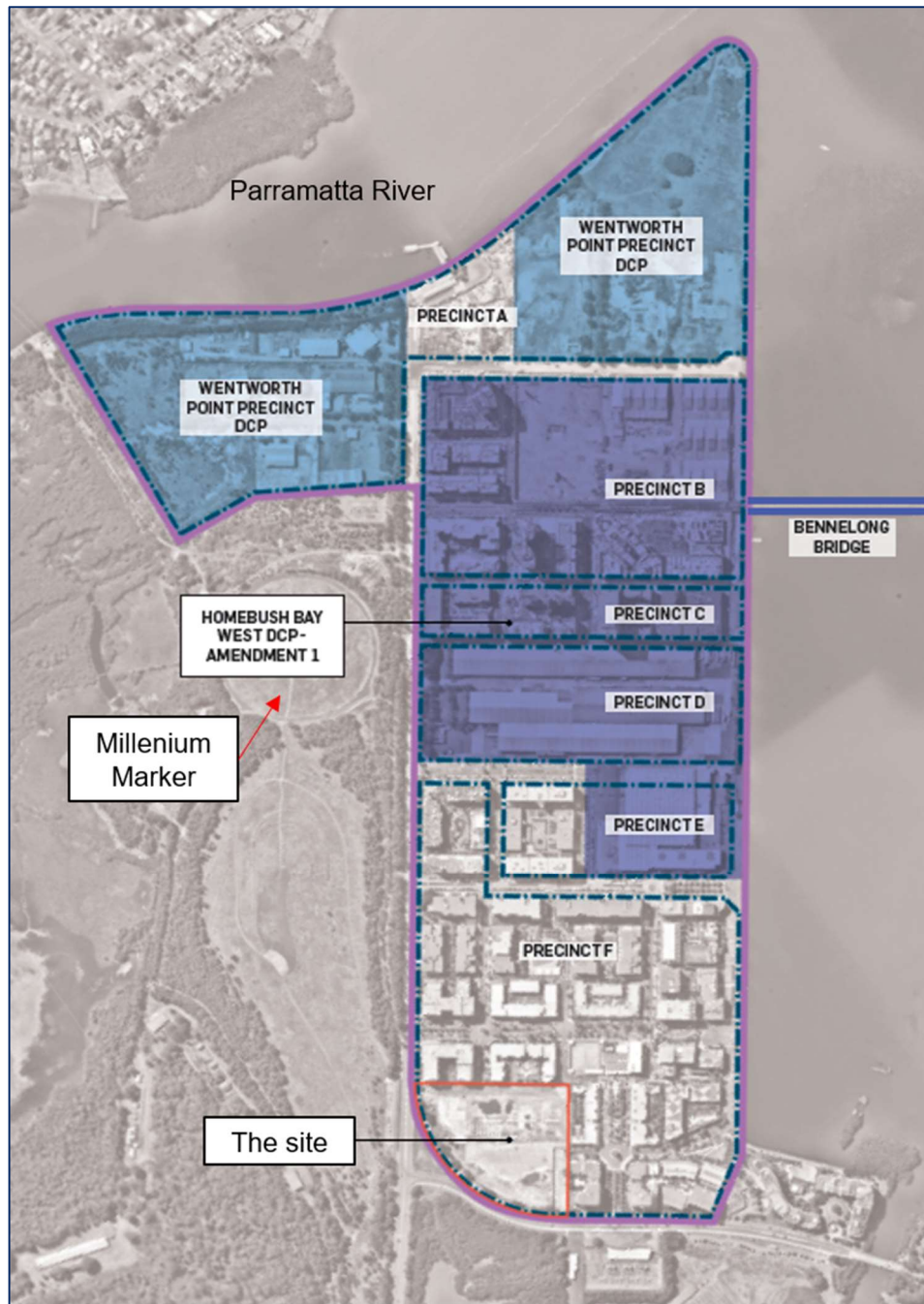


Figure 10 | Development Control Plans (DCPs) applying to Wentworth Point (Source: EIS Urban Design Report)

4 Statutory context

4.1 Modification of the Minister's Approval

The concept plan was originally approved under Part 3A of the EP&A Act. This means the project satisfied the definition of a 'transitional Part 3A project' under clause 2(1) Schedule 2 to the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (STOP Regulation), which came into effect on 1 March 2018.

Under the STOP Regulation, the power to modify transitional Part 3A projects under section 75W of the Act, as in force immediately before its repeal on 1 October 2011 is being wound up – but as the request for this modification was made before the 'cut-off date' of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply.

As the Proponent made a request to modify the Part 3A approval on 28 February 2018 (before 1 March 2018), the Part 3A provisions and specifically the power under s.75W to modify the approval continue to apply to and in respect of the project (clause 3 and 3BA of Schedule 2 to the ST&OP Regulation). Consequently, the assessment of this request is required to be prepared in accordance with the requirements of Part 3A and relevant regulations. The Minister (or his delegate) may approve or disapprove the carrying out of the project under section 75W of the EP&A Act.

The Department of Planning Industry and Environment (Department) is satisfied the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

Section 6 of this report provides an assessment of the impacts associated with this proposal.

4.2 Delegated authority

The Minister for Planning and Public Spaces (the Minister) is the approval authority for the modification request. However, the Group Deputy Secretary, Planning & Assessment, may determine the request, under delegation as:

- there are more than 50 public submissions in the nature of objection
- a political disclosure statement has not been made.

4.3 Planning Secretary's Environmental Assessment Requirements

The Department considers sufficient information was provided in order to consider the application and the issues raised remain consistent with the key assessment requirements addressed in the original SEARs.

4.4 Environmental Planning Instruments

The application has been assessed against the following Environmental Planning Instruments (EPIs):

- Sydney Regional Environmental Plan No. 24 – Homebush Bay Area (SREP 24), including the Homebush Bay West Development Control Plan (HBW DCP) 2004

- Sydney Regional Environmental Plan – Sydney Harbour Catchment 2005
- State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings, including the Apartment Design Guide (ADG) (SEPP 65)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy 55 – Contaminated Land (SEPP 55)

The Department is satisfied the proposed modification does not result in significant changes that would alter the conclusions made as part of the original assessment of the Concept Plan in relation to EPIs or any subsequent replacement EPIs. The Department is also satisfied the proposed modification does not result in any changes that would require any additional assessment under the EPIs that apply to the proposed development.

The Department has assessed the proposal against the HBW DCP 2004 and the ADG in **Section 6** of this report and **Appendix C** and **D**.

5 Engagement

5.1 Department's engagement

On 28 February 2018, the Proponent lodged the Section 75W modification application. The application has been revised three times by the Proponent's Response to Submissions (RtS) dated 15 April 2020, Further RtS (FRtS) dated 9 September 2020 and additional information dated 5 November 2020.

The Department publicly exhibited the modification request and RtS on its website, to Government agencies and surrounding landowners. The Department also notified the FRtS and made the additional information publicly available on the Department's website and engaged with Council. A summary of the exhibition and notification is provided at **Table 4**.

Table 4 | Summary of public exhibition and notification of the application

Stage	Exhibition / Notification Period	Submissions
Section 75W Report	Exhibition: 26 September to 23 October 2018 (28 days)	630 submissions comprising: <ul style="list-style-type: none"> • 7 Government agencies • 1 Council • 11 special interest groups • 611 public.
RtS	Exhibition: 29 April to 9 June 2020 (42 days)	528 submissions comprising: <ul style="list-style-type: none"> • 6 Government agencies • 1 Council • 7 special interest groups • 514 public.
Further RtS	Notification: 24 September to 7 October 2020 (14 days)	367 submissions comprising: <ul style="list-style-type: none"> • 3 Government agencies • 1 Council • 6 special interest groups • 357 public.
Additional information	N/A	2 submissions from SOPA and EES.

The Department has considered the comments raised in Council, Government agencies and the public submissions during the assessment of the application (**Section 6**) and in the recommended conditions of approval at **Appendix F**.

5.2 Key issues – Government Agencies

The key issues raised by Government agencies are summarised in **Table 5**.

Table 5 | Government Agency submissions to the Mod Report, RtS, FRtS and additional information

Environment, Energy & Science (EES) Group	
Modification Request	EES noted it is unclear if the proposal will impact any threatened species or ecological communities and requested additional information including:

Environment, Energy & Science (EES) Group

	<ul style="list-style-type: none"> • vegetation and floral/ fauna surveys of the Nuwi wetland, identifying the extent of plant community types in the Nuwi wetland (including endangered ecological communities (EEC)) • a diagram of mapped EECs and saltmarsh with shadow analysis • a record of species within 10 km of the site, including the aquatic threatened plant <i>Zannichellia palustris</i> • assessment of impacts to the Australasian Bittern and White-fronted Chat • an assessment of significance of the proposal's potential impacts on the site's habitat connectivity values • assessment of any impacts from shading on remnant EEC Sydney Turpentine Iron Bark Forest (STIF).
RtS	<p>EES noted the RtS documentation was insufficient and requested the following additional information:</p> <ul style="list-style-type: none"> • species surveys of the Green and Golden Bell Frog • mapping of saltmarsh • shadow diagrams showing impacts on EEC • further consideration of the impacts to saltmarsh under the Biodiversity Conservation Act, including figures on the total area of saltmarsh on site • further surveys for <i>Zannichelli palustris</i> • assessment of Australasian Bittern, White-fronted Chat and habitat connectivity impacts between Narawang wetlands and other sites in SOP • consideration of impacts to STIF • consideration of indirect impacts of the additional excavation on the adjoining wetland. <p>EES also recommended a condition for landscaping requirements.</p>
Further RTS	<p>EES reviewed the updated Ecological Survey and made comments regarding the structure of the report, use of tests of significance, vegetation mapping, existence of a viable population of saltmarsh, the shading of mangroves, basement excavation and reiterated its recommended landscape condition.</p> <p>Notwithstanding these comments, EES supports the overall conclusion that the impacts from the proposal on the saltmarsh community and other threatened entities are likely to be minor.</p>
Additional information	<p>EES advised it has no further comments in relation to biodiversity.</p>

Sydney Olympic Park Authority (SOPA)

Modification Request	<p>SOPA provided the following comments:</p> <ul style="list-style-type: none"> • the Ecological Assessment is inadequate as mapping of ecological communities was limited to a perimeter survey without full access to the wetlands • an accurate and up to date site survey is required so impacts of overshadowing can be properly understood • the additional tower heights will result in sections of the wetlands being overshadowed for three or more hours per day during winter and there are likely to be adverse impacts on the mangrove and coastal saltmarsh communities • clarify the trip generation rate and consider impacts of additional trips on the capacity of the district road network.
RtS	<p>SOPA provided the following comments:</p>

Environment, Energy & Science (EES) Group

	<ul style="list-style-type: none"> the development will impact on key habitat areas in the Nuwi wetlands mangroves on the northern edge of the wetland may be overshadowed for 4 to 5 hours the proposal does not quantify the area of the affected mangroves, how many months of the year overshadowing will occur or likely impacts erosion and sediment control is critical and any approval should require a site specific Soil and Water Management Plan in accordance with industry standard.
Further RTS	<p>SOPA advised it continues to have concerns about the overshadowing impacts of the development on the Nuwi wetland and strongly encourages the Department to not support a further increase in building heights where it will increase overshadowing to the wetland. The following comments were provided:</p> <ul style="list-style-type: none"> the documents adopt a narrow approach to assessing potential shadowing impacts the assessment does not adequately consider overarching legislative and management requirements and objectives for the wetland, impacts to broader ecosystem processes and species such as invertebrates and fish and cumulative impacts of shadowing a 'maximum acceptable loss' approach is not appropriate as this area is zoned for environmental conservation and the precautionary approach should be applied limited research has been conducted to quantify the effects of shadowing shading may result in permanent and irreversible damage to the wetland environment, its microclimate and ecology the reporting does not assess long term effects in any significant detail if the modification is approved, recommend conditions for a site specific Soil and Water Management Plan, a sediment basin and use of low reflectivity glazing to minimise risk of bird strike.
Additional information	<p>SOPA reviewed the additional information and continue to raise concern with the proposed height which will result in additional and unacceptable overshadowing to Nuwi wetland. In particular:</p> <ul style="list-style-type: none"> the Nuwi wetland is zoned E2 Environmental Conservation the Proponent has failed to demonstrate that any harm to Nuwi wetland can be mitigated any further height increases that will cause additional shadowing of the wetland are not supported.

Transport for NSW (TfNSW) including Roads and Maritime Services (RMS)

Modification Request	<p>TfNSW provided the following comments:</p> <ul style="list-style-type: none"> future development applications to include the location of bicycle facilities, wayfinding strategies, a travel access guide and a construction management plan to minimise construction impacts on the surrounding road network. <p>RMS provided the following comments:</p> <ul style="list-style-type: none"> as the HBW DCP is 14 years old it is recommended the proposed parking rates are reduced to support and encourage new residents to utilise public and active transport consider removing the 50 community centre car parking spaces to encourage walking/ cycling the Proponent should prepare a Green Travel Plan consider pedestrian safety a Construction Traffic Management Plan should be submitted to Council for approval prior to the issue of a Construction Certificate.
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Environment, Energy & Science (EES) Group

RtS	TfNSW advised it has no comments.
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Further RTS	TfNSW advised it has no comments.
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Department of Primary Industries (DPI) – Fisheries

Modification Request	DPI Fisheries provided the following comments: <ul style="list-style-type: none">• a more precautionary and considered assessment is required to consider the potential impact of shading from the proposed buildings on mangrove and saltmarsh habitat• the environmental assessment has focussed on shading impacts to threatened species, but it should consider all plants within the wetland• a clear map showing marine vegetation with an overlay of the shadow diagrams is required to assess potential impacts.
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RtS	DPI Fisheries has no objections and provided the following comments: <ul style="list-style-type: none">• the vegetation communities mapping provides the detail required• the reduction in height will result in a decrease in the shading of the adjacent sensitive key fish habitat in the Nuwi wetlands.
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Environment Protection Authority (EPA)

Modification Request	EPA provided the following comments: <ul style="list-style-type: none">• the assessment should consider previous odour assessments and EPA comments in relation to the mixed-use development at 2 Figtree Drive and the Carter Street Urban Activation Precinct• undertake a noise impact assessment, identify potential noise related land use conflicts and address these at the design and construction stage• consider the requirements of SEPP 55• assess any potential impacts on the surface and groundwater of the area, provide a concept stormwater management plan, opportunities for integrated water cycle management, measures to manage any seepage waters from basements and if existing wastewater systems can cater for new loads• consult the EPA waste management guidelines for new residential developments.
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RtS	EPA provided the following comments: <ul style="list-style-type: none">• the matters raised in previous correspondence are still relevant and it is recommended they are considered in the assessment of the proposal• the development does not constitute a Scheduled activity under Schedule 1 of the Protection of the Environment Operations Act (POEO) 1997 and does not require an Environment Protection Licence under the POEO Act• the EPA has no additional comments or further interest in this proposal.
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Sydney Water

Modification request	Sydney Water advised the development can be serviced by the existing water and wastewater services, with detailed requirements to be considered at the section 73 application stage.
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RtS	Sydney Water restated its previous comments.
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5.3 Key issues – Council

Council objects to the application and the amendments submitted in the RtS and FRtS. Council's submissions are summarised in **Table 6**.

Table 6 | Summary of Council's submission

	City of Parramatta Council
Mod Report	<p>Council objects to the proposal for the following reasons:</p> <ul style="list-style-type: none"> the height non-compliance should be dealt with through a DCP amendment there is no remaining floor space or anticipated yield within the precinct to justify additional dwellings on the site the proposal will result in overdevelopment of the site and a poor urban design outcome the proposal does not offer any additional public benefit for the increased density insufficient information has been provided about overshadowing and wind impacts from the proposal unauthorised works have been carried out without planning approval or consideration of impacts the proposal will adversely impact traffic in the area there is insufficient evidence that the proposal will not adversely impact the ecological values of the Nuwi wetlands the proposal is not in the public interest and is not supported by local residents. <p>Council also provided comments regarding a pre DA held with the Proponent, amending the concept approval undermines the DCP, the method used for floor space calculations, location of tower forms, streetscape and visual impacts, massing, separation distances and amenity, public benefits, solar access diagrams unclear, requirement for wind tunnel testing, unauthorised basement works, adequacy of the traffic report and unclear impacts to the Nuwi wetland.</p>
RtS	<p>Council maintains its objection to the proposal and reiterated that any changes should be considered through a DCP amendment. Council provided the following comments:</p> <ul style="list-style-type: none"> it is an overdevelopment of the site it is a poor urban design outcome for the site and precinct no justification has been provided for the increased yield on the site no additional public benefit is offered for the increased yield it will adversely impact traffic in the area is not in the public interest and is not supported by the local residents the proposal should be considered as a DCP amendment. <p>Council also provided comments regarding that the use of all remaining floor space, dwelling yield not identified, urban design issues, location of the towers, separation distances, design excellence, detail of the concept plan documents, unauthorised works and traffic congestion.</p>
Further RtS	<p>Council reviewed the further RtS and advise that Council officers maintain its objection to the proposed development primarily for the following reasons:</p> <ul style="list-style-type: none"> it will result in an overdevelopment of the site it would result in a poor urban design outcome for the site and precinct, particularly the increased height and reduced courtyard widths does not offer any additional public benefit for the increased yield it will adversely impact upon traffic in the area

	City of Parramatta Council
	<ul style="list-style-type: none"> the increased height will increase the extent and duration of mid-winter shade to mangroves in the Nuwi wetland it is not in the public interest and not supported by the local residents. <p>Council also reiterated that the proposed changes will undermine the integrity of the HBW DCP and provided comments regarding tower location, urban design rationale and context, building typology, the view of the towers, building depth and separation, internal courtyard width, amenity for existing dwellings, design excellence should not grant any bonuses, approval of the detailed indicative plans, increased yield, car parking locations, traffic generation, mangrove overshadowing, threatened/ migratory species.</p>

5.4 Key issues - Community

A summary of the community submissions received, including distance from the subject site is provided in **Table 7**. The key issues raised in submissions of objection are summarised in **Table 8**.

Table 7 | Summary of community submissions

Submitter	S75w Report	RtS	FRtS	Position
Community Members	611	514	357	
Less than 5 km	566	502	350	Object
	23	2	1	Support
	2	-	-	Comment
Between 5 – 100 km	13	8	6	Object
	5	-	-	Support
	-	1	-	Comment
Greater than 100 km	1	1	-	Object
	1	-	-	Support

Table 8 | Summary of objections

Issue	Mod Report % of Submissions	RtS % of submissions	Further RtS % of submissions
Increase in traffic	52.5	63.8	45.7
Overcrowded/ over development	-	48.1	39.5
Excessive building height	42.7	45.7	70.6
Out of character	37	41.4	40.9
Insufficient infrastructure for the population	35.2	34.2	29.7
Object to more apartments	33.9	15	10.1
Lack of car parking	33.2	38.3	35.6

Lack of public transport	27	29	26.9
Loss of solar access	26.8	36.8	36.7
Concerns about the intersection of Hill Road/ Bennelong Parkway	24.4	14	14.6
Not enough public space	21.6	5.8	4.2
Will reduce quality of living	20.8	31.3	15.7
Impact to services, community facilities and schools	14.7	18.7	17.4
Not in the public interest/ no community benefits	11.5	16	23.2
Roads at capacity/ congestion	-	14.6	31.4
Visual impact/ eyesore	-	14.2	11.5
Concerns about quality of building work and longer construction times	-	11.1	10.6
Impact amenity (noise, privacy, wind)	9.7	16.7	14.8
Lower property values	9.7	12.1	10.9
Inconsistent with the master plan	7.9	7.4	12.0
Environmental impacts	6.2	13	9

Other issues raised during exhibition of the Modification Request, the RtS and FRtS include impacts to health and increased pollution, lack of engagement, not in accordance with the EP&A Act, loss of views, existing empty apartments, sets a precedence for future developments, lack of jobs in the area, inaccurate information from the developer, flooding, increase in criminal activity, mobile and internet signal issues, concerns about social distancing and spread of COVID-19, the proposal is unfair, support the Council objection, use of airspace, poor apartment design, developer is dishonest and the amended application is misleading.

The 32 public submissions in support of the proposal in response to the Modification Request, RtS and FRtS cite the following benefits:

- provides more residential space and will benefit the area
- the developer benefits (upgrade the gym, replace the current community centre and additional car parking) are generous and will improve the facilities for all owners
- will support local businesses
- consistent with higher density living planned for Wentworth Point
- the additional units won't impact living standards in the area.

The three public submissions providing comments noted the use of gym space for local clubs and car parking rates for new units.

Special Interest Groups

The Department received 11 submissions from special interest groups in response to the exhibition of the Modification Request including:

- three objections on the basis that the building height is out of character with the area, increased traffic impacts, insufficient infrastructure and parks, increased overshadowing and loss of privacy
- seven submissions of support and one submission providing comments, citing benefits including extra people to support local businesses at The Piazza, the built form is consistent with the northern end and supported the community room, community car spaces and gym.

The Department received a further seven submissions from special interest groups in response to the exhibition of the RtS. These included six from owner's corporations of surrounding apartment buildings and one from the Auburn MP, all objecting to the proposal on the grounds of excessive height, additional apartments, car spaces and congestion on local streets, insufficient infrastructure for additional units and use of air space without permission.

The Department received a further six submissions from special interest groups in response to the notification of the FRtS, including five from owner's corporations of surrounding apartment buildings and one from the Auburn MP. The submissions objected to the proposal, reiterating the reasons noted in their objection to the RtS.

5.5 Response to submissions

The Department placed copies of all submissions received on its website and requested the Proponent provide a response to the issues raised.

On 15 April 2020 the Proponent provided its RtS, which was updated on 9 September 2020 by the FRtS and additional information on 5 November 2020, providing further justification and amendments to the proposal in response to the issues raised in submissions, including:

- reduction of the proposed height increase for Building C from 25 storeys to 15 storeys and Building F from 35 storeys to 15 storeys (Figure 11 and Figure 12)
- reduction of the site GFA to 47,487 sqm (from approved 50,045 sqm)
- reduction of the proposed increase to indicative number of apartments from 403 across Buildings C and F to 184 (indicative total of 649 apartments across the site)
- reduction in the additional basement levels from two to one
- reduction of the proposed total carparking spaces from 1,132 spaces to 850 spaces (no change to concept approval)
- change to the size of the communal courtyard, from 3,342 m² to 3,371 m²
- deletion of the proposed two community rooms and 50 community car spaces and provide 100 m² of internal communal space across Buildings C and F.



Figure 11 | Original proposal, 35 and 25 storeys (Source: s75W Architectural Package)



Figure 12 | Current proposal, 15 storeys (Source: FRtS Modified Concept Plan Drawings)

6 Assessment

The Department has considered the proposal, the issues raised in submissions and the Proponents response in its assessment of the application. The Department considers the key issues associated with the proposal are:

- built form
- gross floor area and yield
- traffic and transport

These issues are discussed in the following sections of this report. Other issues relating to the application considered during the assessment of the application are addressed in **Section 6.4**.

6.1 Built Form

Council and the local community expressed strong concern about the proposed modification to the approved building envelopes. In particular, concern was raised about the amended building envelopes resulting in a poor urban design outcome, overdevelopment of the site and undermining the intent of the Homebush Bay West DCP.

In response to the concerns raised, the Proponent amended the proposal by reducing the height of the building envelopes from 25/ 35 storeys to 17/ 19 storeys in the RTS and down further to 15 storeys in the FRtS. The proposal also seeks to amend the building envelopes by removing a portion of the building envelope to the south of Building C and to the north of Building F (**Figure 13**).

Notwithstanding the above amendments, Council and the community continue to raise concern about the proposed changes, particularly about the increased height, which is discussed below.

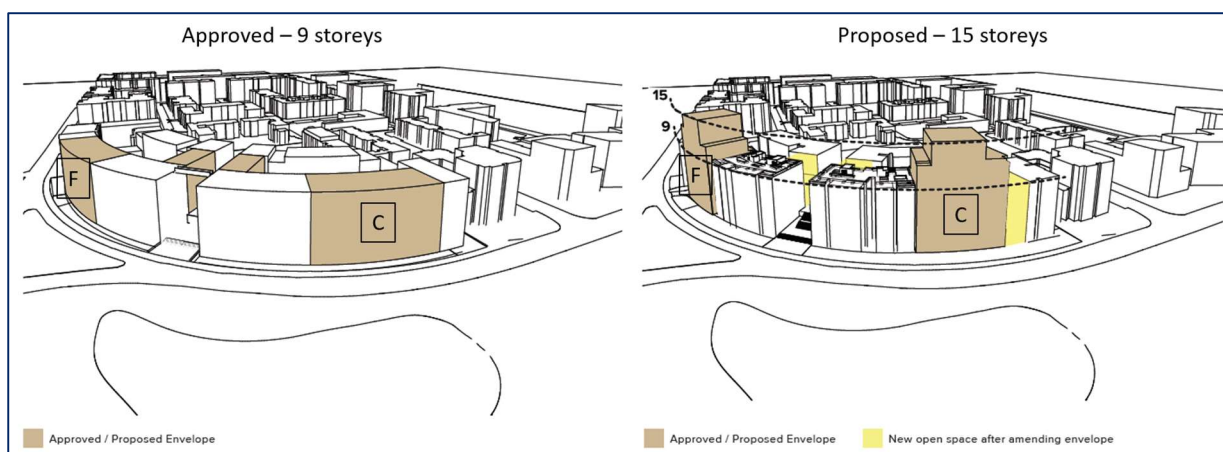


Figure 13 | Approved and proposed Building C and F heights (Source: FRtS Urban Design Report)

6.1.1 Increased height

The concept approval provides for building heights from 4 to 9 storeys and the immediately surrounding residential buildings range in height from 3 to 8 storeys (**Figure 14**).

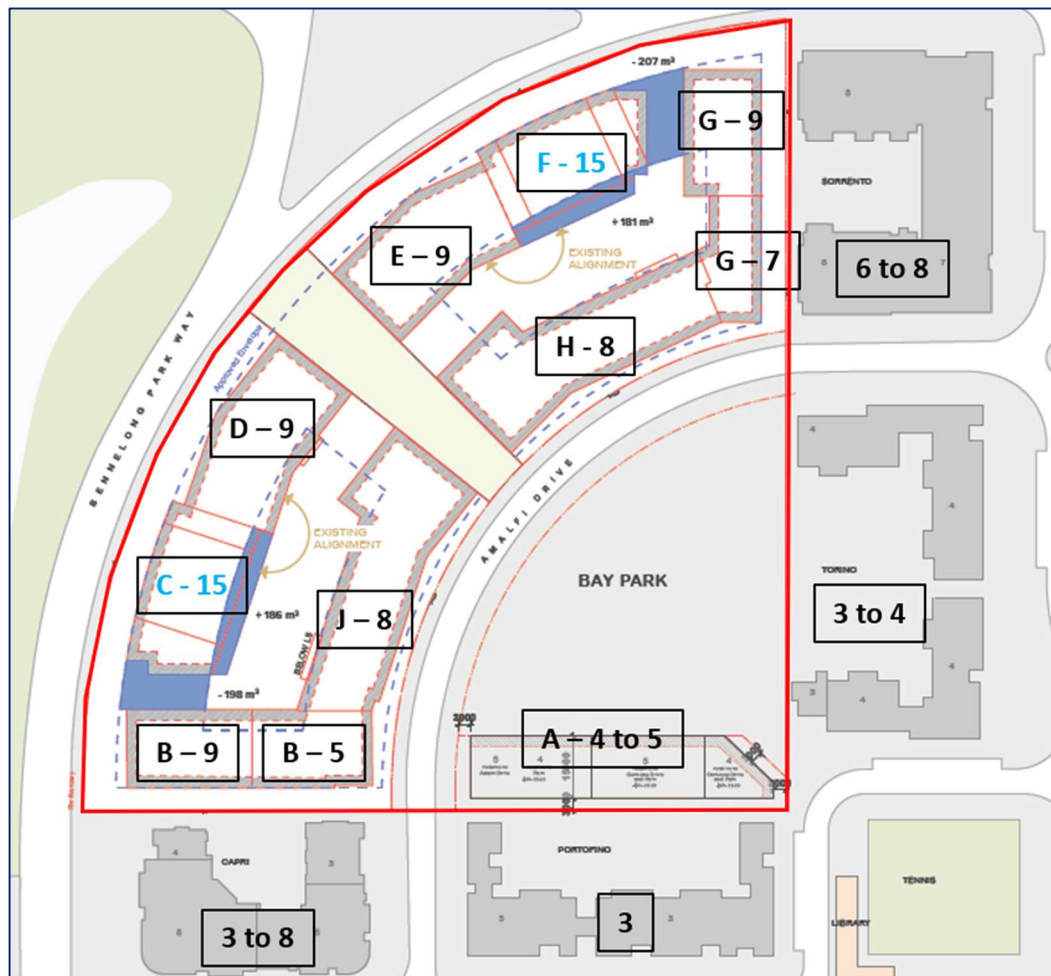


Figure 14 | Existing and proposed building heights within the subject site and surrounding sites and amendments to the building footprint (blue) (Source: FRIS Urban Design Report)

Council considers the proposed 15 storey tower forms are inappropriate as the site is not a gateway site and there is no focal point that demands the need for towers. Public submissions raised concern that the proposal was not in character with the southern end of Wentworth Point and 15 storeys would have a negative visual impact.

The Proponent provided a height study to analyse the proposed building height compared to the existing and proposed building heights in the surrounding area (**Figure 15**). The Proponent contends the proposed 15 storey height responds to the changing character at the northern end of Wentworth Point.

The Department notes the Proponent's height study illustrates the proposal is located in an area which consists of residential buildings ranging from medium density in the immediate vicinity to a group of taller towers to the north of the site including:

- a 16-storey tower at 6-8 Bayswater Drive (located 400m north east of the site)
- a cluster of 25 storey towers near the Bennelong Bridge
- lower towers ranging in height from 16-20 storeys.

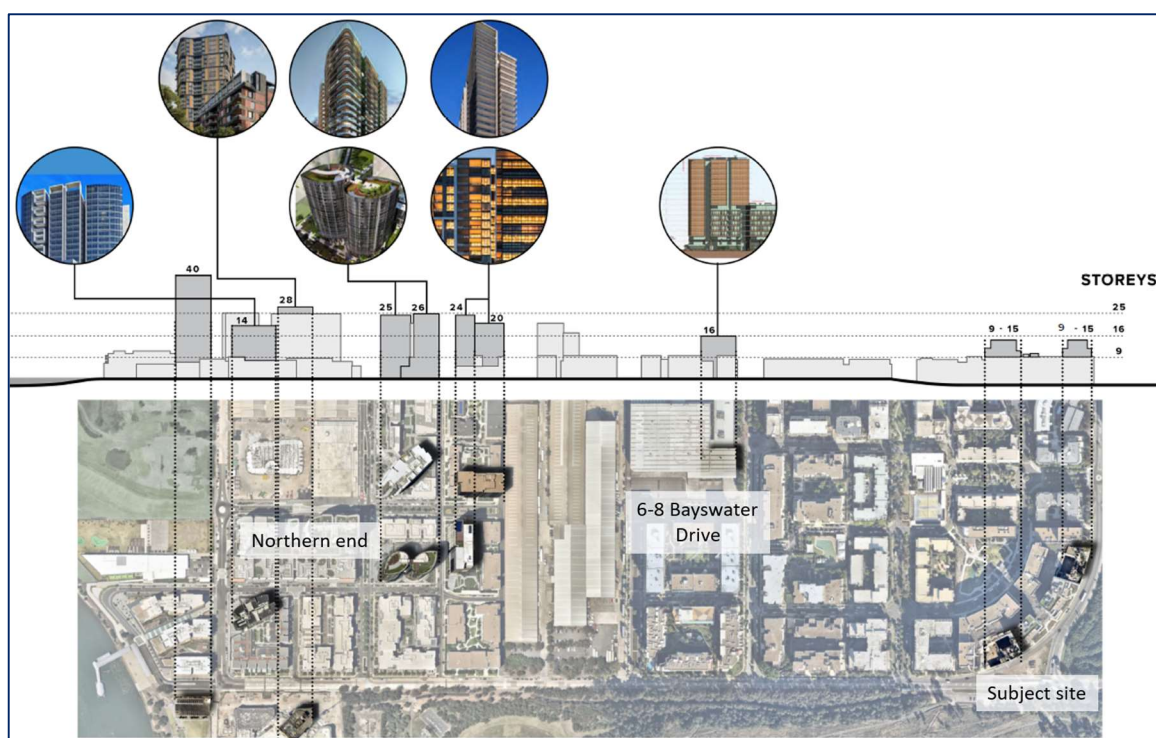


Figure 15 | Height study, Wentworth Point (Source: FRtS Urban Design Report)

The Department also notes a further six towers are envisaged under the Wentworth Point Precinct DCP, including up to 40 storeys at 14-16 Hill Road (gateway determination issued March 2020) as well as 25 and 40 storey towers at 3 Burroway Road (planning proposal exhibited to November 2020) (Figure 16).

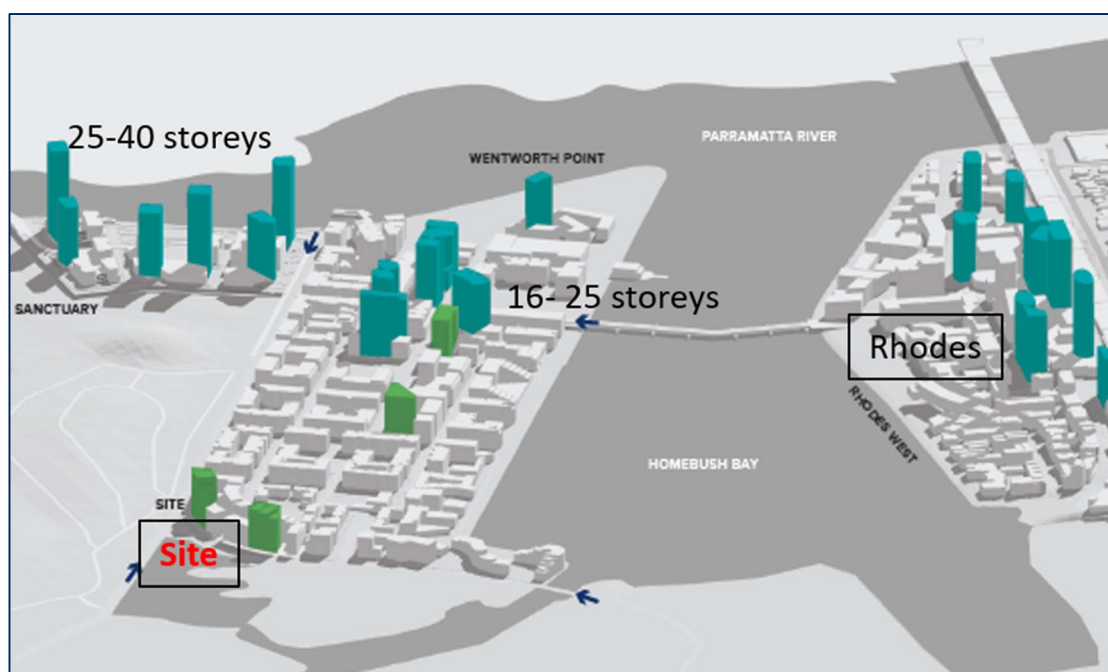


Figure 16 | Tower built forms at Wentworth Point and Rhodes (Source: RtS Urban Design Report)

The Department therefore considers the built form at Wentworth Point has, and is continuing to, evolve from buildings with a uniform height to a mixture of taller towers and midrise buildings. This change in urban form is most notable at the northern end of the precinct.

The Department acknowledges the immediate surrounding built form is predominantly residential buildings up to 8 storeys, however, the Department considers the uplift of height in the northern part of Wentworth Point has altered the overall character and built form of the precinct.

The Department considers the proposal for two 15 storey building envelopes is consistent with the urban design approach that has occurred at the northern end of Wentworth Point and the proposed height will add diversity and visual interest to the southern end of Wentworth Point, without being overbearing from nearby and distant vantage points.

The Department therefore concludes the proposal is compatible with the building heights within Wentworth Point and is appropriate for the following reasons:

- it would create a more diverse and interesting skyline by providing additional variety in building heights across the precinct, without dominating the skyline
- the proposed building heights would sit comfortably within the backdrop of existing taller buildings in the northern part of Wentworth Point, Rhodes, and Sydney Olympic Park
- it marks the entry to Wentworth Point and provides additional visual interest at the prominent intersection of Hill Road and Bennelong Parkway
- the location of the 15 storey building forms on the southern side of the site minimises visual and overshadowing impacts to adjoining buildings.

The Department therefore supports a maximum building height of 15 storeys on the site, as it provides an appropriate urban design response that will connect the northern and southern ends of the precinct together and contribute to a varied and interesting skyline.

6.1.2 Views and outlook

Council raised concerns about the towers dominating views from any point in the courtyard and blocking views to the sky. Public submissions raised concern about loss of views from private and public spaces and view impacts from the rooftop communal areas.

In response, the Proponent contends the proposed increase in building height would not result in view loss impacts as:

- the envelope is setback from the courtyard above level 9 to maintain views to the sky
- the predominant east and west outlooks from the communal rooftop space to the wetlands, Sydney Olympic Park, CBD and Parramatta will be maintained
- the introduction of setbacks between building envelopes would improve views and outlooks to **(Figure 17)**:
 - 40 existing apartments which would have views to the wetlands/ parklands
 - 48 existing apartments which would have a widened outlook within the courtyards.

The Department has carefully considered the concerns raised and the Proponent's response. The Department considers the additional building height would not result in a significant loss of views or outlook as:

- apartments that face Bennelong Parkway, Hill Road or Bay Park will maintain views and outlook

- the introduction of 9 to 12 m setbacks between the existing and proposed buildings will provide a new outlook for some internal apartments across Bennelong Parkway, to the wetlands, and the new landscaped side setbacks
- expansive views are retained from the communal rooftops, towards Sydney Olympic Park, the wetlands, Parramatta CBD, Parramatta River and the Sydney CBD.

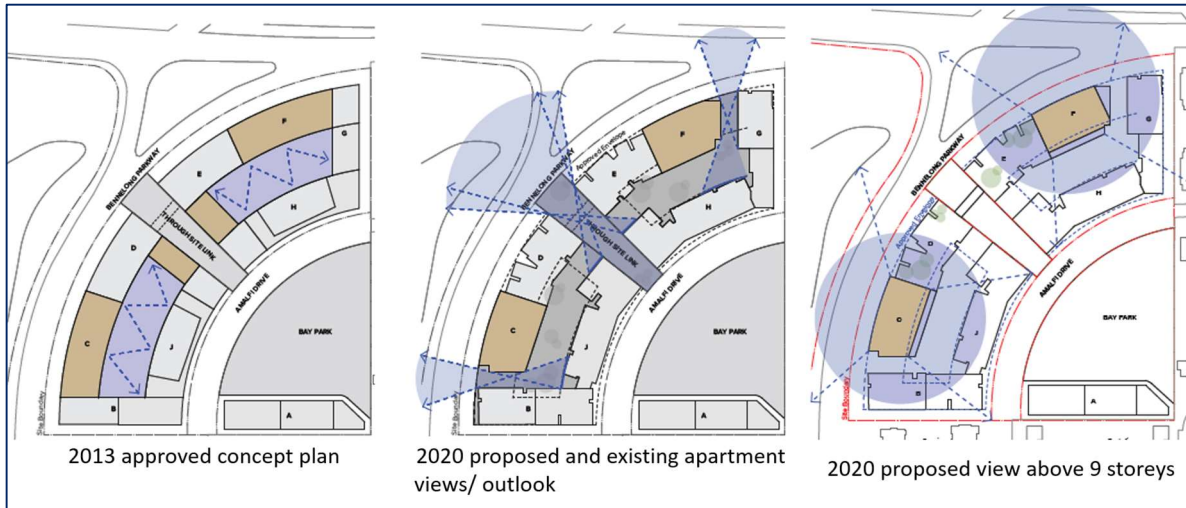


Figure 17 | Views and outlook from existing and proposed apartments (Source: FRtS Urban Design Report)

To further improve views and outlook from existing apartments and the internal courtyard, the Department also recommends:

- the building separation between Buildings B and C and Buildings F and G be increased from 9 – 12 m to a continuous minimum of 12 m
- the courtyard be maintained at a minimum width of 22.5 m to be consistent with the concept approval and the existing buildings, with an increased upper level setback of 24 m to provide improved views to the sky.

Subject to the increased setbacks and building separation (refer **Section 6.1.4**), the Department is satisfied the proposed modification will overall improve views and outlooks and visual connectivity between the development and the street.

6.1.3 Overshadowing

Neighbouring buildings and apartments

Concern was raised by Council and in public submissions about overshadowing to existing apartments within the site.

The Proponent submitted shadow diagrams to assess the impacts of the proposed amendments to building envelopes C and F. The overshadowing diagrams demonstrate that more than 70% of existing apartments achieve at least 2 hours direct sunlight in winter and less than 15% receive no direct sunlight (NDS) consistent with the Apartment Design Guide (ADG) (**Table 9**).

Table 9 | Solar access compliance with the ADG for existing apartments.

	Minimum 2 hours solar access	No direct sunlight (NDS)
Concept Approval (Buildings C and F at 9 storeys)	74%	15%
Proposal (Buildings C and F at 15 storeys)	73%	15%

The Department notes the Proponent has significantly reduced the height of the amended building envelopes from 25/ 35 storeys to 15 storeys, which has reduced overshadowing impacts of the proposal. Further, the Department notes more than 70% of existing apartments in the site will continue to receive more than 2 hours solar access in midwinter, and no more than 15% would receive no direct sunlight, aligning with the ADG minimum standard for solar access.

The Department acknowledges the concerns raised by Council and the community and accepts that the proposed amendments would result in additional overshadowing impacts to some existing apartments. However, given the overall proposal complies with the ADG requirements for solar access, the Department considers the proposal is acceptable.

To ensure the detailed design of the buildings achieves the minimum amenity standards established by the ADG, the Department recommends future DAs for Buildings C and F demonstrate a minimum of 70% of existing apartments receive 2 hours or more solar access to living rooms/ balconies and a maximum of 15% of existing apartments receive no direct sunlight, between 9am and 3pm, midwinter.

Communal and public open space

The Department has also considered overshadowing to public and communal open space, which includes Bay Park, the internal courtyard and the rooftop gardens of Buildings D and E (Figure 18).

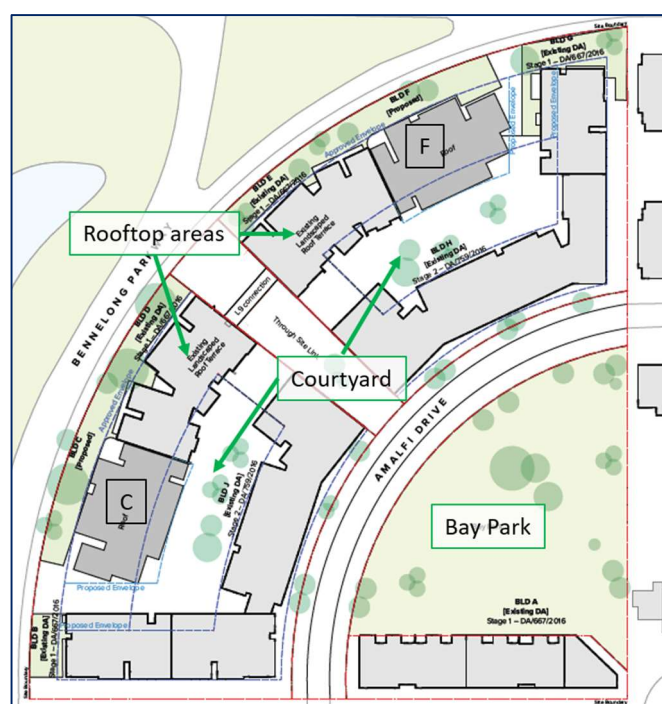


Figure 18 | Location of communal open spaces in the site (Source: FRtS Modified Concept Plan Drawings)

The ADG recommends developments achieve a minimum of 2 hours of direct sunlight to 50% of the communal open space, between 9am and 3pm, midwinter.

The Proponent advises that over 70% of Bay Park and the communal rooftops receive direct sunlight for 6 hours in midwinter and there is only a minor 300 m² increase to shadowing of the courtyard from the proposal, but this area is already heavily shaded.

The Department is satisfied the proposal does not increase overshadowing of Bay Park between 9am and 3pm in midwinter and more than 50% of the rooftop communal areas will continue to receive direct sunlight in midwinter.

The Department notes the additional overshadowing to the courtyard (300 m²) represents less than 9% of the total courtyard area (3,371 m²) and that the courtyard is already heavily overshadowed and does not receive 50% direct sunlight in midwinter.

The Department notes the building envelope modifications discussed in **Section 6.1.4** to increase the width of the courtyard and the side setbacks, would:

- result in improved solar access to the courtyard as the buildings are located further apart to allow more daylight and sunlight into the courtyard, particularly in the afternoon
- increase the width and overall area of the courtyard to provide additional amenity in terms of outlook, landscaping and passive recreation opportunities.

The Department concludes that the combination of these requirements will improve solar access to the courtyard. Subject to these amendments, the Department is satisfied the additional overshadowing impacts are minor and acceptable.

Nuwi wetland

Sydney Olympic Park Authority (SOPA) and Council raised concern about additional overshadowing to Nuwi wetland, in particular to the mangroves.

The Department's Environment, Energy and Science (EES) Group advised that the proposal would have only minor impacts on the endangered ecological community (saltmarsh) within the wetland. The Department of Primary Industries (DPI) Fisheries was also satisfied fish habitats would not be affected by the proposed shading.

The Proponent provided an Ecological Report providing an assessment of overshadowing caused by the proposal on the wetland, including saltmarsh and mangroves. The report concludes:

- the proposal will overshadow less than 15 m² of saltmarsh which would not threaten the viability of the population
- the additional overshadowing to the mangroves (between 11 am – 12 pm in midwinter), is unlikely to result in any significant impacts.

The Department notes the Nuwi wetland is:

- zoned E2 Environmental Conservation under the SEPP (State Significant Precincts) 2005
- identified as a wetlands protection area under Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The Department has carefully assessed the impacts of the proposal having regard to the objectives of these plans including to maintain and restore the health and vitality of wetlands and prevent development that could destroy, damage or otherwise have an adverse effect.

The Department agrees with the conclusions of the Proponent's Ecological report and the advice provided by EES that the additional overshadowing (15 m²) of the endangered saltmarsh population is unlikely to adversely affect the viability of the population.

Further, the Department considers the increase in overshadowing of the mangroves between the approved and proposed envelopes (between 9 am and 1 pm in midwinter) is minor as it does not exceed 5%. The Department also notes the mangroves are not an EEC and the Proponent's Ecological Report identifies there are no known impacts of shading on the ecosystem functions of the mangroves.

On this basis, the Department concludes the shadow impacts to the mangroves are minor and are unlikely to significantly impact the health and vitality of the mangroves.

6.1.4 Building separation and depth

The concept approval provides building depths of 20 m and a building separation of 24 m across the internal courtyard.

The proposal seeks to amend building envelopes C and F (**Figure 19**) by:

- increasing the depth of Buildings C and F from 20 m to 26.2 m (Building C) and 26.4 m (Building F)
- reducing building separation across the courtyard from 24 m to 18-19 m for the first 9 levels and 22.5 m for level 10 and above
- removing a portion of the building envelope to the south of Building C and to the north of Building F and provide side setbacks of 9-12 m.

Council objects to both the increased depth of building envelopes and the reduction of the courtyard.

The Proponent contends the proposed building envelopes respond to the existing as built buildings and provides:

- a 19 m setback across the courtyards and further setbacks above level 9 for increased solar access and views to the sky
- an increase in the side setbacks opposite habitable room windows
- a reduced overall site coverage.

The Department has considered the proposed building separation and building depth below.

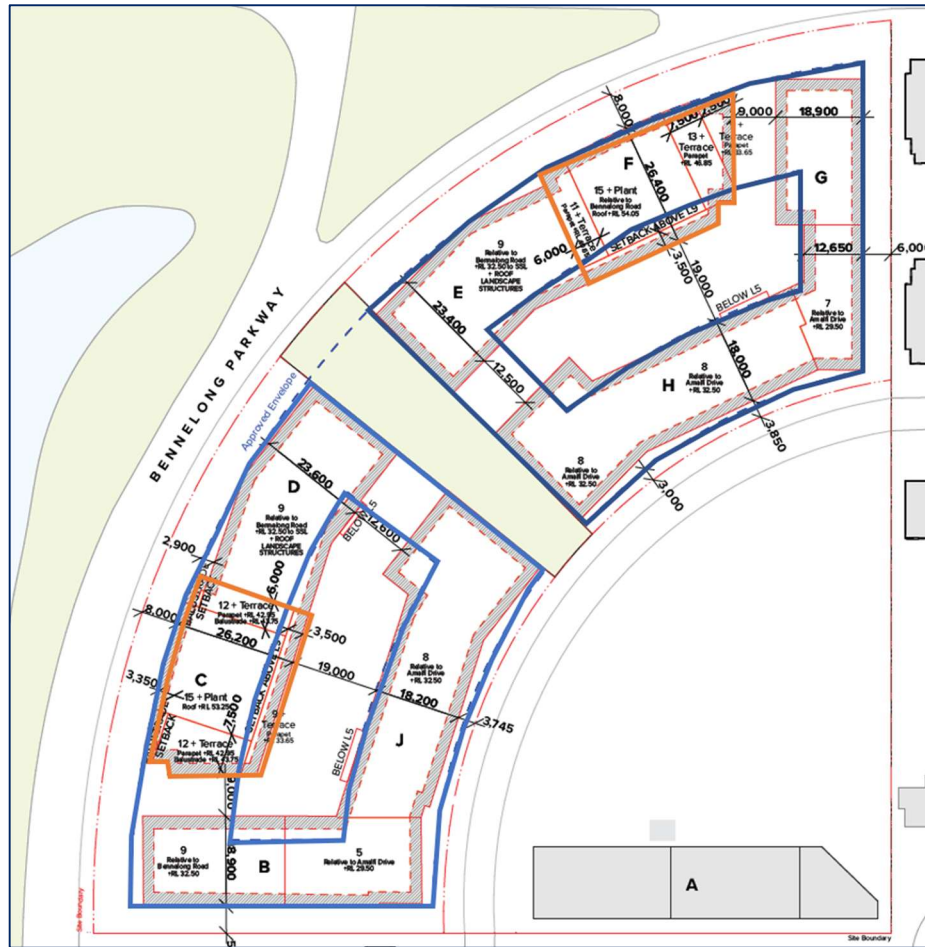


Figure 19 | Building depth and separation from proposed envelopes Buildings C and F (orange) and as built buildings (red) with concept plan envelopes (blue) (Source: FRTS Urban Design Report Appendix 1)

6.1.4.1 Building separation

The ADG recommends minimum building separation distances, dependent on building height, to maximise visual and acoustic privacy between residential flat buildings and to minimise the bulk and scale of buildings (refer **Table 10**).

Table 10 | ADG Building separation recommendations

Building height	Recommended separation		
	<i>Habitable rooms</i>	<i>Habitable rooms and non-habitable rooms</i>	<i>Non-habitable rooms</i>
Up to 4 storeys	12 m	9 m	6 m
5 - 8 storeys	18 m	12 m	9 m
9 storeys and above	24 m	18 m	12 m

The HBW DCP also provides recommendations on building separation:

- buildings up to 4 storeys: provide 12 m between habitable rooms, 9 m between habitable and non-habitable rooms and 6 m between non-habitable rooms

- buildings of 5-8 storeys: provide 18 m between habitable rooms, 13 m between habitable and non-habitable rooms and 9 m between habitable rooms.

Courtyard width

The existing courtyard width and separation between buildings on the site varies from the concept approval. The proposal seeks to further reduce the width of the courtyard and the building separation (**Table 11**).

Table 11 | Building separation of the concept approval, as built buildings and proposal

	Recommended separation	Concept approval	As built	Proposal
Courtyard building separation	<ul style="list-style-type: none"> • ADG 24 m • HBW DCP 18 m 	<ul style="list-style-type: none"> • 24 m 	<ul style="list-style-type: none"> • Main width: 22.5 m • Narrows to 9 m - 12.6 m 	<ul style="list-style-type: none"> • 18-19 m (first 9 levels) • 22.5 m (level 10 and above)

Council raised concern the reduced building separation will compromise residential amenity, as it will:

- adversely affect the privacy of existing and proposed apartments, creating a reliance on screening to maintain privacy
- reduce the outlook of existing and proposed apartments and close in views
- cause additional overshadowing to existing apartments as the buildings will be physically closer to existing buildings.

The Department shares Council's concerns and recommends the courtyard width be increased to 22.5 m up to 9 storeys and 24 m for all storeys above. This will match the existing as built courtyard width, with increased separation at the higher levels to provide amenity for existing and proposed apartments.

The Department therefore recommends 'Condition A3 Building Envelope Modification' be amended to increase the courtyard width as outlined above.

Side setbacks

The Department supports the introduction of the setbacks between Buildings B and C and Buildings F and G as it provides a break in the built form and further opportunity to open the courtyard to the street.

The Department notes the side elevations of the as built Buildings B and G are predominantly blank, in anticipation of Buildings C and F directly adjoining them with a zero setback as envisaged in the concept approval.

While the Department notes the neighbouring elevations of Buildings B and G contain limited habitable windows (Figure 20), the Department considers the setbacks should be increased to provide a consistent minimum separation of 12 m. This will allow future DAs to include habitable windows on the side elevations of Buildings C and F, which would improve daylight, ventilation and outlook for apartments within these buildings. It will also allow future DAs to provide ADG compliant building separation between habitable to habitable rooms (up to 4 storeys) and habitable to non-habitable rooms (5-8 storeys).

The Department considers it will also contribute to an improved built form providing additional visual separation between buildings on the site, improved solar access to the communal courtyard and increased visual and acoustic privacy for existing apartments.

The Department therefore recommends 'Condition A3 Building Envelope Modification' be amended to increase the side separation to 12 m and a new FAR for design measures to address visual and acoustic privacy.

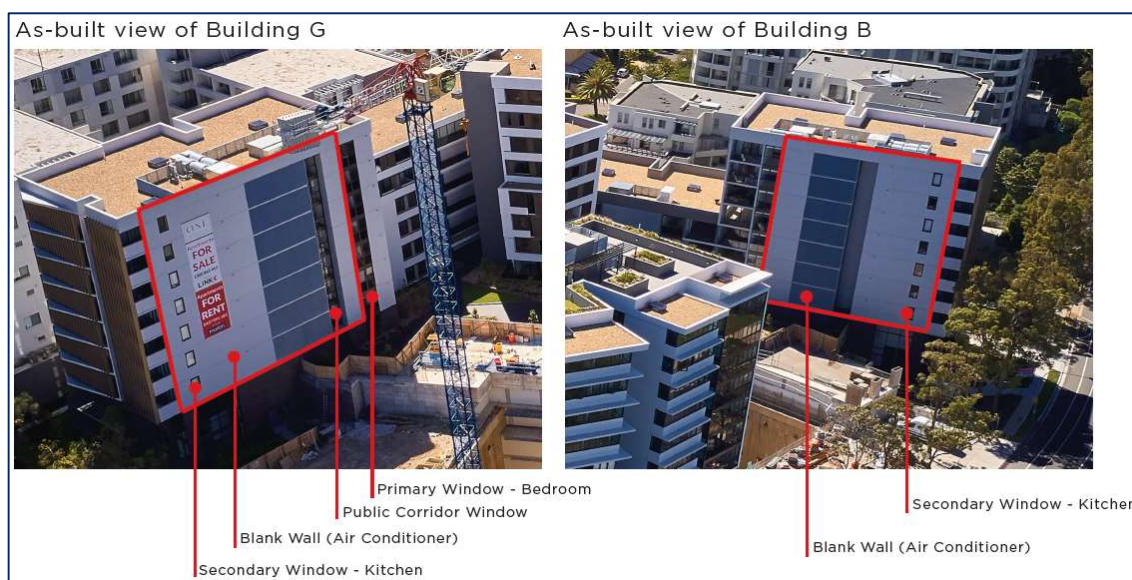


Figure 20 | As built views of side elevations of Buildings G and B (Source: FRtS Urban Design Report)

6.1.4.2 Building depth

The ADG recommends residential buildings have a maximum building depth of 18 - 20 m. The HBW DCP recommends a building depth of 22 m.

The proposal seeks to increase the depth of Buildings C and F from 20 m to 26.2 and 26.4 m respectively. This would exceed the depth of the existing buildings on the site as well as the ADG and HBW DCP controls (**Table 12**).

The Department also notes the depth of existing Buildings D and E, which adjoin the proposed Buildings C and F, exceed the depth of the concept approval envelopes.

Table 12 | Building depth of the concept approval, as built buildings and proposal

	Recommended depth	Concept approval	As built	Proposal
Depth of buildings	<ul style="list-style-type: none"> ADG 18-20 m HBW DCP 22m 	<ul style="list-style-type: none"> 20 m 	<ul style="list-style-type: none"> Buildings B, J, H and G: 18.2m to 18.9m Buildings D: 23.4m Building E: 23.6m 	<ul style="list-style-type: none"> Building C – 26.2 m Building F – 26.4 m

The Department notes the increased building depth is 32- 45% deeper than recommended by the ADG. This depth will reduce internal residential amenity, impact natural ventilation, daylight access and outlook and increase the bulk and create a scale that does not relate to the existing buildings.

The Department therefore recommends the depth of Buildings C and F be reduced to a maximum of 22-23 m, generally aligning with the HBW DCP and the adjacent as-built buildings D and E (**Figure 19** and **Table 12**). It is also noted the storeys above level 9 will be required to have a separation of 24 m across the courtyard which will reduce building depth to around 21 m.

While this exceeds the 18-20 m building depth recommended by the ADG, the Department considers the above depth/ separation will provide an acceptable design response and adequate level of amenity for existing and future residents as:

- it is generally consistent with the HBW DCP and the adjoining buildings providing a uniform courtyard width and consistent building line
- the detailed design can provide appropriate apartment sizes and layouts, ceiling heights and placement of windows/ balconies to achieve a high level of residential amenity in line with the ADG.

The Department therefore recommends 'Condition A3 Building Envelope Modification' be amended to decrease the building depth, as outlined above.

6.1.5 Conclusion

The Department has considered the proposed height and bulk of building envelopes C and F and concludes the proposal is consistent with the evolving character of Wentworth Point which now includes a number of taller buildings, particularly at the northern end of the precinct. The proposal will contribute to a more diverse and interesting skyline, is consistent with the established skyline and will mark the entry to Wentworth Point.

To ensure an acceptable level of amenity is maintained for existing apartments, the site and surrounds, the Department recommends the following building envelope modifications:

- increase the courtyard width and building separation to 22.5 m and 24 m
- increase the side setback separation to 12 m
- reduce the depth of Buildings C and F to 22-23 m.

Subject to these recommended building envelope modifications, the Department concludes the amended building envelopes would be acceptable as the proposal would result in taller slimmer buildings with greater separation from the existing apartments, compared to the currently approved 9-storey building envelopes which would fully enclose the space. In this regard, the Department considers the proposed building envelopes are appropriate within the site and surrounding area and the proposed modification is in the public interest.

6.2 Gross Floor Area and yield

The concept approval provides for a maximum gross floor area (GFA) of 50,045 m² and an indicative floor plan layout of 641 apartments.

The Proponent acknowledges the approved GFA is unable to be achieved and proposes to reduce the maximum GFA to 47,487 m² (decrease of 2,558 m²). It however seeks to increase the indicative total number of apartments to 649 (an increase of eight).

Council notes the increase in apartment numbers has not been justified and the maximum floor space is unlikely to be achieved due to the historical inaccurate application of floor space calculations in Wentworth Point (which excluded horizontal circulation).

The Department supports the revised GFA and yield as:

- it represents a 5% reduction in floor space, compared to the approved maximum GFA
- the GFA represents an upper limit, which will be dependent on the capacity within the building envelopes
- the building envelopes have been assessed in detail in **Section 6.1** and are considered appropriate, subject to modifications to the building separation and depth and FARs to protect the surrounding amenity
- future applications must demonstrate design excellence in accordance with the Design Excellence Strategy (**Section 6.4**) and amenity in accordance with SEPP 65 and the ADG
- the indicative increase of eight apartments is acceptable as:
 - future apartments will be designed in accordance with the ADG recommendations for apartment sizes and depths, solar access, ventilation, maximum number of apartments per circulation core, etc
 - it will not cause any additional traffic impacts, as a maximum of 850 car parking spaces will be provided in accordance with the concept approval
 - the final yield will be determined in future DAs dependent on the final mix of apartment sizes
 - future residents have excellent access to open space within and around Sydney Olympic Park and are within proximity to shops, services and public transport.

As discussed in **Section 6.1**, the Department has recommended modifications to increase building separation and reduce building depth to protect the amenity of existing and proposed apartments. These amendments will require some reduction in the final building form which is likely to prevent the Proponent from achieving the proposed GFA or indicative yield in full.

The Department therefore recommends 'Condition A4 Maximum Gross Floor Area' is amended to reduce the GFA to a maximum of 47,487 m² and add a note that the maximum floor space may not be achievable within the approved envelope as a result of modifications required to building envelopes C and F under Condition A3.

6.3 Traffic and transport

The Department has considered the following traffic and transport issues:

- traffic generation
- car parking.

6.3.1 Traffic generation

Public objections raised concerns about the potential increase in traffic, capacity of the roads and safety at the intersection of Hill Road and Bennelong Parkway.

Council raised concerns about increased traffic congestion, noting the existing delays on the surrounding road network and intersections in Wentworth Point. Council also advised the intersection

of Hill Road and Bennelong Parkway will be upgraded to a signalised intersection and works are expected to commence 2021/ 2022.

Transport for NSW (TfNSW) reviewed the proposal and did not raise any concerns with traffic generation.

The Department notes that since the original concept plan was determined, RMS have revised its traffic generation rates down for residential development. This means the predicted traffic generation associated with the development would be less than previously predicted.

The Proponent has assessed the proposal against RMS' updated traffic generation rates (with a 25% increase as the site is not within walking distance of a train station) and concluded the proposal is unlikely to result in any additional traffic impacts (**Table 13**).

Table 13 | Traffic generation for the site

	Trip generation rate	Yield (no. apartments)	Traffic generation (peak hour vehicle trips)
Concept approval	0.4 (morning and evening)	641	257
Proposed modification	0.24 (morning) 0.19 (evening)	649	156 (morning) 124 (evening)

The Proponent has also considered the performance of key intersections surrounding the subject site currently and with the proposed traffic generation, which indicates all key intersections continue to operate at an acceptable level of service B or higher.

The Department notes the proposal only seeks to increase indicative apartment numbers by eight and proposes no additional parking. On this basis, the Department considers the proposal is unlikely to cause adverse traffic impacts as:

- the predicted traffic generated by the proposal is significantly less than originally predicted
- public transport has progressively improved between Wentworth Point and nearby centres, with the delivery of the public and active transport bridge link to Rhodes
- existing congestion will be further improved by the planned upgrade to the intersection of Hill Road and Bennelong Parkway to a signalised intersection in 2021/22, which will provide increased capacity and improve the level of service from D/F to B

The Department therefore concludes the proposed traffic generation impacts are acceptable.

6.3.2 Car parking

Public objections raised concerns about a lack of car parking.

The Proponent does not seek to alter the car parking provision of 850 spaces within the concept approval. It notes that indicatively 184-279 basement car parking spaces will be provided for the indicative 184 apartments in Buildings C and F, in accordance with the parking rates in HBW DCP (**Table 14**).

Table 14 | Maximum car parking requirements

Dwelling	Parking rate	Indicative no. of dwellings	Space required
1 bedroom	1 space/ dwelling	82	82
2 bedroom	1.5 space/ dwelling	88	132
3 bedroom	2 spaces/ dwelling	14	28
Visitor	0.2 spaces / dwelling		37
Total		184	279

The Department notes a total of 551 spaces have been approved at the site (under the DAs approved by Council), which leaves sufficient capacity (299 spaces) within the overall maximum of 850 spaces to accommodate the car parking requirements of the proposal, noting the exact number of car spaces will be assessed in the detailed design.

The Department acknowledges the community concerns about lack of parking, however, considers the HBW DCP rates provide an appropriate balance between accommodating demand for private vehicle ownership and encouraging the use of the improved public and active transport network in Wentworth Point.

The Department therefore concludes the existing 850 approved spaces would meet the car parking demand associated with the proposal.

6.4 Other issues

The Department's consideration of other issues is provided in **Table 15**.

Table 15 | Summary of other issues

Issue	Findings	Recommendations
Communal space	<ul style="list-style-type: none"> The proposal includes 100 m² of additional communal floor space, to be provided across Buildings C and F. The Department notes 31% of the site is provided as communal open space, which exceeds the ADG recommendation (25%). The Department therefore considers the additional indoor communal space is acceptable as it meets the minimum ADG requirement and it would provide additional space for residents to use for passive recreation. The Department recommends a new FAR be imposed to ensure 100 m² of communal floor space is provided across Buildings C and F, as a part of future DA's. 	A FAR for future applications to provide a minimum of 100 m ² of communal indoor floor space across Buildings C and F.
Internal amenity	<ul style="list-style-type: none"> The Department has considered the internal amenity of apartments in Buildings C and F based on the indicative plans and the ADG. The Department is satisfied the proposed buildings envelopes can comply with the ADG as: <ul style="list-style-type: none"> greater than 70% of apartments in Buildings C and F can receive 2 hours or more solar access 	No additional conditions or amendments are necessary.

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> ○ less than 15% of apartments receive no direct sunlight ○ more than 60% of apartments in the first 9 storeys are cross ventilated. • The Department acknowledges the recommended conditions to increase the building separation and reduce building depth will alter the building envelopes, however, considers the modified building envelopes remain capable of complying with the ADG • The Department also notes existing Future Assessment Requirement (FAR) no. 1 (Building Design) and no. 3 (SEPP 65) require future DAs to demonstrate compliance with the ADG. 	
Design Excellence	<ul style="list-style-type: none"> • The NSW Government Architect's Better Placed policy aims to enhance the design quality of the built environment. • There are no design excellence requirements in the statutory planning documents that apply to the site. • The Proponent has submitted a design excellence strategy (DES) which outlines a design process and provides design criteria for: <ul style="list-style-type: none"> ○ built form and urban design ○ visual impacts ○ safety/ public domain/ pedestrians ○ amenity ○ sustainability initiatives. • Council notes that if a design excellence process occurs, it should not entitle the Proponent to any additional floor space, yield or height bonus. Further they consider the development should be reviewed by the Parramatta Design Excellence Advisory Panel (DEAP). • The Department considers that the future development can achieve design quality in accordance with Better Placed as: <ul style="list-style-type: none"> ○ the DES provides a robust set of design criteria to achieve good design ○ the DES does not include any bonus provisions ○ future DAs will be subject to Council requirements including pre-DA meetings and review by the DEAP, which is also recommended under SEPP 65/ ADG. • The Department also notes that the DES would not entitle the Proponent to any additional floor space • The Department agrees with Council that the development should be reviewed by Council's DEAP and recommends a new FAR to amend the DES to include this requirement. 	<p>A new FAR to amend the DES to include the requirement for review by the Parramatta DEAP.</p> <p>A new FAR for future applications to achieve design excellence and be prepared in accordance with the amended DES, prepared by Turners, dated 14.04.2020.</p>
Wind	<ul style="list-style-type: none"> • The Proponent submitted a Pedestrian Wind Environment Statement to assess the impacts associated with the 17/19 storey building envelope (proposed in the RtS). The Wind Report recommends mitigation measures including: 	<p>Include the amended statement of commitment no.5 (wind) for a wind</p>

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> ○ screens to the rooftop communal areas on Buildings D and E ○ screens on level 16 of building C ○ retain dense evergreen trees south of building C and north of Building F ○ an awning above Building F lobby ○ screens in the courtyard side setback areas between buildings. • Council initially raised concerns about wind impacts and recommended wind modelling be undertaken. • In response, the Proponent reduced the height of the building envelope to a maximum of 15 storeys and proposes to amend statement of commitment no.5 (Wind) to require future DAs for Buildings C and F to include a wind impact assessment and wind modelling for the detailed design. • The Department has considered the Proponent's Wind Report and considers wind impacts can be appropriately mitigated in the detailed design as: <ul style="list-style-type: none"> ○ the Proponent's Wind Report demonstrates that wind impacts from the 17/19 storey proposal (RtS) can be mitigated with landscaping and screening ○ wind impacts are likely to be less as the height of the proposal has been reduced further to 15 storeys ○ wind tunnel testing will be undertaken to support the final building form, considering the Department's recommended modifications, to inform the final design and the required wind mitigation measures. • The Department concludes that wind impacts are acceptable, subject to further consideration in the future DA's. The Department therefore supports the Proponent's statement of commitment for further assessment and modelling of wind impacts at the detailed DA stage. 	<p>impact assessment and wind modelling.</p>
Ecologically sustainable development (ESD)	<ul style="list-style-type: none"> • The Proponent proposes to amend statement of commitment no. 2 (ESD) to include reference to an updated ESD Report submitted with the FRtS. • The updated ESD Report provides current best practice ESD principles to be incorporated into the detailed design stage such as lighting, rainwater tanks, water cycle management, responsible building practices and sustainable transport. • The Department notes SREP 24 and the HBW DCP includes controls relating to ESD, environmentally sustainable design and energy efficiency and the requirements of BAISX will also apply to any future developments • Overall, the proposal is generally consistent with ESD principles and the Department is satisfied the proposed 	<p>Include the amended statement of commitment no.2 (ESD) that refers to the ESD report, dated 7/9/2020, prepared by Credwell.</p>

Issue	Findings	Recommendations
	<p>sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act</p> <ul style="list-style-type: none"> The Department therefore supports the Proponent's statement of commitment. 	
Noise impacts	<ul style="list-style-type: none"> The EPA recommends a noise impact assessment be undertaken to ensure potential noise related land use conflicts (from entertainment at Sydney Olympic Park) are identified and addressed at the design and construction stage. The Department notes the site is located approximately 1.8 km (straight line distance) from the stadium and other venues within Sydney Olympic Park, substantially greater distance than other residential buildings within Sydney Olympic Park. The Department is satisfied that potential noise impacts can be effectively managed through the detailed design. The Department therefore recommends a FAR to require future DA/s include a noise impact assessment to ensure noise impacts and mitigation measures will be assessed in future DA/s. 	<p>A new FAR for a noise impact assessment to consider and identify mitigation measures for high noise level events at Sydney Olympic Park.</p>
Additional basement level	<ul style="list-style-type: none"> The proposal seeks approval for an additional (already constructed) basement level below Building Envelopes C, D, E and F. Council advised it has issued a Building Certificate for unauthorised works and questioned how the basement will be accessed. EES raised concern about excavation for the additional basement level impacting an aquifer and indirect impacts on the wetland. The Department notes the concept approval includes basement parking and that no changes are proposed to the maximum number of car parking spaces. While the Proponent seeks an additional basement level as part of this modification, the Department does not consider it appropriate or necessary to alter the concept approval to specifically approve the unauthorised basement excavation and construction. The Department notes that Council has issued a building certificate and would need to be satisfied with the impacts of the excavation and structure in issuing this certificate and in its assessment of the future DA/s. The Department also notes the design of basement levels can be resolved in the future DA/s. The Department therefore recommends that the proposed basement level 6 plan is not approved and that no additional conditions or amendments are required. 	<p>No additional conditions or amendments are necessary.</p>

Issue	Findings	Recommendations
Surface and ground water	<ul style="list-style-type: none"> The EPA recommends the proposal should assess any potential impacts on the surface and groundwater of the area, provide a concept stormwater management plan, opportunities for integrated water cycle management, measures to manage any seepage waters from basements and identify if existing wastewater systems can cater for new loads The Department notes development and construction has already been carried out at the site, including basement excavation. As such, the proposal is unlikely to result in any additional impacts beyond those already assessed and approved. Notwithstanding, the Department recommends a new FAR addressing water management. 	A new FAR for a stormwater management plan, integrated water cycle management, measures to manage any basement seepage waters and wastewater systems loads.
Waste management	<ul style="list-style-type: none"> The EPA recommends information on waste management should be provided. The Proponent has provided a statement regarding waste storage rooms for Buildings C and F and estimates for operational waste. The Department is satisfied that waste can be appropriately managed and, noting the proposal involves an indicative increase in eight apartments, is unlikely to generate additional impacts beyond those already assessed in the concept approval The Department is also satisfied that waste management during the demolition, construction and operation phases can be appropriately considered in the detailed DA and recommends a new FAR accordingly. 	A new FAR for a waste management plan.
Odour	<ul style="list-style-type: none"> The EPA advised there is a history of odour impacts associated with industrial and commercial activities in the vicinity of Sydney Olympic Park (including from the Homebush Liquid Waste Treatment Plant (LWTP)). It recommends the assessment consider previous EPA comments in relation to the mixed-use development at 2 Figtree Drive and the Carter Street Urban Activation Precinct. The Department notes the subject site is located approximately 300m further to the north of the LWTP than 2 Figtree Drive which is located 1.4 km from the LWTP. The assessment of air quality in SSD 7033 (2 Figtree Drive) concluded there would be negligible impacts from the LWTP on the amenity of future residents of that proposal. As the subject site is located further from the LWTP than 2 Figtree Drive, the Department considers odour impacts from the LWTP are unlikely to impact the amenity of future residents, noting the proposal is only seeking to alter an existing residential building and a minor increase in yield. 	No additional conditions or amendments are necessary.

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> The Department therefore concludes no further assessment is required. 	
SEPP 55	<ul style="list-style-type: none"> The EPA recommends the requirements of SEPP 55 should be considered to manage any contaminated land. The Department notes the concept approval considered site contamination and included a statement of commitment (no.7) for a stage 2 assessment to be submitted with subsequent DAs. Subsequent DAs have demonstrated the land was suitable for development and construction has been approved and completed for the site, except for Buildings C and F. The Department is satisfied that the proposal will result in no further impacts as there is no additional ground disturbance as construction will occur on top the approved and constructed basement. The Department is satisfied the proposal has addressed the requirements of SEPP 55. 	No additional conditions or amendments are necessary.
Landscaping	<ul style="list-style-type: none"> EES recommend a condition requiring a landscape plan incorporating a diversity of local native trees, shrubs and groundcover species and advanced and established trees. The Department recommends a new FAR to ensure future DAs include a diversity of local native vegetation and advanced/ established plantings to respond to the surrounding ecology, including the Sydney Olympic Park parklands and the Nuwi wetland. 	Include the new statement of commitment for future DAs to include a landscape plan and a new FAR to ensure the landscape plan provides native vegetation and advanced/ established plantings.
Glazing	<ul style="list-style-type: none"> The site is in proximity to key habitat areas for migratory waterbirds and other woodland bird species. SOPA recommend the use of low reflectivity glazing to minimise risk of bird strike. The Department supports this and recommends a new FAR that future DAs use low-reflectivity glazing to minimise the risk of bird strike. 	A new FAR to include the use of low reflectivity glazing to minimise risk of bird strike.
Bicycle, way finding and TAG, Green Travel Plan	<ul style="list-style-type: none"> TfNSW/ RMS recommends future DAs include the location of bicycle facilities, wayfinding strategies, travel access guides to assist with increasing walking and cycling and a Green Travel Plan for public and active transport. The Department supports these requirements and recommends a new FAR to ensure these matters will be assessed in future DA/s. 	A new FAR for details about bicycle facilities, wayfinding strategies, travel access guide and green travel plan.
Construction management	<ul style="list-style-type: none"> TfNSW/ RMS recommends a construction management plan should be developed to minimise construction impacts on the surrounding road network. 	A new FAR for a construction management plan.

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> The Department supports this requirement and recommends a new FAR to ensure these matters will be assessed in future DA/s. 	
Erosion and sediment control	<ul style="list-style-type: none"> SOPA recommends a condition of consent for effective erosion and sediment control with a Soil and Water Management Plan. The Department supports these requirements and recommends a new FAR to ensure these matters will be assessed in future DA/s. 	A new FAR for a Soil and Water Management Plan addressing SOPA requirements.

7 Evaluation

The Department has assessed the proposal as refined in the Proponent's FRtS in accordance with the relevant requirements of the EP&A Act, advice from Government agencies and comments made by Council. The Department has carefully considered all issues raised in public submissions and thoroughly assessed all environmental issues associated with the proposal.

The Department's assessment concludes the proposal is acceptable for the following reasons:

- the proposal is consistent with the Region Plan and Western City District Plan, as it would support the delivery of additional housing in proximity to jobs, services and public transport
- the proposed increase in density can be comfortably accommodated on the site noting it would only result in 8 (indicative) additional apartments, no significant increase in traffic and the site has excellent access to services and shops at Wentworth Point and good public transport connections
- the increased building heights would:
 - sit comfortably within the backdrop of other taller buildings located to the north of the site
 - not result in any significant amenity impacts, noting the proposal would continue to comply with the Apartment Design Guideline (ADG) requirements for overshadowing
- the Department has recommended a suite of amendments to ensure an appropriate built form outcome is achieved and to minimise amenity impacts for internal facing units including:
 - increasing building separation across the courtyard to 22.5 m and 24 m
 - increasing the side setback separation to 12 m
 - reducing the building depth to a maximum of 22 to 23 m
- future buildings will be capable of achieving a high level of design quality and amenity in accordance with the Proponent's Design Excellence Strategy, SEPP 65 and the ADG
- it would not result in significant traffic generation as no additional car parking is proposed, and the adjacent intersection of Hill Road and Bennelong Parkway will be upgraded by Council in 2021/22
- other matters including ESD, landscaping, construction management and waste management have been found to be acceptable and/or can be appropriately managed and mitigated.

The Department is satisfied the increased height will result in minor and acceptable impacts to existing apartments and no impacts to residential development outside of the site or Bay Park. Further the amended building envelopes are acceptable as they would result in taller slimmer buildings with greater separation from the existing apartments, compared to the currently approved 9-storey building envelopes which would fully enclose the space. In this regard, the Department concludes the proposed modification is in the public interest and recommends the application be approved, subject to the recommended amendments and conditions (**Appendix F**).

8 Recommendation

It is recommended that the Group Deputy Secretary, Planning & Assessment, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that modification to the Wentworth Point residential development (MO 06_0190 MOD 4) falls within the scope of section 75W of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the concept approval MP 06_0190
- **signs** the attached notice of modification (**Appendix F**).

Prepared by: Emily Dickson
Senior Planning Officer

Recommended by:



Amy Watson
Team Leader
Key Sites Assessments

Recommended by:



Anthony Witherdin
Director
Key Sites Assessments

Recommended by:



Anthea Sargeant
Executive Director
Key Sites & Regional

9 Determination

The recommendation is **Adopted** by:



Marcus Ray

Group Deputy Secretary

Planning and Assessment

22/12/2020

as delegate of the Minister for Planning and Public Spaces

10 Appendices

Appendix A – List of referenced documents

Appendix B – Relevant Supporting Information

Appendix C – Homebush Bay West Development Control Plan

Appendix D – State Environmental Planning Policy 65

Appendix E – Consideration of community views

Appendix F – Recommended Instrument

Appendix A – List of referenced documents

List of key documents relied on by the Department in its assessment:

- Section 75W Modification to Concept Plan MP 09_0160 (MOD 4), prepared by Sutherland & Associates Planning, dated September 2018
- Modification to Concept Plan (MP 09_0160 MOD 4) Response to Submissions, prepared by FPD Pty Ltd, dated 15 April 2020
- Modification to Concept Plan (MP 09_0160 MOD 4) Response to Submissions, prepared by FPD Pty Ltd, dated 9 September 2020
- Wentworth Point Concept Plan Modification (MP09_0160 MOD 4) Response to issues raised during notification, prepared by FPD Pty Ltd, dated 5 November 2020.

Appendix B – Relevant Supporting Information

The following supporting documents and information can be found on the Department's website:

1. Environmental Assessment, dated September 2018
2. Submissions
3. Proponent's Response to Submissions, dated 15 April 2020
4. Proponent's Further Response to Submissions, dated 9 September 2020
5. Additional information, dated 5 November 2020

Appendix C – Homebush Bay West Development Control Plan 2004

Clause 13 of SREP 24 requires a consent authority in determining an application to consider any development control plan prepared for the subject site. The *Homebush Bay West Development Control Plan* (HBW DCP) 2004 is applicable to the subject site and is required to be considered in the design of all development in the Homebush Bay Precinct.

Although DCP's don't apply to Part 3A applications, the Department has considered the DCP in its assessment of the proposal in **Section 6** of this report and the following table provides a detailed consideration of the scheme against the relevant controls.

Table 16 | Consideration against HBW DCP controls

Standard	Homebush Bay West DCP	Concept approval	FRTS (September 2020)	Complies
Height (metres)	29m Australian Height Datum (AHD)	Building C: RL 32.5m Building F: RL 32.5m	Building C: RL 53.25m Building F: RL 54.05m	No – Refer to Section 6.1
Storeys (relative to Bennelong Parkway)	8 storeys	9 storeys	Building C: 15 storeys Building F: 15 storeys	No – Refer to Section 6.1
Street setbacks (min)	8m	8m to Bennelong Road	8m	Yes
Building Depth (max)	22m	20m	Building C: 26.2m Building F: 26.4m	No – Refer to Section 6.1
Building Separation (min)	<u>5-8 storeys:</u> <ul style="list-style-type: none"> 18m between habitable rooms/ balcony edges 13m between habitable rooms/ balcony edges and non-habitable rooms 6m between non-habitable rooms 	24m (across internal courtyard)	Between: <ul style="list-style-type: none"> C and B: 9 to 12m C and J: 18 to 22.5m (courtyard) F and H: 19 to 22.5m (courtyard) F and G: 9 to 17m 	Yes, up to 8 storeys across the courtyard. No, the side setbacks. Refer to Section 6.1
Deep Soil Zone	15% of private open space	The site provides a communal courtyard and Bay Park	No change	Yes
Communal Open Space	25% of site area (5,797.75 m ²) Site: 23,191 m ²	26% (6,204 m ²)	31% (8,064 m ²)	Yes
Private Open Space	At least one balcony/ apartment	No details provided, concept plan	Indicative plans show a balcony for each apartment.	Yes
Car Parking Spaces	Generally, provide a minimum of 1 space/dwelling. Max car spaces per dwelling: <ul style="list-style-type: none"> studio - 0 1 bedroom - 1.0 2 bedroom - 1.5 	850	850, including 279 car spaces for Buildings C and F	Yes

Standard	Homebush Bay West DCP	Concept approval	FRTS (September 2020)	Complies
	<ul style="list-style-type: none"> 3 bedroom - 2 Visitors - 0.2 			
Bicycle parking	Minimum bicycle spaces per dwelling: <ul style="list-style-type: none"> studio - 0 1 bedroom - 0 2 bedroom - 0.5 3 bedroom - 0.5 visitors – 1/ 15 dwellings 	No details provided, concept plan	No details provided	To be assessed in future DA(s)
Apartment layout	<ul style="list-style-type: none"> Single aspect apartments 8m depth Back of kitchen no more than 8m from a window apartments over 15m deep, 4m wide or greater 	No details provided, concept plan	Dimensions on indicative plans indicate able to comply.	To be assessed in future DA(s)
Apartment mix and affordability	<ul style="list-style-type: none"> Variety of studio, 1, 2 and 3 plus bedroom apartments Optimise accessible and adaptable apartments 	No details provided, concept plan	Building C & F: 1 bed - 82 2 bed - 88 3 bed - 14	To be assessed in future DA(s)
Ceiling heights	<ul style="list-style-type: none"> 3.3m ground floor 2.7m for all habitable rooms 	3m	Indicative section plans provided	To be assessed in future DA(s)
Daylight access	For 3 or more storey developments, at least 75% of residential apartment with at least 2 hours sunlight to living rooms/ private open space between 9am and 3pm	73.2 %	73.4%	No, but is consistent with the ADG – Refer to Section 6.1
Daylight access – public domain/ communal areas	No more than 50% of public domain and communal space areas are shaded between 10am and 2pm between 21 April and 21 August	Bay Park 78% Communal courtyard 12.6%	Bay Park 78% Communal courtyard 11.1%	Yes No – Refer to Section 6.1
Natural ventilation	Minimum 60% of apartments are to be naturally ventilated	Able to comply 60%	Building C: 72.6 % Building F: 70.3%	Yes

Appendix D – State Environmental Planning Policy No. 65

State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65) seeks to improve the design quality of residential developments and encourage innovative design. The Apartment Design Guide (ADG) is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential developments.

The Department has assessed the proposal against the SEPP 65 principles in **Table 17**.

Table 17 | Consideration against SEPP 65 principles

SEPP 65 – Design Quality Principles	Department's Response
1. Context and Neighbourhood Character	<p>The Department has considered the site context and neighbourhood character at Section 6.1 and considers the height and bulk is consistent with the character of Wentworth Point, including the emergence of towers in the northern part of the precinct.</p> <p>Subject to the recommended building envelope modifications, the Department is satisfied the proposal would be consistent with Principle 1.</p>
2. Built form and scale	<p>The Department has considered the built form and scale at Section 6.1 and considers the two 15 storey building envelopes are appropriate.</p> <p>The Department recommends building envelope modifications to provide improved separation distances, setbacks and reduced building depth to provide improved amenity for existing and future apartments.</p> <p>Subject to these amendments the Department is satisfied the proposal would be consistent with Principle 2.</p>
3. Density	<p>The Department considers the density of the site is informed by the built form and the impact of that built form on traffic generation, amenity and demand on infrastructure.</p> <p>As discussed in Section 6.1, the built form is considered appropriate, subject to the recommended building envelope modifications.</p> <p>The recommended built form would result in a density consistent with the concept approval GFA and consistent with Principle 3.</p>
4. Sustainability	<p>ESD is considered in Section 6.4.</p> <p>The statement of commitments requires the Proponent to incorporate ESD principles in future DAs consistent with Principle 4.</p>
5. Landscape	<p>Landscaping is considered in Section 6.4.</p> <p>The site contains Bay Park, landscaped rooftop communal areas and a landscaped communal courtyard.</p> <p>The proposal seeks to add two breaks to the built form and open the courtyard to Bennelong Parkway, with additional landscaping to be delivered in future DAs, secured through a new statement of commitment proposed by the Proponent. The proposal is considered consistent with Principle 5.</p>
6. Amenity	<p>The Department has considered amenity in Section 6.1 and considers the proposed built forms can achieve a high level of residential amenity for proposed apartments, subject to building envelope modifications to increase building separation and reduce building depth.</p> <p>The Department has also considered amenity for existing apartments and recommends FARs for solar access, outlooks and visual and acoustic privacy.</p>

7. Safety	An existing statement of commitment requires subsequent DAs to demonstrate safety by design principles.
8. Housing diversity and social interaction	The proposal does not include any affordable housing. The proposal provides an indicative mix of apartment sizes providing housing choice for different demographics, living needs and household budgets.
9. Aesthetics	The concept modification seeks approval for building envelopes only. The aesthetics of the future buildings will be considered at the future detailed development stages.

The ADG sets out guidelines for residential flat development to ensure apartments are provided with an appropriate level of residential amenity.

The application only seeks approval for concept building envelopes at this stage. Detailed floor plans layouts and façade design will be the subject of future DA(s). Indicative floor plans have been provided to demonstrate how the buildings envelopes may achieve the ADG guidelines.

The Department has considered the indicative proposal against the key ADG amenity criteria and recommends building envelope modifications to improve amenity for proposed and existing apartments, as discussed at **Section 6.1**.

The Department has assessed the proposal against the relevant recommended criteria of the ADG at **Table 18**.

Table 18 | Consideration against relevant controls of the ADG

ADG – Relevant Criteria	Proposal
3A Site Analysis Site analysis illustrates design decisions have been based on opportunities and constrains of the site conditions and their relationship to the surrounding context.	The modification proposal is supported by an urban design report. The Department's consideration of the character of the area and visual impacts are discussed in Section 6.1 .
3B Orientation Building types and layouts respond to the streetscape and site while optimising solar access within the development. Overshadowing of neighbouring properties is minimised during mid-winter.	As discussed in Section 6.1 , the Department has considered overshadowing to neighbouring properties in midwinter and is satisfied the proposal can comply with the requirements of the ADG.
3C Public Domain Interface Transition between public/private domain is achieved without compromising safety and security. Amenity of the public domain is retained and enhanced.	The proposed building envelopes have been designed to provide residential access at street level and to facilitate pedestrian movements in and around the site. The Department's recommendation to increase the separation across the courtyard and the side setbacks will retain and enhance the amenity of the public domain.
3D Communal and Public Open Space Communal open space has a minimum area equal to 25% of the site. Minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of two hours in mid-winter.	The site includes a communal courtyard (3,371 m ²) landscaped setbacks at ground level (2,880 m ²) and communal rooftop gardens (1,813 m ²), which equate to 31% of the site area (8,064 m ²). The rooftop communal open space achieves direct sunlight to an average of 78.5% of the area for 6 hours, while solar access to the communal

Communal open space is designed to allow for a range of activities and to maximise safety.

Public open space should be well connected with nearby parks and other landscape elements.

courtyard decreases from an average of 12.6% to 11.1%.

The site overall provides direct sunlight to usable public open space.

Bay Park has been delivered as part of the concept approval and provides public open space that connects to the neighbourhood.

3E Deep Soil Zones

For sites greater than 1,500 m², a minimum of 7% of the site with a minimum dimension of 6 m should provide for deep soil zone(s).

The modification does not alter the amount of deep soil already provided on the site, which is 6,030 m² or 23%.

3F Visual Privacy

Minimum separation distance from building to side and rear boundaries:

Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

The closest buildings to Building Envelopes C and F are within the same site. The proposed separation distances are:

- C and B: 9 to 12m
- C and J: 18 to 22.5m (courtyard)
- F and H: 19 to 22.5m (courtyard)
- F and G: 9 to 17m

As discussed in **Section 6.1**, the Department recommends separation distances increased across the courtyard and in the side setbacks to provide visual privacy between apartments.

3G Pedestrian Access to Entries

Building entries and pedestrian access connects to and addresses the public domain.

Access, entries and pathways are accessible and easy to identify.

Large sites provide pedestrian links for access to streets and connection to destinations.

The indicative drawings illustrate the proposed future buildings would be able to incorporate entries that address the public domain, including the internal courtyard and connect with the existing pedestrian network.

3H Vehicle Access

Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high-quality streetscapes.

A basement carpark and vehicle access has already been constructed at the site. The proposed buildings will utilise the existing basement carpark entry/exit point.

3J Bicycle and Car Parking

The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less

Car park design and access is safe and secure.

Visual and environmental impacts of above ground enclosed car parking are minimised.

The proposal will provide an indicative 184-279 car spaces for apartments in Buildings C and F in accordance with the HBW DCP 2004. Overall a maximum of 850 car parking spaces will be provided in line with the concept approval.

The Department has considered car parking at **Section 6.3**.

4A Solar and Daylight Access

To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.

Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9 am -3 pm in mid-winter in the Sydney Metropolitan Area.

Maximum of 15% of apartments have no direct sunlight between 9 am - 3 pm in mid-winter.

Daylight access is maximised where sunlight is limited.

As discussed in **Section 6.4**, the indicative drawings show greater than 70% of apartments in Buildings C and F can receive more than 2 hours solar access and less than 15% receive no direct sunlight between 9am and 3pm in midwinter.

As discussed in **Section 6.1**, the Department considers solar access to existing apartments can continue to comply with the ADG.

Design incorporates shading and glare control, particularly for warmer months.	
<p>4B Natural Ventilation</p> <p>At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated).</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m.</p>	<p>Indicative drawings indicate a minimum of 60% of apartments in the first nine storeys of Building C and F would be capable of being cross ventilated.</p> <p>Cross ventilation will be considered as part of the assessment of future DAs.</p>
<p>4C Ceiling Heights</p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <p>Habitable rooms 2.7 m</p> <p>Non-habitable rooms 2.4 m.</p>	<p>Indicative drawings indicate ceiling heights can comply with minimum requirements. Ceiling heights will be considered as part of the assessment of future DAs.</p>
<p>4D Apartment Size and Layout</p> <p>Minimum apartment sizes</p> <ul style="list-style-type: none"> • Studio 35 m² • 1 bedroom 50 m² • 2 bedroom 70 m² • 3 bedroom 90 m² • 4 bedroom 102 m². <p>Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms.</p>	<p>Indicative drawings indicate apartment sizes and layouts can comply with minimum requirements. Apartment size and layout will be considered as part of the assessment of future DAs.</p>
<p>4E Private Open Space and Balconies</p> <p>Primary balconies are provided to all apartments</p> <p>Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building.</p> <p>Primary open space and balconies maximises safety.</p>	<p>Indicative drawings indicate all apartments are provided with private open space. Private open space will be considered as part of the assessment of future DAs.</p>
<p>4F Common Circulation and Spaces</p> <p>Maximum number of apartments off a circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core.</p> <p>For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p> <p>Natural ventilation is provided to all common circulation spaces where possible.</p>	<p>Indicative drawings indicate no more than 8 apartments are provided off a common core and circulation spaces can be ventilated. Common circulation will be considered as part of the assessment of future DAs.</p>
<p>4G Storage</p> <p>The following storage is required (with at least 50% located within the apartment):</p> <ul style="list-style-type: none"> • Studio apartments 4 m³ • 1-bedroom apartments 6 m³ • 2-bedroom apartments 8 m³ • 3-bedroom apartments 10 m³ 	<p>This detail will be considered as part of future DAs.</p>
<p>4H Acoustic Privacy</p> <p>Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution.</p>	<p>Acoustic privacy will be considered as part of the assessment of future DAs.</p>

<p>4J Noise and Pollution</p> <p>In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</p>	<p>The site is considered suitable for residential development. Noise impacts will be considered as part of the assessment of future DAs.</p>
<p>4K Apartment Mix</p> <p>Provision of a range of apartment types and sizes</p> <p>Apartment mix is distributed to suitable locations within the building.</p>	<p>The indicative drawings indicate a mix of 1 bed, 2 bed and 3 bed apartments can be provided. The Apartment mix will be considered as part of the assessment of future DAs.</p>
<p>4M Facades</p> <p>Building facades provide visual interest along the street while respecting the character of the local area</p> <p>Building functions are expressed by the facade</p>	<p>The indicative plans show a proposed design which provides for visual interest. The detailed façade design will be considered as part of the assessment of future DAs.</p>
<p>4N Roof Design</p> <p>Roof treatments are integrated into the building design and positively respond to the street.</p> <p>Roof design includes sustainability features.</p>	<p>The roof design will be considered as part of the assessment of future DAs.</p>
<p>4O Landscape Design and 4P Planting on Structures</p> <p>Landscape design is viable and sustainable.</p> <p>Landscape design contributes to streetscape and amenity.</p> <p>Building design includes opportunity for planting on structure.</p>	<p>The concept approval includes landscaped areas (courtyard, rooftop and Bay Park) and the modification will contribute to these areas.</p> <p>A FAR is recommended to ensure landscaping is considered as part of the assessment of future DAs</p>
<p>4Q Universal Design</p> <p>Universal design features are included in apartment design to promote flexible housing for all community members. Developments should achieve a benchmark of 20% of the apartments incorporating the Liveable Housing Guideline's silver level universal design features.</p> <p>A variety of apartments with adaptable designs are provided.</p> <p>Apartment layouts are flexible and accommodate a range of lifestyle needs.</p>	<p>The concept approval includes a future assessment requirement that future DAs demonstrate compliance with SEPP 65 and the ADG. Universal design will be considered as part of the assessment of future DAs.</p>
<p>4T Awning and Signage</p> <p>Awnings are well located and complement and integrate with the building.</p>	<p>Awnings and signage will be considered as part of the assessment of future DAs.</p>
<p>4U Energy Efficiency</p> <p>Development incorporates passive environmental and solar design.</p> <p>Adequate natural ventilation minimises the need for mechanical ventilation.</p>	<p>The development includes sustainability initiatives and a commitment to ESD, as discussed in Section 6.4.</p> <p>Future DAs will be required to meet or exceed BASIX targets.</p>
<p>4V Water Management and Conservation</p> <p>Potable water use is minimised.</p> <p>Urban stormwater is treated on site before being discharged to receiving waters.</p> <p>Flood management systems are integrated into the site design.</p>	<p>Water management will be considered as part of the assessment of future DAs.</p>
<p>4W Waste Management</p>	<p>Waste management will be considered as part of the assessment of future DAs.</p>

<p>Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity.</p> <p>Domestic waste is minimised by providing safe and convenient source separation and recycling.</p>	
<p>4X Building Maintenance</p> <p>Building design detail provides protection from weathering.</p> <p>Systems and access enable ease of maintenance.</p>	<p>Building maintenance will be considered as part of the assessment of future DAs.</p>

Appendix E – Consideration of Community views

The Department's reasons for the determination (decision) and consideration of how community views were considered during the assessment of the case is provided at **Table 19**.

Table 19 | Consideration of community views

Issue	Consideration
Excessive building height	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has considered the proposed height in Section 6.1 and considers it is consistent with the evolving character of the Wentworth Point precinct. The Department recommends building envelope modifications to provide an appropriate bulk and scale and protect the amenity of existing and future apartments. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> Building envelope modifications to increase separation distances across the courtyard and side setbacks and reduce the depth of Buildings C and F FAR for solar access to existing apartments within the site to comply with the ADG.
Overcrowded/ over development/ object to more apartments	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposal seeks to reduce the overall site GFA by 2,558 m² to 47,487 m² and increase the indicative number of apartments within Buildings C and F to 184 apartments. The represents a minor increase of eight apartments to a total of 649 apartments across the Concept Plan. As discussed in Section 6.2, the apartment numbers are indicative and subject to further detailed design applications which will consider the requirements of SEPP 65 and HBW DCP. The Department also notes the building envelope amendments discussed in Section 6.1 (increased building separation and reduced building depth) may alter the number of apartments achievable across Buildings C and F. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> Amend Condition A4 to note that the maximum GFA of 47,487 m² is an upper limit and may not be achieved due to building envelope modifications.
Out of character	<p><i>Assessment</i></p> <ul style="list-style-type: none"> As discussed in Section 6.1, the Department considers that the uplift of height in the northern part of Wentworth Point has altered the overall built form character of Wentworth Point, to a hybrid form with dominant midrise buildings and taller towers. The Department considers the proposal for two 15 storey building envelopes is consistent with the urban design approach that has occurred at the northern end of Wentworth Point. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> No additional conditions are considered necessary.
Visual impact/ eyesore / loss of views	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department notes the outlook from the communal rooftops will be altered by the increased height but is satisfied this impact is acceptable as expansive views will be retained towards Rhodes, Sydney Olympic Park, Parramatta and the Sydney CBD. As outlined in Section 6.1, the Department recommends the building separation between Buildings B and C and Buildings F and G be increased to

12 m and the separation across the internal courtyard be increased to 22.5 to 24 m, to improve visual impacts, views and outlooks.

Recommended Conditions

- Building envelope modifications to increase separation distances across the courtyard and side setbacks.

**Increase in traffic/
congestion and roads at
capacity**

Assessment

- No additional parking is proposed, and the predicted traffic generated by the proposal will be less than originally predicted as discussed in **Section 6.3**.
- The intersection of Hill Road and Bennelong Parkway will be upgraded in 2021/2022 to provide additional capacity and improve service at this intersection.
- The Department considers the proposed traffic generation impacts are acceptable.

Recommended Conditions

- No additional conditions are considered necessary.

**Concerns about the
intersection of Hill Road/
Bennelong Parkway**

Assessment

- The Proponent considered the operation of the intersection of Hill Road/ Bennelong Parkway in their Traffic Assessment and advise it currently operates with a service level of D/F but subject to an intersection upgrade would operate at a service level of B
- Council has advised design and investigation of the signal and road works is currently being undertaken, is fully funded and is expected to commence 2021/ 2022.

Recommended Conditions

- No additional conditions considered necessary.

Lack of car parking

Assessment

- Between 184-279 car parking spaces would be provided for the indicative 184 apartments in Buildings C and F in accordance with the parking rates required by the HBW DCP.
- The final car parking provision will be considered in the future DA(s) within the approved maximum 850 spaces within the concept approval.

Recommended Conditions

- No additional conditions considered necessary.

Lack of public transport

Assessment

- The site is serviced by bus routes 526 (Burwood to Rhodes) and 533 (Sydney Olympic Park and Chatswood) and the Olympic Park wharf (ferry route between Circular Quay and Parramatta). The site is also in proximity to Rhodes train station and Sydney Olympic Park train station, via bus, walking or cycling.
- The Baylink shuttle provides a free commuter service between Wentworth Point and the Rhodes train station in addition to the public transport options
- The Department notes the site seeks only a minor increase in indicative apartment numbers and considers the site is sufficiently linked to public transport to support the proposal.

Recommended Conditions

- No additional conditions considered necessary.
-

Loss of solar access	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department has carefully reviewed the shadow diagrams of the approved and proposed development as outlined in Section 6.1 and considers the proposal complies with the requirements of the ADG. • The Department recommends new FARs to ensure solar access complies with the requirements of the ADG. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • New FAR requiring a minimum of 70% of existing apartments receive 2 hours or more solar access to living rooms/ balconies and a maximum of 15% of existing apartments receive no direct sunlight, between 9am to 3pm, midwinter.
Impact amenity (noise, privacy, wind)	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department recommends increased building separation distances across the courtyard and side setbacks to provide visual and acoustic privacy between existing and proposed apartments (refer Section 6.1.2) • The Proponent has also updated the Statement of Commitments to require a wind impact assessment for Buildings C and F, including wind modelling. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • Building envelope modifications to increase separation distances across the courtyard and side setbacks • Amend existing FAR no. 2. (Privacy), to require buildings and apartments be arranged and designed to minimise acoustic and visual privacy • New FAR for a noise impact assessment.
Environmental impacts to the Nuwi wetland	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Proponent's Ecological report and the advice provided by EES concludes the additional overshadowing (15 m²) of the endangered saltmarsh is unlikely to adversely affect the viability of the population. • The Department has carefully considered the concerns raised by SOPA and Council about additional overshadowing to the mangroves in the wetland in Section 6.1.3 and concludes the shadow impacts to the mangroves are minor and are unlikely to significantly impact the health and vitality of the mangroves. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • No additional conditions considered necessary.
Will reduce quality of living	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department has considered the residential amenity of existing apartments in the site, as discussed in section 6.1 • The Department recommends increased building separation across the courtyard and side setbacks to improve visual and acoustic privacy. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • Building envelope modifications to increase separation distances across the courtyard and side setbacks.
Insufficient infrastructure for the population and impact to services, community facilities and schools	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The proposal is unlikely to result in an increase demand for infrastructure, services and social infrastructure than can be accommodated in the site and precinct, noting the GFA is proposed to be reduced from the concept approval and the indicative apartment numbers are only increased by eight. • Sydney Water advise the development can be serviced by the existing water and wastewater services • Future DAs will be required to assess utility capabilities. <p><i>Recommended Conditions</i></p>

- No additional conditions necessary.

Not enough public space

Assessment

- The site includes a communal courtyard (3,371 m²), landscaped setbacks (2,880 m²) and a communal rooftop garden (1,813 m²), which equate to 31% of the site area (8,064 m²), and exceeds the 25% requirement for communal open space under the ADG
- The concept approval has also delivered Bay Park, a local public park
- The site is located adjacent to Sydney Olympic Park, which contains a variety of open space areas for recreational uses.
- The Department considers the site provides adequate public and communal open space.

Recommended Conditions

- No additional conditions considered necessary.
-

**Not in the public interest/
no community benefits/
only benefits the
developer**

Assessment

- The Department considers the proposal is in the public interest as:
 - it will provide residential housing, contributing to Sydney's housing supply, in accordance with the Greater Sydney Region Plan
 - the concept approval has delivered public open space in the form of Bay Park
 - the Proponent has included an additional 100 m² of indoor communal space across Buildings C and F.

Recommended Conditions

- A new FAR to ensure the indoor communal space is delivered in future DAs.
-

**Not what was advertised
by developer/ inaccurate
information from
developer**

Assessment

- The Department has assessed the modification to the concept approval in accordance with the EP&A Act and the relevant planning controls and guidelines.

Recommended Conditions

- No additional conditions considered necessary.
-

**Inconsistent with the
master plan**

Assessment

- The Department has considered the proposal in the context of the Wentworth Point precinct, the HBW DCP and amendment no.1 and considers the proposal is consistent with the character of the area subject to demonstrating acceptable visual and overshadowing impacts in future DAs.

Recommended Conditions

- Building envelope modifications to increase separation distances across the courtyard and side setbacks.
-

**Concerns about quality
of building work and
longer construction
times**

Assessment

- The application seeks to modify a concept approval and does not include any building works
- Future DAs will include construction details including a construction management plan which will detail proposed construction methods and measures to limit impacts to surrounding properties
- Building work is required to comply with relevant Australian Standards and the Building Code of Australia.

Recommended Conditions

- FAR for future applications to include a construction management plan.
-

Lower property values	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has assessed the merits of the modification in detail at Section 6 and concludes, subject to conditions, the modification is acceptable. On this basis, there is no evidence to suggest the proposal would affect property values. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> No additional conditions considered necessary.
Have objected to previous applications	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has carefully considered all submissions raised across the exhibition/ notification periods in the assessment of the proposal. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> No additional conditions considered necessary.
Health and increased pollution	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has carefully considered the merits and impacts of the proposal in Section 6 and concludes it is acceptable. The Department therefore considers it is unlikely to result in increased pollution or adverse health impacts. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> No additional conditions considered necessary.
Lack of engagement	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department exhibited the s75W report, the RtS and the Further RtS on its website and sent letters to surrounding landowners, previous submitters, Council and relevant agencies. All comments and issues raised in submissions have been considered by the Department as part of its assessment. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> No additional conditions considered necessary.
Not in accordance with the EP&A Act	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The application has been submitted in accordance with the provisions of Section 75W and the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (STOP Regulation). This is discussed in Section 4.1. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> No additional conditions considered necessary.
Existing empty apartments	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the proposal is consistent with the Greater Sydney Region Plan as it will provide residential housing, contributing to Sydney's housing supply. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> No additional conditions considered necessary.
Precedence for future developments	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has assessed the application on its merits and considers the proposal is consistent with the character of the precinct. Any future development would be assessed on its merits in accordance with relevant EPIs and the requirements of the EP&A Act

Recommended Conditions

- No additional conditions considered necessary.

Lack of jobs in the area

Assessment

- The site is in proximity to employment areas including Sydney Olympic Park, Rhodes and public transport provides access to Parramatta CBD and the Sydney CBD for access to jobs.

Recommended Conditions

- No additional conditions considered necessary.

Flooding

Assessment

- The original concept approval considered water management and noted the site is located above known flood levels. Future DAs will address water management.

Recommended Conditions

- A FAR is recommended requiring a stormwater management plan.

Increase in criminal activity

Assessment

- The existing statement of commitment no.3 (safety by design) requires future applications to contain details of how the design embodies safer by design principles.

Recommended Conditions

- No additional conditions considered necessary.

Mobile and internet signal issues

Assessment

- The Proponent will be required to demonstrate connection to appropriate utilities, including telecommunications, as part of future DAs.
- Mobile and other technology, however, is outside the scope for consideration as part of the assessment of the modification application.

Recommended Conditions

- No additional conditions considered necessary.

Concerns about social distancing and spread of COVID-19

Assessment

- Any future development on the site will be required to follow relevant public health orders.

Recommended Conditions

- No additional conditions considered necessary.

Use of airspace

Assessment

- The site is privately owned.
- The Department has considered the proposed height (refer **Section 6.1**) and considers the proposal is consistent with the evolving character of the area and recommended modifications to protect existing amenity.

Recommended Conditions

- No additional conditions considered necessary.

Poor apartment design

Assessment

- Future DAs will include a detailed assessment of apartment design against the requirements of SEPP 65 and the ADG, as required by the concept approval FARs.

Recommended Conditions

- No additional conditions considered necessary.

The amended application is misleading

Assessment

- A description of the amended proposal is available on the Major Project's website and in documents submitted by the Proponent.

Recommended Conditions

- No additional conditions considered necessary.

Support provision of more residential space

Assessment

- The Department considers the proposal will provide a residential building with a bulk and scale appropriate to the site and surrounds.

Recommended Conditions

- No additional conditions considered necessary.

The developer benefits are generous and will improve facilities for all owners

Assessment

- The proposal seeks to reduce the GFA approved within the Concept Plan, with a minor increase in apartment yield.
- In addition to the existing public open space and communal open space delivered by the Concept Plan, the proposal will provide an additional 100 m² communal space across Buildings C and F.

Recommended Conditions

- New FAR 7 for future DAs for Buildings C and F to provide a minimum of 100m² of useable communal indoor space.

It will support local business, including at the Piazza

Assessment

- The proposal will provide residential apartments in proximity of local businesses located at the Piazza.

Recommended Conditions

- No additional conditions considered necessary.

It is consistent with higher density living at Wentworth Point

Assessment

- The Department considers the proposal is consistent with the character of Wentworth Point (refer **Section 6.1**).

Recommended Conditions

- No additional conditions considered necessary.
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Appendix F – Recommended Instrument of Modification