

# *NOTICE OF COUNCIL MEETING*

## *PUBLIC SUPPLEMENTARY*

### *AGENDA -B*

An Ordinary Meeting of City of Parramatta Council will be held in the Cloister Function Rooms, St Patrick's Cathedral, 1 Marist Place, Parramatta on Monday, 12 September 2022 at 6:30pm.

Brett Newman  
CHIEF EXECUTIVE OFFICER

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***After the conclusion of the Council Meeting, and if time permits, Councillors  
will be provided an opportunity to ask questions of staff.***

## PUBLIC FORUM

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<b>ITEM NUMBER</b>	9.1
<b>SUBJECT</b>	PUBLIC FORUM 1: Item 13.4 - Proposed Homebush Bay West Development Control Plan Amendment and draft Planning Agreement for Block H, Precinct B, 16 Burroway Road and part 5 Footbridge Boulevard, Wentworth Point
<b>REFERENCE FROM</b>	F2022/00105 - D08683385 Rick Graf

The Billbergia Group is disappointed in the report and recommendation, listed at item 13.4 on the proposed Homebush Bay West DCP Amendment.

We find it difficult to understand the apparent about-face on the 2-stage design excellence competition process run by City of Parramatta and supported by Council decisions through each stage of the process across 2017, 2018 & 2020. The recommendation to reject an international design excellence process run by Council, based on Council's brief, and reject the independent jury findings that were accepted by Council - in favour of a new Council officer's design scheme is disappointing.

At its most basic level, it does not give due recognition to the credentials of the internationally recognised architectural firms that participated in the process and the highly qualified independent expert jury including the City of Parramatta's City Architect.

Billbergia invested more than a million dollars participating in the Council's design excellence process over 6 years. The recommendation to disregard this process creates a risk for industry participation in future design excellence competitions in the LGA.

We contend that the report to Council and preferred scheme put forward contains errors and inconsistencies that cannot be sustained, including:

1. Report commentary on building heights and setbacks setting ***"an undesirable precedent" and "that no towers, both existing and planned, currently exist within 100m of the Homebush Bay foreshore"***.

A recommendation accepted by the previous Council of October 2021 for a similar location (known as Sanctuary by Sekisui) included built form of 3 x 40 storey towers, one of which is located within 32m of the Parramatta River foreshore.

2. Report commentary stating ***the "proposed towers visually converge creating a 'wall' of development"*** fails to consider recent amendments to reposition the proposed towers improving view sharing.

On analysis, the alternative preferred scheme in the report includes a wall of buildings along Burroway Road, with a 25-storey tower immediately facing an existing building on Wentworth Place, maximising view loss for residents from this development.

3. The proposed location of buildings in the report's preferred scheme creates additional overshadowing of the 'Urban Park' during the critical daylight hours

between 11am and 1pm, does not meet Council's own DCP guidelines and is not the best outcome for the site.

In summary, Billbergia has been involved in Wentworth Point for more than 15 years and remains committed to creating a sustainable community with the services and amenities to make it a great place to live. Today, Wentworth Point has been recognised for excellence nationally across all industry bodies as a multi-award-winning master planned community development. Our Block H proposal has the potential to make Wentworth point even better.

We have worked in good faith with Council through a 2-stage design excellence competition process and have subsequently reduced building heights and repositioned the tower locations in response to community consultation.

Since public exhibition 2 years ago, Government funding commitments for Metro West rail, PLR2 and traffic improvements at Hill Road/Bennelong Parkway intersection and Australia Avenue roundabout have addressed all conditions set by the previous Council, with traffic modelling being endorsed by Transport for NSW.

Unfortunately, the recommendation in the report to Council does not appear to consider the amendments and relegates the scheme to attachment 7 of the Council Report.

Council is now being asked to endorse the report recommendation and an officer's preferred reference scheme that has not been subject to third-party design process or community consultation, and has been publicly available for less than 7 days.

As the proponent and on behalf of the community, we strongly urge Council to reject the report recommendation and instead approve or alternatively re-exhibit the design scheme at attachment 7 of the Council report to enable proper consultation.

## **STAFF RESPONSE**

The submission places heavy reliance on a design competition having been carried out to support the proposed DCP amendment. It is important to be aware that a design competition is not required for this site. The applicant elected to run a design competition. Council did not resolve to run the Stage 1 design competition. Council did resolve in 2018 to proceed with the second half of the design competition, noting that this was not the recommendation of staff. This in effect meant that Council directed that a design competition should be run for a pre-determined amount of floorspace on the site which is significantly greater than that allowed for by the current planning controls without the preliminary urban design analysis that would normally be carried out beforehand to set the basis for a DCP amendment, hence the initial assessment stage has been skipped. In other words, the identification of the draft planning controls that were placed on public exhibition did not follow due process.

As a result of Council resolving in 2018 to proceed with the second half of the design competition, Council staff responded accordingly and endorsed the Design Competition Brief to the parameters set by Council. The competition took place based on Council's resolution to accommodate 85,000sqm on the site before any public consultation on that proposal had taken place, or there was an opportunity to test the proposal through preliminary urban design analysis. This is 55,000sqm

above the current DCP control. This equates to approximately an extra 640 apartments.

The assertion now being made, following the first opportunity the community has had to express its views on the proposal, is that Council should discard community feedback and Council expert and professional assessment BECAUSE a design competition was held. Council is required to consider the results of the public exhibition, and the last Council resolution required these results to be reported back to Council for consideration.

The applicant states that “The recommendation to disregard this process creates a risk for industry participation in future design excellence competitions in the LGA.” By no way does this experience undermine or create risk for industry as Council has well-established and consistent processes for all other applications whereby the design competition follows the establishment of new planning controls.

The applicant states “*that the report to Council and preferred scheme put forward contains errors and inconsistencies that cannot be sustained*”. This is wrong. I will now respond to each of the detailed points made:

- On the matter of the report stating “*that no towers, both existing and planned, currently exist within 100m of the Homebush Bay foreshore*”, reference is made for comparison to the Sekisui development on the other side of Hill Road away from the Homebush Bay foreshore. The text in bold/italics in the officer report is completely accurate (see para 29 of the report on page 224). The urban design assessment explained in the report clearly articulates the difference in foreshore setback requirements and height distribution which is DIFFERENT on the west side of Hill Road along the Parramatta River foreshore compared to the east side along the Homebush Bay foreshore.
- The applicant claims that analysis of the impact of the proposal on view sharing fails to consider adjustments made in the recently submitted alternative proposal, however these adjustments are not significant and only increase building separation by 2m (see analysis on p36-37 of Attachment 2). Whereas the officer scheme co-locates towers and minimises floorplates so that the view loss resulting from the officer scheme results in about 48 less apartments being affected by view loss as opposed to the recently submitted alternative (see p37 of Attachment 2).
- The submission claims that in relation to overshadowing of the park, the officer scheme “*does not meet Council’s own DCP guidelines and is not the best outcome for the site*”. This is incorrect. The applicant’s exhibited draft DCP controls require a minimum of 30% solar access between 9am-3pm at any time of the year and 40% solar access between 10am-2pm during mid-winter. The officer scheme maintains solar access compliance to the proposed park between 9:00am-2:00pm whereas the applicant’s preferred scenario (May 2022) only maintains solar access from 12pm-3pm. Hence while both schemes have non-compliances with the applicant’s own draft controls, the applicant’s proposal has the significantly higher non-compliance (see p34-35 of Attachment 2).
- The applicant claims that *Wentworth Point has been recognised for excellence nationally across all industry bodies*. This is not accurate. The industry bodies referred to include UDIA, Urban Taskforce and Master Builders’ Association, not design accredited bodies such as the Institute of Architects, Institute of

Landscape Architects or the National Urban Design Awards. The awards referred to were for the overall development and for its contribution of high-density combined with a range of community infrastructure, with easy access to public transport. It is worth noting that the proposed design competition scheme proposes heights and density and a pattern of development contrary to the award winning Wentworth Point Marina development.

The principal purpose of the report is to respond to submissions received during the exhibition period and present an assessment to Council for its consideration. The alternative scheme referred to by the applicant and provided at Attachment 7 lacks detail to enable it to be accurately assessed by Council officers and to be immediately placed on public exhibition. The report outlines a preferred staff scheme and clearly articulates a preference for the applicant to submit a scheme consistent with the staff preferred scheme. This process would be the subject of an assessment, report to Council and if endorsed community consultation prior to it being finalised.

**ATTACHMENTS:**

There are no attachments for this report.

**PUBLIC FORUM**

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<b>ITEM NUMBER</b>	9.2
<b>SUBJECT</b>	PUBLIC FORUM 2: Item 13.4 - Proposed Homebush Bay West Development Control Plan Amendment and draft Planning Agreement for Block H, Precinct B, 16 Burroway Road and part 5 Footbridge Boulevard, Wentworth Point
<b>REFERENCE FROM</b>	F2022/00105 - D08683436 Mark Green

Thank you for the opportunity to speak.

I wish to express my concerns about the Council's recommendations for Block H. I am speaking primarily as a concerned resident of Wentworth Point who is involved in a number of Wentworth Point Community groups. I bring the perspective of a Strata & Community Association representative, a member of two Council Advisory groups, a teacher and a grandparent.

My concerns primarily relate to what I see as the lack of any comprehensive plan to address the fundamental issues faced by the Wentworth Point community. I have read the Council report on the proposed development and I am extremely concerned that it has had no input from the community, fails to address the chronic lack of open space and community infrastructure and accepts the almost certain destruction of our unique natural environment.

For those that are unaware of the unique nature of Wentworth Point and dare I say with Councillor Noack present I doubt that any Councillor in this chamber is unaware of Wentworth Point.

Wentworth Point is located on the junction of the Parramatta River & Haslams Creek and is the most easterly point of the City of Parramatta. According to the 2021 Census we have close to 13,000 residents, though the true figure is significantly higher because some of the apartment buildings are still classified as Sydney Olympic Park. There is only one old industrial road in and one road out of Wentworth Point. All residents live in apartments and according to the census we have a population density of 21,700 people per kilometre. This makes Wentworth Point one of the highest density postcodes in Australia.

To quote Councillor Noack, Wentworth Point is our version of Manhattan. The issue for myself and the community is that we don't have parks, ovals, playgrounds or infrastructure to support the population. Local Rosehill Ward Councillor Siviero made the point recently that it is wrong to say that the infrastructure is insufficient to support the community because it is actually non-existent. We have no parks or playgrounds and one tiny private childcare centre. The only community owned facility is the Community Centre & Library which was paid for by Voluntary Planning Contributions from the same applicant.

It isn't that we don't have children in Wentworth Point. In fact, we have over 1,000 babies & toddlers, a primary school with 610 kids and expanding rapidly and 219 high school age children. The lack of infrastructure is not something that Council and planners are unaware of.

As early as 2013 Auburn Council & the Department of Planning highlighted the need to deliver community facilities as part of the planning for Wentworth Point to become an Urban Activation precinct.

We are now left with the proposal for Block H which is the last major private development site but no plan for how the needs of our community will be met. In fact, we are aware that the only piece of land remaining, a piece of Crown land adjoining the Peninsula is the subject of negotiations for future residential development. This adhoc planning approach has left myself and other residents frustrated and disillusioned.

You may wonder why we moved to Wentworth Point given the clear lack of infrastructure and services. Firstly, residents were promised, almost a decade ago, as part of the urban activation precinct that all levels of government would work together and with the private sector to provide the infrastructure and services for our unique community. Secondly, Wentworth Point is surrounded by exceptional natural beauty. Our Peninsula is on the tip of Homebush bay and our neighbours include the Badu Wetlands & Newington Nature Reserve. Homebush bay is Sydney's most important site for migratory birds protected under the Ramsar convention. Wentworth Point Peninsula has remnant coastal saltmarsh which is protected under Biodiversity Conservation legislation. The Council's recommendations don't address the need to preserve and enhance this exceptional natural environment.

Finally, I wish to quote from the social impact assessment for the new High School at Wentworth Point by Urbis Pty Ltd for the Department of Education. "The proposal will have a very high negative impact on student access to open space and associated physical and mental health and wellbeing. This impact is likely to be more pronounced for Wentworth Point students given the existing deficit of open space throughout the suburb'.

## STAFF RESPONSE

The submission appears to be founded on a misunderstanding of the process that has been followed. The Council officer report has in fact been founded on an analysis of the 763 submissions that were made to Council following the public exhibition of the proposal. That exhibition was the first time the public have been given an opportunity to express their views on the proposed changes to the planning controls and, as the report notes, the responses received, including one from this public forum speaker, were strongly opposed to the scale of development proposed. These concerns in turn led to Council officers reviewing matters raised and developing an alternative proposal that is more aligned with the current planning controls and seeks to address community concerns raised.

In relation to the comment concerning the lack of open space, as the report notes, the current DCP requires 10,973sqm of public open space to be provided on the Block H site. The staff recommendation notes that *the configuration and proportion of proposed public open space in the applicant's proposal does not present as being readily useable by the public, does not comply with the DCP and is insufficient to support the proposed additional floor area.*

The submission states that the Community Centre and Library was paid for by contributions from the applicant via a Voluntary Planning Agreement. To clarify, the



cold shell of the Wentworth Point Community Centre and Library was delivered by the developer however the fitout was partly paid for by developer contributions collected from a range of developments in the area and was also part funded by Council. It is noted that the draft Planning Agreement associated with the applicant's original proposal offers \$8 Million to Council to reimburse Council for funds it expended on the fit out of the facility.

The submission asserts that there is no comprehensive plan to address fundamental issues faced by the Wentworth Point community. In fact, Wentworth Point does have existing planning controls that were established to help provide a balance of new development and supporting community infrastructure. These controls take account of the need to consider the environmental impacts of new development, and it should be noted in that respect, that Block H itself has not been identified as having any existing natural characteristics that need special protection. The applicant's proposal is seeking to significantly vary well-established existing planning controls for the site to be able to achieve approximately 640 additional dwellings.

Block H is one of three remaining major undeveloped sites on the peninsula, the others being the State Government owned site to the north adjoining the park, and 37-39 Hill Road to the south. Planning controls already exist for these sites and the staff recommendation reflects a concern that, if Council approves the applicant's original or revised scheme to allow planning controls that disregard well established planning and design principles for this part of Wentworth Point to facilitate buildings of up to 50 storeys, being double the 25 storeys currently permitted by these controls, the proposed amendment could also set a precedent to allow even greater levels of development than the current controls allow on those other sites, generating a need for even more community infrastructure that they will not be able to satisfy.

The submitter's concern that, as identified by the Department of Education, the proposal will have a very high negative impact on student access to open space and associated physical and mental wellbeing is acknowledged. It is agreed that the substantial increase in density being sought at the site by the proposed DCP amendment is likely to result in such an impact.

**ATTACHMENTS:**

There are no attachments for this report.

**PUBLIC FORUM**

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<b>ITEM NUMBER</b>	9.3
<b>SUBJECT</b>	PUBLIC FORUM 3: Item 13.4 - Proposed Homebush Bay West Development Control Plan Amendment and draft Planning Agreement for Block H, Precinct B, 16 Burroway Road and part 5 Footbridge Boulevard, Wentworth Point
<b>REFERENCE FROM</b>	F2022/00105 - D08686168 Anna Han

Thank you for the opportunity to speak before Council. I am here tonight to speak against the Proposed amendments to DCP and draft Planning Agreement for Block H. I support the Council officers' recommendations and ask that Council refuse the proposed amendments.

I support findings in the assessment report especially analysis of negative impacts the proposal will have on 'Public domain and open space' and 'Traffic and transport' in the local area.

I am not keen on Council's Preferred Scheme as the optimal design or outcome for the subject site Block H. This design poses many issues and the uplift in GFA and density alone is enough to raise concern. The Applicant currently has approval to build 29,743sqm in GFA and up to 25 storeys under current controls, I don't see why Block H must have an uplift at all. Having said that, I do understand that the Preferred Scheme is only a guideline for the Applicant should they wish to submit a new proposal. I also do not support the applicant's revised scheme (with building height up to 45 storeys instead of 50 storeys) and agree with Council officers that the revised scheme is *"largely the same as the exhibited DCP amendment"*.

I would like to remind this council what residents have done over the last four years to oppose this proposal.

There were two Public Forum speeches by residents to inform council of community objections (they occurred on 09/04/2018 and 28/05/2018).

Two petitions were lodged with Council (on 23/04/2018 and 28/05/2018) to oppose the amendments. The first petition had over 100 signatures and the second petition had over 800 signatures.

I believe the council officers' report is comprehensive and well written, their recommendations are what this community's been waiting for over the last four years.

- \* We've written, translated, designed, printed and delivered over 7000 flyers to households across Wentworth Point and Rhodes.

- \* We started an online petition that now has nearly 1700 signatures and has been submitted to Council tonight.

- \* We designed "Say NO to Overdevelopment in Wentworth Point" T-Shirts and banners.

\* We've taken every possible opportunity to share information and raise awareness including multiple social media platforms.

I believe we have literally done everything we can... and now it is in your hands, the Councillors.

So many hours of work by so many residents have gone into opposing this proposal. Myself and many others would be saddened and extremely disappointed should council and councillors not adopt the recommendations in its' entirety tonight.

There is absolutely no reason for anything short of a full and total objection to the proposed amendments. We were let down once before by the previous council, I am hopeful that we won't be let down again by this current council.

Thank you.

#### STAFF RESPONSE

No staff response provided.

#### **ATTACHMENTS:**