

3 Farmhouse Road, Westmead (formerly Lot 4, 158-164  
Hawkesbury Road and 2A Darcy Road)

# Statement of Environmental Effects

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## **3 FARMHOUSE ROAD, WESTMEAD (FORMALLY LOT 4, 158-164 HAWKESBURY ROAD AND 2A DARCY ROAD)**

Alterations and additions to an approved residential development DA1271/2016 for various changes to the layout and arrangement of apartments, an additional 4 floors to Buildings D and F respectively, and expansion of the basement level 04

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Prepared under instructions from  
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## 1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared in support of a Development Application made under Part 4 of the Environmental Planning and Assessment Act 1979 for alterations and additions to an approved residential development DA 1271/2016 for various changes to the layout and arrangement of apartments, an additional 4 floors to Buildings D and F respectively, and expansion of the basement level 04 at 3 Farmhouse Road, Westmead (formally known as Lot 4, 158-164 Hawkesbury Road and 2A Darcy Road, Westmead).

On 1 November 2017, development consent was granted to DA/1271/2016 for construction of a residential flat building containing 344 units over basement car parking with heights ranging between 6-20 storeys at 3 Farmhouse Road, Westmead (formally known as Lot 4, 158-164 Hawkesbury Road and 2A Darcy Road).

Since the time of the approval of DA/1271/2016, there have been significant strategic planning, transport planning and policy changes in relation to Westmead including the following:

- In November 2017, the Department of Planning and Environment announced Westmead as a Planned Precinct with a health and education area north of the rail line.
- Parramatta Light Rail – Stage 1 has been announced and construction is currently under way with the Westmead Light Rail stop to be built at corner of Hawkesbury Road and Railway Parade. Parramatta Light Rail Stage 1 will connect Westmead to Carlingford via Parramatta CBD and Camellia.
- Sydney Metro West line has been announced and construction is currently underway with the new Metro platform located south of the existing Westmead Station on the eastern side of Hawkesbury Road, Sydney Metro West will connect the Sydney City Centre (CBD) with Westmead.
- Sydney University has been chosen by the NSW Government to develop a new world class multi-disciplinary campus within the Westmead Health and Innovation District which will accommodate 25,000 students.
- In March 2020, the City of Parramatta Council's Local Strategic Planning Statement (LSPS) City Plan 2036 (LSPS) came into effect and sets out a 20-year land use planning vision for the City of Parramatta. The LSPS identifies that the Westmead Health and Education Precinct provides a major conglomeration of health, research and medical services. The LSPS also identifies target for 28,700 additional jobs and 4,500 dwellings in Westmead by 2036.
- The Westmead Place Strategy has been prepared and placed on public exhibition from December 2020 to March 2021. The Westmead Place Strategy identifies a bold vision for Westmead to be Australia's premier health and innovation district with a jobs growth of 50,000 by 2036. The Strategy includes an action to undertake further studies for housing intensification and diversification within 800 metres of Westmead Station.

The site is now exceptionally well located with immediate proximity to not just a single train station, but a train station, metro station and light rail station. The site is also within a precinct which is earmarked for significant jobs and student growth immediately around the site. Therefore, it is critically important to ensure that this significant landholding optimises the delivery of housing to support this growth, within the previously identified urban design framework for the site. Accordingly, the changes in the strategic and planning context have prompted a design review of the approved development to understand whether it has sufficiently fulfilled the environmental capacity of the site.

This review has been undertaken by Gyde in collaboration with Turner architects which has identified that an alternative approach towards the development of the site compared to the approved development DA 1271/2016 would achieve urban design benefits including greater diversity of scale, increased variety of architectural expression, and an accentuation of the slenderness of form of the tower. These benefits are

achieved whilst still adhering to the previously established urban design principles of for the overall site, including the principle of downward transition from south to the north.

The proposed alterations and additions to the approved development reflect the outcome of this review including:

- Additional 4 floors to Buildings D
- Additional 4 floors to Building F
- Refinement to the architectural expression of the buildings
- Expansion of the basement 4 to accommodate the additional car parking
- Various changes to the layout and arrangement of apartments

The proposed alterations and additions to the approved development DA 1271/2016 are detailed on architectural plans prepared by Turner Architects which accompany this application. The application is also accompanied by the following documentation :

| Document  | Consultant                       |
|---|----------------------------------|
| Clause 4.6 – Building Height                            | Sutherland & Associates Planning |
| Clause 4.6 – FSR  | Sutherland & Associates Planning |
| SEPP 65 Design Verification Statement and Design Report | Turner Architects                |
| CGIs  | Ivolve Studios                   |
| Urban Design Statement                                  | Gyde                             |
| Traffic and Parking                                     | JMT                              |
| Acoustic Report   | Acoustic Solutions               |
| BCA Report  | VPL                              |
| Fire Safety Statement                                   | Affinity                         |
| BASIX Report and Certificates                           | Windtech                         |
| Waste Management Plan                                   | Elephants Foot                   |
| Access Review   | Morris Goding                    |
| Wind Report   | Windtech                         |
| Aviation Report   | Ian Thompson                     |
| Heritage Report   | Urbis                            |
| QS Report   | Vittorio Catania Pty Ltd         |

This Statement has been prepared pursuant to section 4.12 of the Environmental Planning and Assessment Act 1979 and clause 50 of the Environmental Planning and Assessment Regulation 2000. The Statement provides an assessment of the development proposal having regard to the relevant legislative context, social, economic and environmental impacts, potential amenity impacts of the development on the surrounding locality and the measures proposed within the application to mitigate such impacts.

The Statement details the proposed development's compliance against the applicable environmental planning instruments and development control plan including:

- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Parramatta Local Environmental Plan 2011
- Parramatta Development Control Plan 2011

Having regard to the applicable legislative framework, it is considered that the proposed development is consistent with the aims and objectives of the relevant environmental planning instruments and development control plan whilst being compatible with the emerging character of the locality and minimising any potential impacts on the amenity of the adjoining properties.

## 2.0 SITE DESCRIPTION AND LOCATION

### 2.1 Locality Description

The site is located within the suburb of Westmead and is within the City of Parramatta Local Government Area.

The site is located within the Westmead Strategic Precinct pursuant to the Parramatta Development Control Plan 2011. The PDCP identifies that the Westmead Strategic Precinct has a primary function as a regionally significant health and education hub. Accordingly, Westmead serves a growing role as a mixed use location with a dynamic mix of employment, health, educational, recreation, retail and housing uses.

The site is located at the south edge of the Westmead Strategic Precinct and is located approximately 2 kilometres from the Parramatta CBD. The site is located adjacent the Westmead train station, Parramatta Light Rail Station, and Sydney Metro West station.

Westmead is identified as having a strong residential component to support its primary function as a health and education hub. The DCP indicates that future opportunities for residential, retail, business, hospital, education and community facility development should be integrated with public transport facilities to improve public transport accessibility and to provide a more permeable pedestrian and bicycle network.

The overall site is identified as containing two heritage items in Schedule 5 of the PLEP. The location of the site is illustrated in Figure 1 below.

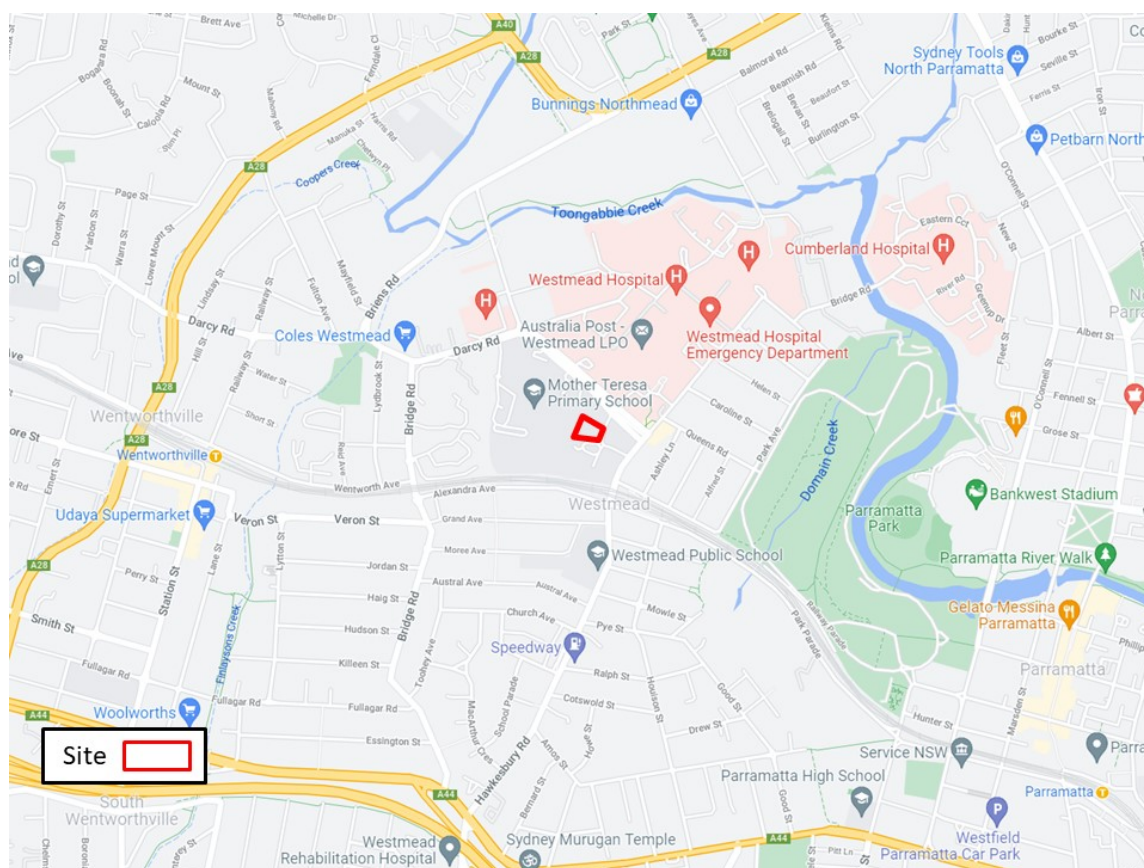


Figure 1:

Site location (Source: Google Maps)



The site is identified as being within Special Area: 158-164 Hawkesbury Road and part of 2A Darcy Road, Westmead in section 4.3.4.1 of the Parramatta Development Control Plan 2011 (PDCP). The Desired Future Character of the locality is described in the DCP as follows:

The site known as the University of Western Sydney (UWS) Westmead, comprises 158-164 Hawkesbury Road and part of 2A Darcy Road, Westmead. It is a four-hectare site located immediately north-west of Westmead Railway Station and within the Westmead Precinct, two kilometres west of the Parramatta CBD.

The future mixed use character of the site will complement the medical and research facilities of the precinct. The land uses anticipated for the site include retail; commercial (i.e. medical support services, specialist rooms; medical professional associations etc); residential (i.e. serviced apartments, seniors living, key workers accommodation and residential flat buildings); open space and civic functions (i.e. plaza); and community facilities such as child care centres.

Future built form will be designed to appropriately respond to the existing siting, scale, form and character of buildings of heritage significance, as well as provide appropriate heights and setbacks to street frontages to improve the quality of the public realm within the site.

Height will be distributed across the site having regard for orientation, overshadowing, the scale of retained heritage buildings and views/vistas to Parramatta Park to the east. Built form fronting Hawkesbury and Darcy Roads will locate active uses on the ground floor to increase the vibrancy of the Westmead Precinct as a whole.

The built form will include taller, slender "statement" buildings located along the railway line to enable a strong visual relationship between the precinct and the CBD. Taller buildings are to be located within the south western corner of the site and should reduce visual bulk, provide architectural modulation, reduce overshadowing and encourage dual aspect apartments for enhanced access to sunlight and breeze.

The building form to the north and east will be lower in height to optimise solar access to private and public open space and would allow view corridors to the heritage buildings.

The strategic location of this site in relation to Westmead Station and adjacent to the T-Way lends itself to the creation of a transit oriented development which allows for greater intensity of uses to optimise the advantage of available transport infrastructure and minimise the reliance on vehicles.

## 2.2 Site Description

The site was formally known as Lot 4 158-164 Hawkesbury Road and 2A Darcy Road, Westmead. However, since approval of DA/1271/2016, a plan of subdivision has been registered which has formally created the site which is now known as 3 Farmhouse Road, Westmead and legally referred to as Lot 4 DP 1227281.

The subject site is irregular in shape, falls toward the west and has a total area of 6,588 square metres. The site is accessed via an Farmhouse Road which connects to both Darcy Road and Hawkesbury Road. An aerial image of the is shown at Figure 2.

The site is temporarily occupied by a display suite and associated car park for Deicorp which was erected to facilitate sales in the recently completed southern adjacent development at 5-7 Maple Tree Road as well as apartments in the approved development on the subject site.



Figure 2:

Aerial view of the site (Source: Six Maps, Department of Lands 2021)

### 2.3 Surrounding Development

The surrounding development is characterised by a mix of development types including medical, educational, commercial, and residential development.

Parramatta Marist High School adjoins the site to the west. The school's swimming pool is located immediately adjacent to the site. A palisade fence currently separates the two properties. Further to the west, high and medium density residential development exists with frontage to Bridge Road, including the Monarco Estate which comprises a collection of residential towers up to 14 storeys in height.

An area of open space that was delivered as part of the Stage 1 works on the overall site is located to the south on the opposite side of Maple Tree Road. The recently completed development at 5-7 Maple Tree Road is located further to the south. This development was completed by Deicorp who is also the proponent of the

subject development application. Low density residential development exists on the southern side of the railway line.

Opposite the subject site to the north-east is 160 Hawkesbury Road which holds a prominent corner location at the intersection of Hawkesbury Road and Darcy Road. This site is the subject of approved DA/868/2018 for the construction of 2 x mixed use buildings of 8 and 11 storeys comprising retail, commercial and educational uses and a childcare centre with 2 levels of basement on Lot 2. Construction of this approval development is currently underway.

1 Farmhouse Road is located immediately adjacent to the north and also has direct frontage to Darcy Road. The indicative use approved for 1 Farmhouse Road is for commercial development, however, to date no application has been made for the future redevelopment of this site.

Westmead Hospital is located further to the north across Darcy Road.

158 Hawkesbury Road is located to the south-east of the subject site and contains the heritage significant Farmhouse Building and St Vincent's Building. The St Vincent's Building will continue to be used for the purposes of education. The Westmead village shops are located further to the east of the site on the eastern side of Hawkesbury Road. The Westmead village shops comprise an eclectic mix of retail, commercial and residential development. Westmead Train Station is located approximately 220 metres to the south east of the site.

## 3.0 BACKGROUND

### 3.1 Planning Proposal to rezone land at 158-164 Hawkesbury Road and 2A Darcy Road

In 2011 the University of Western Sydney sought a Planning Proposal to rezone the land at 158-164 Hawkesbury Road and 2A Darcy Road from SP2 Special Uses (Educational Establishment) to B4 Mixed Use. The Planning Proposal was accompanied by a number of studies and master plan prepared by ARUP which informed the amendment to the LEP as well as a site specific component of the Parramatta DCP and included specific boundaries for new height and FSR areas.

An amendment to the Parramatta Local Environmental Plan 2011 rezoning the land at 158-164 Hawkesbury Road and 2A Darcy Road from SP2 Special Uses (Educational Establishment) to B4 Mixed Use was gazetted in 2013. Parramatta Local Environmental Plan 2011 (as amended) provides site specific building height and FSR development standards, permitting building heights ranging from 31-48 metres and FSR of 1.5:1 - 4.0:1 across the site based on the masterplan which accompanied the Planning Proposal. An amendment to the DCP was simultaneously adopted providing planning controls specific to the site.

The rezoning of the site from SP2 Special Uses (Educational Establishment) to B4 Mixed Use also provided for additional permitted uses on the site including residential, retail, commercial and community uses including education and significantly increased the development potential of the site consistent with both the Council's strategic plan for Westmead and the aims of Sydney Metropolitan Plan 2036.



Figure 3:

Indicative masterplan by ARUP which informed the Planning Proposal height and FSR controls for the site and was captured as Figure 4.3.4.1.3 of the PDCP 2011

### 3.2 Development Application DA/571/2014

On 11 February 2015, the Joint Regional Planning Panel approved Development Application DA/571/2014 for the following works on the site:

- Demolition of all buildings with the exception of the two heritage buildings listed under Schedule 5 of PLEP 2011.
- Remediation of the site.



- Earthworks and construction of an internal road network.
- Public domain works including landscaping involving the retention of 8 trees, removal of 40 trees and tree replenishment.
- Torrens title subdivision of the site into 5 allotments

The Stage 1 development application was accompanied by an Urban Design Report prepared by Cox Richardson. The Urban Design Report argued a case for an alternative site layout and distribution of buildings compared to the ARUP masterplan (refer to Figure 3) which informed the recently adopted height and FSRs across the site under the PLEP 2011. The Urban Design Report also included indicative building envelopes to illustrate one potential way in which the proposed new allotments could be developed under subsequent development applications.

In approving Development Application DA/571/2014 the Joint Regional Planning Panel upheld the applicant's request to vary the development standards contained Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Parramatta Local Environmental Plan 2011. The proposed gross floor area and floor space ratio on Lots 2, 3, 4 and 5 exceeded the maximum floor space ratio permissible under PLEP 2011 due to the fundamental change in site layout and indicative building envelopes when compared to the masterplan which informed the Planning Proposal. The height of the indicative building envelopes on Lots 2, 4 and 5 exceeded the maximum heights permissible by PLEP 2011. Specifically in relation to Lot 4, the Council's assessment report found that a floor space ratio variation of up to 25% was proposed and a building height variation of up to 23.8% was proposed within the indicative building envelopes.

The Council's assessment report for Development Application DA/571/2014 recommended that the Clause 4.6 variations for Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) be upheld and specifically noted that the non-compliances across the site are attributed to the fact that the concept plan in PDGP 2011 was poorly conceived and not well resolved and that the alternative approach to the site outlined in the Cox Richardson Urban Design Report represented an improvement which effectively meant that the height and FSR boundaries had become redundant. The assessment report states that Council's Urban Design Unit found that the proposal resulted in an improved built form outcome:

*The Urban Design Unit are supportive of the proposed non-compliances of Height and FSR across the site. Most non-compliances are a result of a suboptimal concept plan being the primary tool to inform the LEP controls for the site specific DCP.*

*The proposed Concept Plan is a result of design development and rationalisation of the DCP and results in most instances results with an improved built form outcome.*

The Determination and Statement of Reasons issued by the Joint Regional Planning Panel stated that the Panel considered compliance with Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) to be unnecessary in the circumstances as:

*In the context of the comprehensive development of the site the variations sought are not significant, noting that:*

- *The site is substantially isolated from the adjoining development by road & rail corridor services and the proposed development will present as an integrated element of the urban landscape;*
- *Greater heights than that for which variation is sought are currently permitted on sections of the site;*

- The proposed development complies with the sum of permitted floor space over the total site;
- The variations sought will not impact on the existing built environment including the heritage items to be retained on the site or on the adjacent school.
- The proposed development is consistent with the objectives of the standards and the objectives of the B4 mixed use zone in that, in particular, it provides an active vibrant and sustainable neighbourhood.
- There are sufficient environmental planning grounds to justify the requested variation as contained in the Panel's stated reasons for approval.

The concept plan prepared by Cox Richardson which supported the Stage 1 development application is illustrated in Figure 4 below.

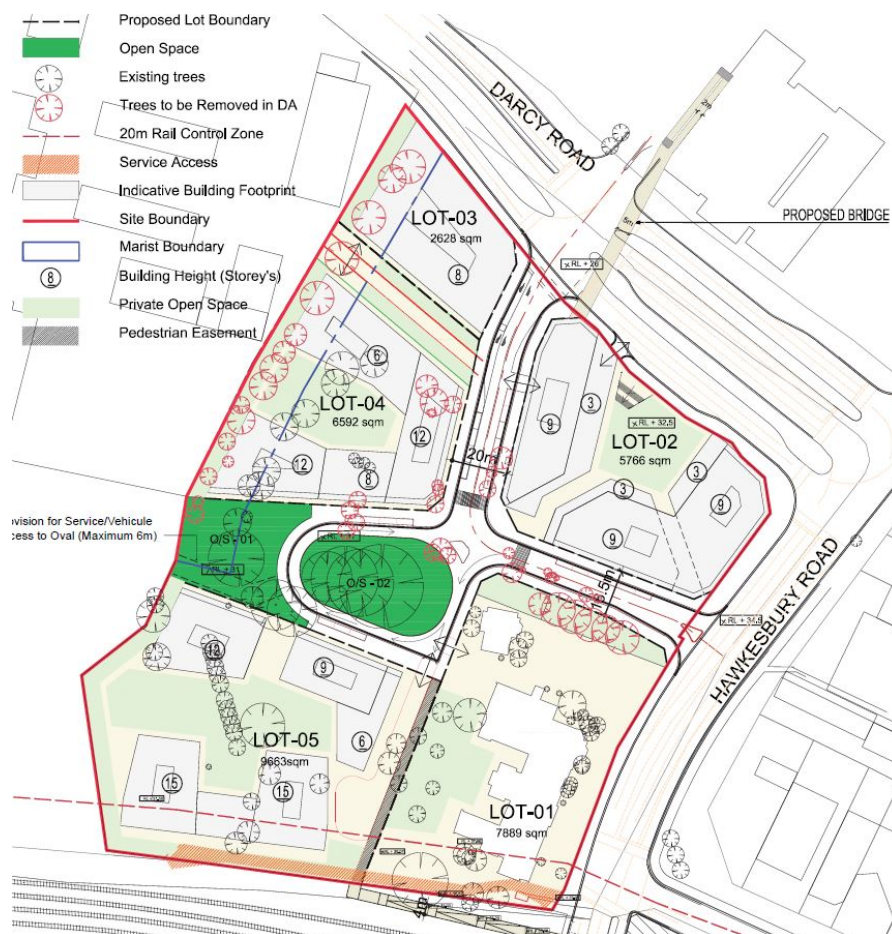


Figure 4:

Cox Richardson  
Concept Plan  
which supported  
DA/571/2014  
which differs  
substantially  
from the ARUP  
masterplan in  
Figure 3 above  
which informed  
the Planning  
Proposal and  
DCP  
amendments

### 3.3 Development Application DA/968/2016

On 2 August 2017, development consent was granted to DA/968/2016 at 160 Hawkesbury Road, Westmead for tree removal and construction of two Residential Flat Buildings containing 556 apartments over 4 levels of basement car parking. Building A comprises a part 4, part 9 storey building and Building B comprises a part 8, part 15 and part 24 storey building.

The site plan for Development Application DA/968/2016 is shown in Figure 5.



Figure 5:

Development Application DA/968/2016 Site Plan

### 3.4 Development Application DA/1271/2016

On 1 November 2017, development consent was granted to DA/1271/2016 for construction of a residential flat building containing 344 units over basement car parking with heights ranging between 6-20 storeys at 3 Farmhouse Road, Westmead (formally known as Lot 4, 158-164 Hawkesbury Road and 2A Darcy Road)





Figure 6:

Development Application DA/1271/2016 Site Plan



## 4.0 DEVELOPMENT PROPOSAL

### 4.1 Strategic Context and Urban Design Principles

On 1 November 2017, development consent was granted to DA/1271/2016 for construction of a residential flat building containing 344 units over basement car parking with heights ranging between 6-20 storeys at 3 Farmhouse Road, Westmead (formally known as Lot 4, 158-164 Hawkesbury Road and 2A Darcy Road).

Since the time of the approval of DA/1271/2016, there have been significant strategic planning, transport planning and policy changes in relation to Westmead including the following:

- In November 2017, the Department of Planning and Environment announced Westmead as a Planned Precinct with a health and education area north of the rail line.
- Parramatta Light Rail – Stage 1 has been announced and construction is currently under way with the Westmead Light Rail stop to be built at corner of Hawkesbury Road and Railway Parade. Parramatta Light Rail Stage 1 will connect Westmead to Carlingford via Parramatta CBD and Camellia.
- Sydney Metro West line has been announced and construction is currently underway with the new Metro platform located south of the existing Westmead Station on the eastern side of Hawkesbury Road, Sydney Metro West will connect the Sydney City Centre (CBD) with Westmead.
- Sydney University has been chosen by the NSW Government to develop a new world class multi-disciplinary campus within the Westmead Health and Innovation District which will accommodate 25,000 students.
- In March 2020, the City of Parramatta Council's Local Strategic Planning Statement (LSPS) City Plan 2036 (LSPS) came into effect and sets out a 20-year land use planning vision for the City of Parramatta. The LSPS identifies that the Westmead Health and Education Precinct provides a major conglomeration of health, research and medical services. The LSPS also identifies target for 28,700 additional jobs and 4,500 dwellings in Westmead by 2036.
- The Westmead Place Strategy has been prepared and placed on public exhibition from December 2020 to March 2021. The Westmead Place Strategy identifies a bold vision for Westmead to be Australia's premier health and innovation district with a jobs growth of 50,000 by 2036. The Strategy includes an action to undertake further studies for housing intensification and diversification within 800 metres of Westmead Station.

The site is now exceptionally well located with immediate proximity to not just a single train station, but a train station, metro station and light rail station. The site is also within a precinct which is earmarked for significant jobs and student growth immediately around the site. Therefore, it is critically important to ensure that this significant landholding optimises the delivery of housing to support this growth, within the previously identified urban design framework for the site. Accordingly, the changes in the strategic and planning context have prompted a design review of the approved development to understand whether it has sufficiently fulfilled the environmental capacity of the site.

This review has been undertaken by Gyde in collaboration with Turner architects which has identified that an alternative approach towards the development of the site compared to the approved development DA 1271/2016 would achieve urban design benefits including greater diversity of scale, increased variety of architectural expression, and an accentuation of the slenderness of form of the tower. These benefits are achieved whilst still adhering to the previously established urban design principles for the overall site, including the principle of downward transition from south to the north.

The Urban Design Report prepared by Gyde which accompanies this application discusses these principles in detail and how the subject application responds to the principles.

## 4.2 General Description

The proposed development is for alterations and additions to an approved residential development DA 1271/2016 for the following:

- Additional 4 floors (12.3m) to Buildings D
- Additional 4 floors (15.05m) to Building F
- Refinement to the architectural expression of the buildings
- Expansion of the basement 4 to accommodate the additional car parking
- Various changes to the layout and arrangement of previously approved apartments and car parking configuration
- Increase in apartments from 344 to 405 units
- Increase in Gross Floor Area from 28,825 square metres to 34,163.6 square metres
- Increase in car parking from 414 spaces to 485 spaces

The proposed alterations and additions to the approved development DA 1271/2016 are detailed on architectural plans prepared by Turner Architects which accompany this application.

The proposal as amended is described as the erection of a 6 to 24 storey residential flat development above 4 basement levels. The amended proposal retains the 'U' shaped building footprint above a single storey landscaped podium which provides a common open space area for the residents.

The amended distribution of built form and massing of the building across the site is the result of a further analysis of the context of the site and the desire to deliver a positive urban design outcome that is consistent with the desired future character for the site and the Westmead precinct generally. The amended proposal is a high quality transit orientated development that will provide housing choice in a location that enjoys exceptional access to a range of employment, health and educational facilities as well as a range of public transport options.

The amended distribution of the built form across the site optimises amenity and in particular solar access both within the site and for adjacent sites as well as providing a high level of modulation to the skyline. The additional height does not result in an unacceptable shadow impact to the recently completed development at 5-7 Maple Tree Road which remains compliant with the ADG guidance.

The family of heights retain an appropriate contextual relationship with the development to the south and future development to the north. In this regard the higher buildings have been located in the south western corner of the site with the building height still decreasing toward the north and east to provide a transition in scale providing and appropriate level of visual relief between the development and the heritage significant buildings.

## 4.3 Modification of Conditions of DA 1271/2016

Section 4.17(1)(b) of the *Environmental Planning & Assessment Act 1979* provides the consent authority with the capacity to impose a condition of consent if:

- (b) it requires the modification or surrender of a consent granted under this Act or a right conferred by Division 4.11 in relation to the land to which the development application relates

Accordingly, in approving the subject development application, the consent authority can also modify the conditions of Development Consent DA1271/2016 as necessary to reflect the alterations and additions proposed to that consent by the subject development application.

#### 4.4 Materials and Finishes

The proposed materials and finishes are detailed in the architectural plans provided by Turner Architects as well as being detailed on the accompanying material and finishes board.

#### 4.5 Numerical Overview

| Element                          | Approved   | Proposed  |
|----------------------------------|--|---|
| Site Area                        | 6,588 square metres  | 6,588 square metres   |
| Gross Floor Area                 | 28,825 square metres   | 33,558 square metres  |
| Height                           | <ul style="list-style-type: none"> <li>Building D1: 72.15 metres</li> <li>Building D2: 25.0 metres</li> <li>Building E1: 38.0 metres</li> <li>Building E2: 38.0 metres</li> <li>Building F: 38.35 metres</li> <li>Lower portion of Build F: 18m</li> </ul> | <ul style="list-style-type: none"> <li>Building D1: 84.45 metres</li> <li>Building D2: 25.0 metres</li> <li>Building E1: 38.0 metres</li> <li>Building E2: 38.0 metres</li> <li>Building F: 53.4 metres</li> <li>Lower portion of Build F: 18m</li> </ul> |
| Levels                           | 6 to 21 storeys  | 6 to 24 storeys   |
| Apartments                       | 344  | 405   |
| Apartment Mix                    | 4 x studios (1.2%)<br>177 x 1 bedroom (51.5%)<br>152 x 2 bedroom (44.2%)<br>11 x 3 bedroom (3.2%)  | 4 x studios (1%)<br>209 x 1 bedroom (51.6%)<br>178 x 2 bedroom (44%)<br>14 x 3 bedroom (3.4%)   |
| Car parking                      | 343 residential spaces<br>71 residential visitor spaces  | 404 residential spaces<br>81 residential visitor spaces   |
| Bicycle Parking                  | 172 spaces   | 340 spaces  |
| Common Open Space                | 1,808sqm or 27.4%  | 1,808sqm or 27.4%   |
| Deep Soil Area                   | 697.34 square metres (equivalent of 10.5% of site area)  | 697.34 square metres (equivalent of 10.5% of site area)   |
| Solar Access for apartments      | 74.4%  | 71.1%   |
| Cross Ventilation for apartments | 60%  | 60%   |

## 5.0 STATUTORY PLANNING FRAMEWORK

### 5.1 Environmental Planning & Assessment Act 1979

#### 5.1.1 Section 4.15 Evaluation

In accordance with Section 4.15(1) of the EP&A Act 1979 in determining a development application a consent authority is to take into consideration the relevant matters listed in Section 4.15(1). Section 5.2 of this report addresses the relevant provisions of the applicable environmental planning instruments as required by section 4.15(1)(a)(i). Section 5.3 of this report addresses the relevant provisions of the applicable development control plan as required by section 4.15(1)(a)(i). The remaining provisions of Section 4.15(1) are addressed further in section 6 of this Statement.

### 5.2 Environmental Planning Instruments

#### 5.2.1 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 provides aims and controls to protect the values of the Harbour. The Plan provides general aims for all sites within the Sydney Harbour Catchment as well as specific planning provisions relating to the foreshore and waterways area as identified under the SREP. The subject site is not included within the foreshores and waterways area and therefore is considered against the general aims for sites within the Sydney Harbour Catchment. The following table provides an assessment of the proposed development against the relevant provisions of the SREP.

| Control  | Comment   |
|--|---|
| Part 1 Preliminary - Aims  |   |
| (1) This plan has the following aims with respect to the Sydney Harbour Catchment:<br>(a) to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained:<br>(i) as an outstanding natural asset, and<br>(ii) as a public asset of national and heritage significance, for existing and future generations,<br>(b) to ensure a healthy, sustainable environment on land and water,<br>(c) to achieve a high quality and ecologically sustainable urban environment,<br>(d) to ensure a prosperous working harbour and an effective transport corridor,<br>(e) to encourage a culturally rich and vibrant place for people,<br>(f) to ensure accessibility to and along Sydney Harbour and its foreshores,<br>(g) to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity,<br>(h) to provide a consolidated, simplified and updated legislative framework for future planning. | The amended proposal remains consistent with the aims of the SREP in that: <ul style="list-style-type: none"><li>• it will continue provide for a healthy, sustainable environment on the site;</li><li>• it will continue to achieve a high quality and ecologically sustainable development on the site through its high environmental performance;</li></ul> |

| Control  | Comment   |
|--|---|
| <p>(2) For the purpose of enabling these aims to be achieved in relation to the Foreshores and Waterways Area, this plan adopts the following principles:</p> <p>(a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,</p> <p>(b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores,</p> <p>(c) protection of the natural assets of Sydney Harbour has precedence over all other interests.</p>  | <ul style="list-style-type: none"> <li>the amended proposed development does not prevent public access to the foreshore of the Parramatta River.</li> </ul>   |
| Part 2 - Planning Principles   |   |
| <p>Sydney Harbour Catchment</p> <p>The planning principles for land within the Sydney Harbour Catchment are as follows:</p> <p>(a) development is to protect and, where practicable, improve the hydrological, ecological and geomorphological processes on which the health of the catchment depends,</p> <p>(b) the natural assets of the catchment are to be maintained and, where feasible, restored for their scenic and cultural values and their biodiversity and geodiversity,</p> <p>(c) decisions with respect to the development of land are to take account of the cumulative environmental impact of development within the catchment,</p> <p>(d) action is to be taken to achieve the targets set out in Water Quality and River Flow Interim Environmental Objectives: Guidelines for Water Management: Sydney Harbour and Parramatta River Catchment (published in October 1999 by the Environment Protection Authority), such action to be consistent with the guidelines set out in Australian Water Quality Guidelines for Fresh and Marine Waters (published in November 2000 by the Australian and New Zealand Environment and Conservation Council),</p> <p>(e) development in the Sydney Harbour Catchment is to protect the functioning of natural drainage systems on floodplains and comply with the guidelines set out in the document titled Floodplain Development Manual 2005 (published in April 2005 by the Department),</p> <p>(f) development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour,</p> <p>(g) the number of publicly accessible vantage points for viewing Sydney Harbour should be increased,</p> <p>(h) development is to improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off, prevent the risk of increased flooding and conserve water,</p> <p>(i) action is to be taken to achieve the objectives and targets set out in the Sydney Harbour Catchment Blueprint, as published in February 2003 by the then Department of Land and Water Conservation,</p> | <p>The amended proposal remains consistent with the planning principles set out in this clause, as follows:</p> <ul style="list-style-type: none"> <li>the amended proposal is for the erection of new buildings in accordance with Water Sensitive Urban Design principles and will not adversely impact on the water quality of the River; and</li> <li>the subject site is unlikely to be readily visible from the Parramatta River. Nonetheless, the amended proposal remains of a high architectural quality which will contribute positively to the context of the site and broader catchment to the Parramatta River.</li> </ul> |

| Control   | Comment |
|---|---------|
| <p>(j) development is to protect and, if practicable, rehabilitate watercourses, wetlands, riparian corridors, remnant native vegetation and ecological connectivity within the catchment,</p> <p>(k) development is to protect and, if practicable, rehabilitate land from current and future urban salinity processes, and prevent or restore land degradation and reduced water quality resulting from urban salinity,</p> <p>(l) development is to avoid or minimise disturbance of acid sulfate soils in accordance with the Acid Sulfate Soil Manual, as published in 1988 by the Acid Sulfate Soils Management Advisory Committee.</p> |         |

### 5.2.2 State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to carrying out of any development on that land and if the land is contaminated, it is satisfied that the land is suitable in its current state or will be suitable after remediation for the purpose for which the development is proposed to be carried out.

The site has previously been remediated and made suitable for residential purposes as certified by the Site Audit Report prepared by JBS&G Australia which accompanied DA 1271/2016.

### 5.2.3 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

SEPP 65 applies to development for the purpose of a new residential flat building, shop top housing or mixed use development, the substantial redevelopment/refurbishment of one of these buildings or the conversion of an existing building into one of these types of buildings provided the building is at least 3 or more storeys and the building contains at least 4 or more dwellings. The development meets the definition of a residential flat building. As such the provisions of SEPP 65 are applicable to the proposed development.

SEPP 65 aims to improve the design quality of residential flat developments, provide sustainable housing in social and environmental terms that is a long-term asset to the community and delivers better built form outcomes. In order to satisfy these aims and improve the design quality of residential apartment buildings in the State, the plan sets design principles in relation to context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction, and aesthetics.

SEPP 65 requires any development application for residential flat development to be assessed against the 9 principles contained in Schedule 1 of the SEPP and the matters contained in the Apartment Design Guide (ADG). The 9 principles of SEPP 65 are addressed below and the matters contained in the ADG are addressed in the architectural package prepared by Turner Architects which accompanies this application.

The amended development satisfies the design principles of the plan as follows:

### Principle 1: Context and Neighbourhood Character

The amended development is considered to remain contextually appropriate for the following reasons:

- The site is substantially isolated from the adjoining development by road and rail corridor services which serves to minimise impacts associated with the amended proposal upon the broader area.
- The amended development is permissible in the B4 Mixed Use zone pursuant to the Parramatta Local Environmental Plan 2011 and meets the objectives of the zone and is consistent with the desired future character outlined for the site and the Westmead precinct generally.
- The amended proposal will deliver an important stage of the urban renewal of a large site which has previously been underutilised. The redevelopment of the site will reinvigorate the Westmead precinct and contribute to the vibrancy, economic success and housing choice within the area. The siting, scale, bulk, and massing of the amended development remains generally consistent with that anticipated by the key design principles for the site with a transition down in scale from south to north and represents an appropriately designed development which will contribute positively to the area.
- The amended massing of the development provides an improved level of modulation and diversity in scale between the various building elements within the development, providing an appropriate curtilage to the heritage buildings located to the south east of Lot 4, whilst also realising the environmental capacity of the site. The amended massing of the development retains an acceptable level of solar access to the southern adjacent property. In fact, a detailed 15 minute assessment of the solar performance of the as-built building to the south at 5-7 Maple Road has been used to inform the proposed height by ensuring that the solar access performance of that building remains compliant at 70% of apartments receiving 2 hours of solar access on 21 June.
- The proposal is a transit orientated development that will provide additional housing choice with excellent access to a range of public transport options as well as being located within a regionally significant health and education hub and in close proximity to a range of recreational opportunities and services and facilities.
- Having regard to the planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location. In this regard the development will be compatible with its context.

### Principle 2: Built Form and Scale

The amended proposal's scale remains appropriate to the scale of the street and the surrounding properties in that:

- The isolated nature of the site provides flexibility in relation to scale as there is no immediately adjacent consistent existing character or scale of buildings which would ordinarily inform scale on the subject site. As such, there is greater capacity to achieve variation in scale across the site in the pursuit of providing improved architectural diversity and increased residential accommodation within the environmental capacity of the site.
- The scale of the amended proposed facilitates a more slender built form within the development with generous separation as well as providing an appropriate curtilage to the heritage buildings located to the south east of Lot 4. This facilitates a greater level of modulation in scale between the various elements of the building and a much higher level of visual permeability throughout the site.

- The location and scale of the amended development has been specifically designed as a robust architectural solution for the site which optimises solar access both within the site and for adjacent sites as well as providing a high level of modulation to the skyline.
- The scale of the amended individual components of the building is modulated which further assists in creating opportunities for differing architectural language and visual interest.
- The amended scale of the development does not result in any unreasonable impacts on the surrounding properties in terms of loss of views, loss of visual or acoustic privacy or visual impact. The architectural package includes a solar access analysis which demonstrates that the proposed amended scale of the development will not unreasonably overshadow development on adjacent and nearby sites.
- The amended scale of the buildings will not be perceived as jarring or antipathetic in the streetscape and urban design context particularly as the surrounding sites are redeveloped to achieve the desired future character specified for the site within the Parramatta DCP for the site and the Westmead precinct generally.

### Principle 3: Density

The amended proposal results in an increased density from 344 to 405 apartments. The density of the amended development is considered appropriate for the site and its location in that:

- The amended built form which results in the increase in density achieves an appropriate urban design response to the context of the site and sits within the hierarchy and transition of scale from south to north. The additional height does not give rise to any significant impacts on the adjoining properties in terms of overshadowing, loss of privacy or visual impact as detailed in this Statement.
- Since the time of the approval of DA/1271/2016, there have been significant strategic planning, transport planning and policy changes in relation to Westmead which support the proposed increase in density on the subject site, including:
  - Parramatta Light Rail – Stage 1
  - Sydney Metro West
  - Sydney University to develop a new world class multi-disciplinary campus near the site
  - The City of Parramatta Council's Local Strategic Planning Statement identifies a target for 4,500 additional dwellings in Westmead by 2036.
  - The Westmead Place Strategy includes an action for housing intensification and diversification within 800 metres of Westmead Station.
- The availability and capacity of local infrastructure, public transport and recreational opportunities supports the proposed increase in floor space and the site is exceptionally well placed to assist in meeting the growing demand for housing in an appropriate location.
- An acceptable level of amenity is still achieved for occupants of the development having regard to the constraints of the site.
- The proposed density is accommodated within an appropriate scale of development for the site which has demonstrated that it has the environmental capacity to absorb the density.

### Principle 4: Sustainability

The amended design provides for sustainable development, utilising passive solar design principles, thermal massing and achieves cross ventilation to an acceptable number of dwellings within the



development. A BASIX Certificate accompanies this application which confirms that the amended development will meet the NSW Government's requirements for sustainability.

#### Principle 5: Landscape

The amended proposed does not result in any change to the previously approved landscaping design and common open space.

#### Principle 6: Amenity

A particularly high level of amenity is provided for the occupants of the amended development given the location of the site within close proximity to multiple rail services, and with the development providing generous apartment sizes and practical room dimensions and shapes, storage space, indoor and outdoor space and access for all age groups and degrees of mobility.

The number of apartments with access to ventilation has been maximised with 60% of apartments receiving cross flow ventilation. A compliant 70% of apartments receive the required level of solar access during mid-winter.

There is no change proposed to the previously approved separation distances.

The amended design of the development retains a high level of privacy for the residents of the building.

#### Principle 7: Safety

The safety and security of the public domain will be significantly enhanced by increased activity on the site and the casual surveillance of all surrounding streets from the dwellings within the development. The subject proposal does not result in any change in relation to safety.

#### Principle 8: Housing Diversity and Social Interaction

The previously approved development provided a mix of 4 x studios (1.2%), 177 x 1 bedroom (51.5%), 152 x 2 bedroom (44.2%), and 11 x 3 bedroom (3.2%). The amended development retains generally the same percentage mix with 4 x studios (1%), 209 x 1 bedroom (51.6%), 178 x 2 bedroom (44%), and 14 x 3 bedroom (3.4%).

#### Principle 9: Aesthetics

The amended development provides for an improved aesthetic outcome with the changes to building height providing the opportunity for greater differentiation between the buildings within the development and a more successful vertical emphasis. The amended proposed introduces a variety of building elements and utilises a visually engaging architectural language with a selection of appropriate materials and finishes. The proposed built form and composition of the development responds to the desired future character of the site and the greater Westmead precinct as well as the adjoining heritage significant buildings and therefore will provide a positive contribution to the visual quality of the area.

#### Clause 30 Standards that cannot be used as grounds to refuse development consent

Pursuant to clause 30 of SEPP 65 if an application for a development application to which the Policy applies the consent authority must not refuse the application because of those matters.

| Car parking  | Design Criteria  | Proposal   |
|--|--|--|
| (a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide.                             | For development within 800 metres of a railway station or light rail stop 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.   | The Traffic Impact Assessment which accompanies the application addresses the car parking provision on the site. |
| (b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide, | <p>Apartments are required to have the following minimum internal areas:</p> <p>Studio – 35 sqm</p> <p>1 bedroom – 50sqm</p> <p>2 bedroom – 70sqm</p> <p>3 bedroom – 90sqm</p> <p>The minimum internal areas include only one bedroom. Additional bathrooms increase the minimum internal area by 5sqm each.</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p> | Each apartment complies with the minimum area requirement.   |
| (c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.                               | <p>Minimum ceiling height:</p> <p>Habitable rooms: 2.7m</p> <p>Non-habitable rooms: 2.4 metres</p>   | Each apartment has a minimum ceiling height of 2.7 metres for habitable rooms.                                   |

#### 5.2.4 State Environmental Planning Policy (Infrastructure) 2007

Clause 87 of the SEPP relates to the impact of rail noise or vibration on non-rail development including residential development. Clause 87 requires the consent authority take into consideration:

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

(a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,

(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

An Acoustic Assessment prepared by Acoustic Solutions accompanies this application and confirms that the amended development remains capable of meeting the recommended noise criteria.

Clause 104 of the SEPP states that before determining a development application for traffic generating development, the consent authority must give written notice of the application to the TfNSW and take into consideration any submission that the TfNSW provides in response to that notice.

As the amended proposal involves greater than 300 apartments, parking for greater than 200 motor vehicles, the application will need to be referred to the TfNSW during the assessment period.

Clause 104 also requires the consent authority take into consideration:

(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

The Traffic and Parking Assessment prepared by JMP Consulting which accompanies the application provides an analysis of the existing traffic conditions as they relate to the subject site. The assessment finds that the significant improvement in public and active transport infrastructure planned for Westmead will result in small reduction in traffic generation under the proposed alterations and additions application when compared to the assumptions contained in the traffic assessment supporting the approved development application for the site. The proposed development will satisfy the requirements of Clause 104 of State Environmental Planning Policy (Infrastructure) 2007.

#### **5.2.5 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the development and aims to encourage sustainable residential development.

A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

## 5.2.6 Parramatta Local Environmental Plan 2011

### Zoning and Permissibility

The site is located within the B4 Mixed Use zone pursuant to the Parramatta Local Environmental Plan 2011 (PLEP). An extract of the Land Zoning Map is included as Figure 7.

The application proposes the construction of a residential flat building.

The development meets the definition of a residential flat building in that the building contains 3 or more dwellings and are not an attached dwelling development or multi dwelling housing. Pursuant to the Land Use Table of the PLEP residential flat buildings are permitted with consent in the B4 zone.

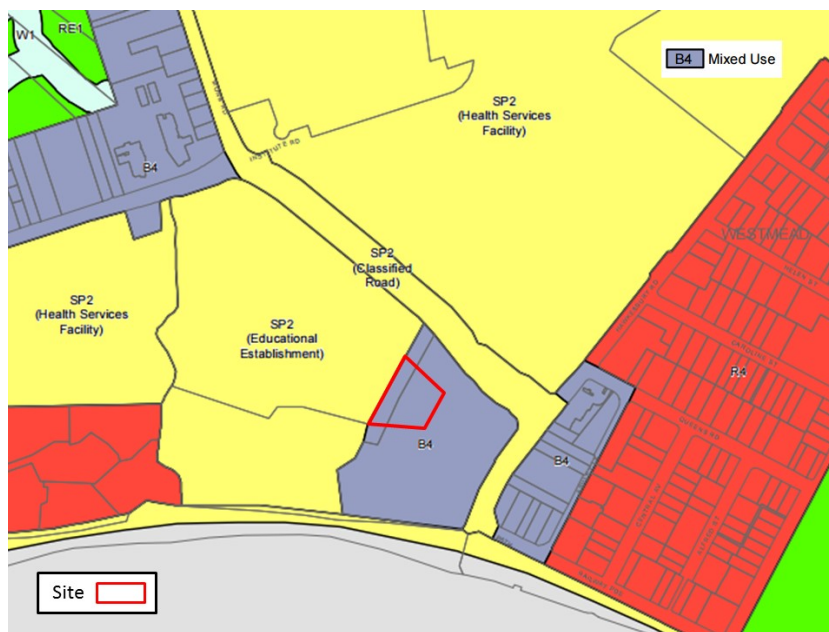


Figure 7:

Extract from the PLEP  
Land Zoning Map

Clause 2.3(2) of the PLEP provides that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the B4 Mixed Use zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage development that contributes to an active, vibrant and sustainable neighbourhood.
- To create opportunities to improve the public domain and pedestrian links.
- To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.
- To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.

The vision for the overall site has been for a transit-oriented development that intensifies and diversifies activity around public transport infrastructure allowing for multiple activities and services, local

employment and diverse housing options. The site is extremely well located in terms of access to public transport infrastructure. The amended proposal will deliver additional housing choice within a regionally significant health and education hub that is in close proximity to a range of recreational opportunities and services and facilities and will maximise public transport patronage, cycling and walking.

The architecture of the amended development with buildings orientated where possible to the street and toward an internal common landscaped open space, combined with the development being set within a high quality public domain will result in activated and vibrant places that are used at all times of the day, increasing safety.

The amended proposal exhibits a high level of environmental performance, provides a high level of amenity and an attractive contemporary architectural expression.

For the reasons given the amended proposal remains consistent with the objectives of the B4 Mixed Use zone.

### Height

In accordance with clause 4.3 'Height of Buildings' the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map'. There are two height controls on the subject site being 31 metres (Zone U1) in the northern portion of the site, 40 metres (Zone W) in the southern portion of the site as shown in Figure 8.

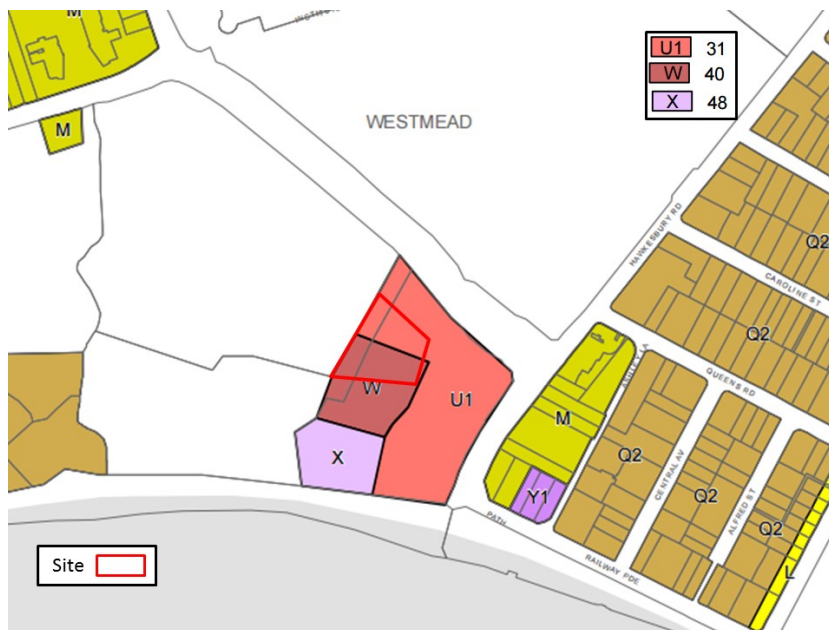


Figure 8:

Extract from the PLEP  
Height of Buildings  
Map

The approved development of the site under DA 1271/2016 departs significantly from the height controls with a departure of 19.3% for Building E, 23.7% for Building F and 80.3% for Building D.

These departures were supported because the height controls for the site derive from a masterplan for the site which has since been abandoned by Council. As a result, the building height development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents

departing from the standard on the subject and surrounding sites and hence compliance with the standard is unnecessary and unreasonable.

A comparison of the previously approved and proposed new heights for Buildings D and F against the development standard applicable to the site is illustrated below:

|                                   | Building D       | Building F      |
|-----------------------------------|------------------|-----------------|
| <b>Approved height</b>            | 72.15m           | 38.35m          |
| Approved variation to 31m control | N/A              | 7.35m or 23.7%  |
| Approved variation to 40m control | 32.15m or 80.3%  | N/A             |
| <b>Proposed height</b>            | 84.5m            | 53.4m           |
| Proposed variation to 31m control | N/A              | 22.4m or 72.25% |
| Proposed variation to 40m control | 44.5m or 111.25% | N/A             |

Strict compliance with the building height controls is considered to be unreasonable and unnecessary under the circumstances for the following reasons:

- The height controls for the site were derived from the ARUP masterplan which informed the Planning Proposal for the site. However, this masterplan has more recently been considered by Council to be “suboptimal” and Council has approved a substantially different site layout and suggested arrangement of buildings under the infrastructure DA for the entire precinct DA/571/2014 which relied upon a Clause 4.6 request in relation to height. As a result, the height controls and boundaries no longer correspond with the approved site arrangement and configuration such that Council has effectively abandoned the height controls for the site. Notwithstanding this, the broad principles reflected by the height controls, with increasing height to the west and the south, are considered to remain relevant and the amended development adheres to these principles with the tallest component of the building located in the south western corner of the site.
- The amended proposal provides a high quality architectural solution that is responsive to the location of the site toward the southern edge of the Westmead precinct and will provide a clearly defined entry into Westmead from the south.
- The amended massing of the development results in a higher level of modulation with the building height decreasing toward the north and east to provide a transition in scale to the future anticipated buildings surrounding the site as well as the heritage significant buildings to the south east such that the proposed arrangement of heights is appropriate for the site and its context.
- The proposed variation to the height control allows for a more slender built form and the proposed variation also facilitates a greater level of modulation in scale between the various built form elements of the building.
- The desired future character outlined for the overall site within section 4.3.4.1 of the PDCP indicates that the future built form on the site shall include taller, slender “statement” buildings located along the railway line to enable a strong visual relationship between the precinct and the CBD. Whilst the site is not directly adjacent to the railway line, the proposal appropriately responds to the desired future character, providing a 24 storey tower in the south western corner of the

site. The proposed tower will complement the two towers on the southern adjacent site which are 15 and 25 storeys in height, satisfying the requirement that tall slender statement buildings be provided to enable a visual connection between the Westmead precinct and the Parramatta CBD located to the east.

- The design of the amended proposal involves a dynamic architectural language and a façade treatment with a high level of materiality that will compliment and improve the character of the area.
- A solar analysis prepared by Turner Architects accompanies the subject application and demonstrates that the amended proposal does not result in a significant adverse or non-complying impact to the surrounding properties. In fact, a detailed 15 minute assessment of the solar performance of the as-built building to the south at 5-7 Maple Road has been used to inform the proposed height by ensuring that the solar access performance of that building remains compliant at 70% of apartments receiving 2 hours of solar access on 21 June.
- There are no unreasonable impacts in terms of overshadowing, views, visual and acoustic privacy impacts to adjacent sites resulting from the proposed variation to the height development standard which would warrant strict compliance, noting that strict compliance is no longer a relevant consideration given the variation to the building height standard that has already been approved on the site.
- Apartments within the development are provided with a high level of amenity. The proposal provides for open space and deep soil in accordance with the relevant ADG requirements and the increased height provides for a slimmer built form and improved residential amenity.
- The proposed variation allows to site to optimise the delivery of housing in an ideal location within the demonstrated environmental capacity of the site..
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.
- Having regard to the planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location and the proposed development will be compatible with its context.

Clause 4.6(2) of the PLEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the PLEP, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- there are sufficient environmental planning grounds to justify contravening the development standard.

A request for an exception to the building height development standard, prepared on behalf of the applicant, accompanies this application which demonstrates that strict application of the development standard, in the absence of any unreasonable impact, would be unreasonable and without basis.



### Floor Space Ratio

Clause 4.4(2) of the PLEP provides that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. There are two floor space ratio controls on the subject site being 4.0:1 in area 'X1' and 3.5:1 in area 'W' as shown in Figure 9.

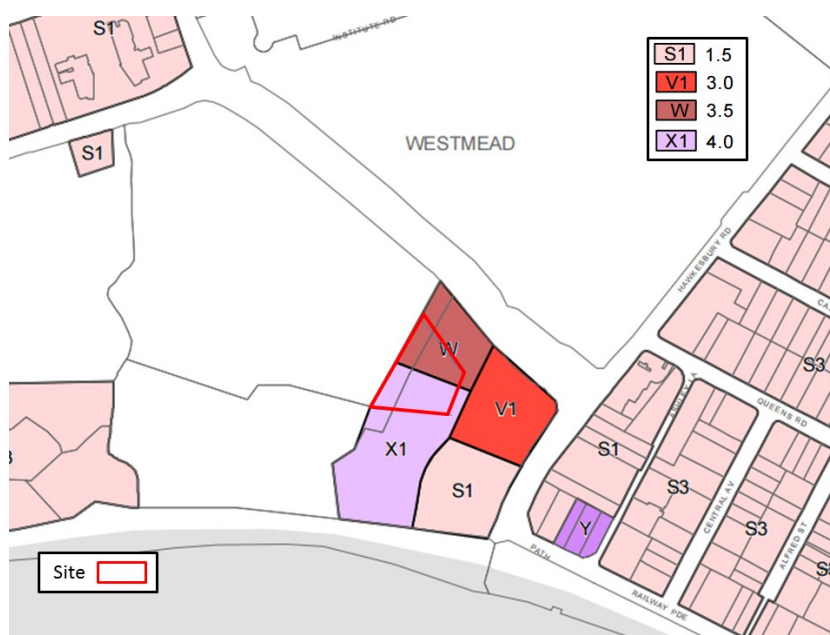


Figure 9:

Extract from the  
PLEP FSR Map

At the time of approval of DA 1271/2016, it was accepted that where two FSR zones apply to a site, that a combined approach was taken in relation to an FSR figure for the development to arrive at one FSR number.

The approved development was identified as having an FSR of 4.34:1 against the standard of 4:1 and 3.5:1 which apply to the various parts of the site.

However, subsequently in *Mulpha Norwest Pty Ltd v The Hills Shire Council (No 2)* [2020] NSWLEC 74, the Land and Environment Court has decided that the FSR must be evaluated separately in the two different FSR areas.

The table below provides a breakdown of the site area of each FSR zone, the approved FSR within each FSR zone, and the proposed FSR within each zone:

|                      | 3.5:1 FSR zone           | 4:1 FSR zone       |
|----------------------|--------------------------|--------------------|
| Site Area            | 3,239 sqm                | 3,349 sqm          |
| Approved GFA/FSR     | 9,244sqm / 2.85:1        | 19,582sqm / 5.85:1 |
| Approved variation % | -23% (i.e. no variation) | +46%               |
| Proposed GFA/FSR     | 10,882sqm / 3.36:1       | 22,676sqm / 6.77:1 |
| Proposed variation % | -4% (i.e. no variation)  | +69%               |



Strict compliance with the 4:1 floor space ratio control is considered to be unreasonable and unnecessary under the circumstances for the following reasons:

- The floor space ratio controls applicable to the site relate to a previous masterplan which has since been abandoned and so the FSR control is no longer relevant to the subject site. Evidence of this is the recent approval on the subject site which departed from the FSR control.
- Since the approval of DA 1271/2016 on the site, two additional rail infrastructure projects have been announced and construction commenced, such that the site is not is now exceptionally well located with immediate proximity to not just a single train station, but a train station, metro station and light rail station. In addition, the site is also within a precinct which is ear marked for significant jobs and student growth immediately around the site. Therefore, it is critically important to ensure that this significant landholding optimises the delivery of housing to support this growth, within the previously identified urban design framework for the site.
- The proposed distribution of built form and massing of the building across the site is the result of a further review and considered analysis of the context of the site and the desire to deliver a positive urban design outcome that will provide an appropriate curtilage to the heritage significant buildings located on the site.
- The proposal will deliver a high quality transit orientated development that will increase the vibrancy of the precinct.
- The proposal is consistent with the desired future character outlined within PDGP 2011 for the subject site and the Westmead precinct generally.
- The density proposed does not prevent achievement of the 9 principles of SEPP 65.
- There are no unacceptable adverse impacts in terms of shadow, view, visual and acoustic privacy impacts resulting from the proposed variation to the floor space ratio development standard which would warrant strict compliance, noting that strict compliance is not longer considered a relevant benchmark in any event.
- The proposed density will not result in an acceptable impact on local traffic conditions and in fact the Traffic and Parking Assessment prepared by JMP Consulting which accompanies the application provides an analysis of the existing traffic conditions as they relate to the subject site and finds that the significant improvement in public and active transport infrastructure planned for Westmead will result in small reduction in traffic generation under the proposed alterations and additions application when compared to the assumptions contained in the traffic assessment supporting the approved development application for the site. Accordingly, the proposed increase in density will not result in any increase in the generation of traffic beyond that which was anticipated to result from the previously approved development on the site under DA 1271/2016.
- The proposed variation allows to site to optimise the delivery of housing in an ideal location within the demonstrated environmental capacity of the site and the proposed variation therefore allows for the most efficient and economic use of the land.
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.
- Having regard to the planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location and the proposed development will be compatible with its context.

Clause 4.6(2) of the PLEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the PLEP, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- there are sufficient environmental planning grounds to justify contravening the development standard.

A request for an exception to the floor space ratio development standard, prepared on behalf of the applicant, accompanies the subject application which demonstrates that strict application of the development standard, in the absence of any tangible impact, would be unreasonable and without basis.

#### Preservation of trees or vegetation

The subject development application does not require the removal of any trees beyond those previously approved to be removed from the site.

#### Heritage conservation

Clause 5.10(5) provides that Council may, before granting consent to development on:

- land on which a heritage item is located, or
- land that is within a heritage conservation area, or
- land that is within the vicinity of land referred to above

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The subject site is within the vicinity of two heritage items in Schedule 5 of the LEP:

- I628 (the St Vincent's Building)
- I629 (a Victorian residence known as the Farmhouse Building)

An extract of the PLEP Heritage Map is shown in Figure 10.

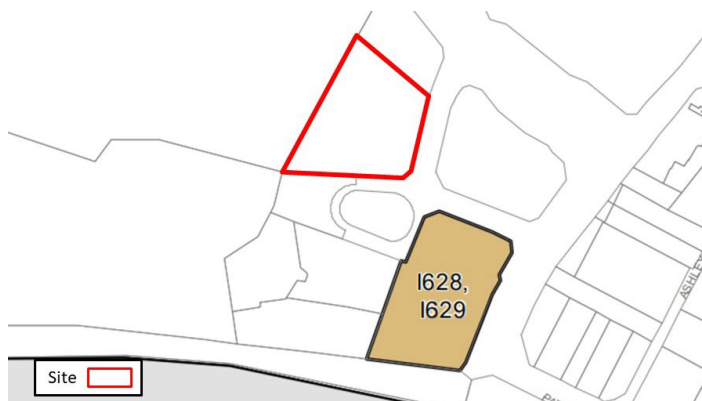


Figure 10:

Extract from PLEP Heritage Map

A Statement of Heritage Impact prepared by Urbis accompanies this application. The assessment has examined the proposal and concludes that the proposed works do not adversely affect the identified heritage significance of the built and landscape elements located in close proximity to the site, as follows:

The proposed changes to the application are primarily contained to a proposed height increase in Buildings D & F, both of which are located in the western portion of the subject site, furthest from the heritage items located to the south-west of the subject site. It is proposed to increase both buildings by four storeys. Minor changes to the facades of these building are also proposed, however, all façade changes are minor and will still maintain the approved material choices and characteristics of the originally approved design. This includes their well modulated forms and variety of complementary building materials to reduce the visual scale of the proposed development.

The overall height of the building located closest to the heritage items (Building E) is not being changed as part of the proposal.

While the increase of four storeys to both Building D & F will increase the overall scale of the development, given the existing approved height, the addition of four storeys is not considered to result in any further impact to the heritage items primarily due to the distance between these building and the heritage items. The variable building heights of the approved development are still maintained, and still allow for a transition from taller development at the west to lower scale development at the east, as the development approaches the heritage items.

Minor changes are proposed to Building E, however, these changes are limited to changes to the façade comprising minor changes to window and door openings. The proposed changes to Building E will not have any adverse impacts on the heritage items located to the east.

As noted in the NBRIS HIS, no potential views and vistas from Parramatta Park will be affected as the development lies outside of the significance view corridors associated with Old Government House and Domain Parramatta Park.

The proposed additional carparking spaces will be incorporated at B4, which will require a minor increase in the excavation proposed for the basement. However, the subject site is located outside of the zone of archaeological potential as identified in Casey & Lowe, Non-indigenous Archaeological Assessment University of Western Sydney, Westmead Campus Westmead (February 2008, updated April 2014) and will thus will not impact any heritage items.

#### Acid Sulfate Soils

Clause 6.1 of the PLEP relates to acid sulfate soils. The objective of the clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The site is identified as Class 5 land on the Acid Sulfate Soils Map. The proposed development is not within

500 metres of adjacent class 1, 2, 3 or 4 land and is unlikely to lower the watertable below 1 metre Australian Height Datum. Accordingly, an acid sulfate soils management plan is not required.

### Earthworks

Clause 6.2 of the PLEP relates to earthworks and requires that before granting development consent for earthworks, the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

The extent of proposed earthworks are unlikely to result in a significant or adverse disruption of drainage patterns at the site. The increase in earthworks is relatively minor with a expansion of basement level 4. It is noted that this level of excavation is representative of other development recently approved by Council.

### Flood planning

Clause 6.3 of the PLEP relates to flood planning and requires that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The site is not flood affected.

#### Development on certain land at Westmead

Clause 6.10 of the PLEP applies to the overall site and requires that development on land which has a frontage to Hawkesbury and Darcy Roads, must not be granted development consent unless at least 30% of the gross floor area of the building is used for a purpose other than residential accommodation.

The subject site does not have frontage to either Hawkesbury or Darcy Roads and there is no requirement to provide a use other than for the purposes of residential on the site.

### 5.3 Draft Environmental Planning Instruments

#### 5.3.1 Design and Place State Environmental Planning Policy (SEPP)

In accordance with section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 any proposed instrument that is or has been the subject of public consultation is a relevant matter for consideration in the assessment of a development application.

An Explanation of Intended Effect for a draft Design and Place State Environmental Planning Policy was placed on public exhibition from 26 February until 28 April 2021.

The Design and Place SEPP will be a principle-based SEPP, integrating and aligning good design and place considerations into a single planning policy. The SEPP will repeal and replace SEPP 65 and the BASIX SEPP, and includes a revised version of the Apartment Design Guide (ADG) and Building Sustainability Index (BASIX). The Explanation of Intended Effect also indicates that there will likely be a number of detailed changes to the existing design criteria in the Apartment Design Guide in relation to deep soil, building separation, solar access, cross ventilation, private open space, communal open space, and storage requirements.

The purpose of the initial public exhibition was to allow the Department of Planning, Industry and Environment to seek early feedback from state government, local councils, industry peak bodies and communities to inform the development of the Design and Place SEPP. Following this, the final Design and Place SEPP will go back on public exhibition later in 2021 to provide more opportunities for feedback. The Department of Planning, Industry and Environment will also develop supporting guidance and tools alongside the policy including a revision to the Apartment Design Guide, the Building Sustainability Index (BASIX) tool and the development of a new Public Space and Urban Design Guide.

Given the very early stage in the consultation for the Design and Place SEPP at the time of writing of this Statement, there is no certainty concerning what the final provisions may be and whether they will be adopted at all or in a different form and accordingly it would be premature to apply or consider the suggested potential controls in the Explanation of Intended Effect at this point in time.

#### 5.3.2 Planning Proposal - Draft Consolidated City Of Parramatta Local Environmental Plan

The site is subject to a Planning Proposal to create a consolidated City of Parramatta Local Environmental Plan. It is noted that the Planning Proposal has received a Gateway determination and has been publicly exhibited, and therefore is a formal matter for consideration for the purposes of section 4.15 of the Act.

On 12 July 2021, Council approved the draft LEP with minor changes and is currently preparing the Planning Proposal documents for submission to the NSW Department of Planning, Industry & Environment (DPIE) for final assessment.

The primary focus of the Planning Proposal is harmonisation of the existing planning controls that apply across the City of Parramatta. Of particular relevance to the subject proposal is the fact that Council have not sought to amend the height or FSR controls for the subject site which remain unchanged despite the recent approval under DA 1271/2016 on the subject site which departed significantly from the current height and FSR development standards which apply to the site.

#### 5.4 Parramatta Development Control Plan 2011

The following section outlines the proposed development's compliance with the relevant provisions of the Parramatta Development Control Plan 2011 (PDCP).

##### 5.4.1 Site Planning

The following table summarises the proposal against the relevant controls contained in Part 3 of the PDCP.

| Section                 | Comment   |
|-------------------------|---|
| 2.3 Site Analysis       |   |
| 2.3 Site Analysis       | A Site Analysis prepared by Turner Architects accompanies the application.  |
| 2.4 Site Considerations |   |
| 2.4.1 Views and Vistas  | No significant public or private views will be affected by the proposed development.  |
| 2.4.2 Water Management  | <p><i>2.4.2.1 Flooding</i><br/>Not applicable.</p> <p><i>2.4.2.2 Protection of Waterways</i><br/>Not applicable.</p> <p><i>2.4.2.3 Protection of Groundwater</i><br/>Groundwater has already been addressed under DA 1271/2016.</p>   |
| 2.4.3 Soil Management   | <p><i>2.4.3.1 Sedimentation:</i><br/>Erosion and sedimentation control measures will be installed to ensure that all soil materials arising from the site works including the placement of any building material stock piles do not permit said soil materials to enter adjacent lands, street gutters, drains and/or waters.</p> <p><i>2.4.3.2 Acid Sulfate Soils:</i><br/>The site is identified as Class 5 land on the Acid Sulfate Soils Map pursuant to PLEP. The proposed development is not within 500 metres of adjacent class 1, 2, 3 or 4 land and is unlikely to lower the watertable below 1 metre Australian Height Datum. Accordingly, an acid sulfate soils management plan is not required.</p> |

| Section                           | Comment  |
|-----------------------------------|--|
|                                   | <p><i>2.4.3.3 Salinity:</i></p> <p>Where appropriate measures will be implemented during the construction and ongoing operation to ensure that soil or groundwater salinity does not impact on the structural integrity of the development and that the development does not impact on any potential soil or groundwater salinity. It is considered appropriate for Council to impose a condition of consent in relation to the management of salinity during construction.</p>  |
| 2.4.4 Land Contamination          | A Site Audit Report prepared by JBS&G Australia that finds that the site is suitable for the intended land-use. Based on the above, it is considered that Council can therefore be satisfied that the site is suitable for the proposed development.   |
| 2.4.5 Air Quality                 | The proposed development will have no negative impact on air quality. Appropriate operating practices will be employed for the duration of construction works to ensure that the development does not contribute to increased air pollution.   |
| 2.4.6 Development on Sloping Land | Not applicable.  |
| 2.4.7 Biodiversity                | <p>The urban context and configuration of the site is such that it currently has a limited contribution with respect to biodiversity.</p> <p>The proposed development will result in an improved contribution in relation to biodiversity as the landscaped open space areas proposed throughout the site will generate new opportunities for fauna to occupy the site.</p>  |
| 2.4.8 Public Domain               | <p>The proposal includes landscaping that will provide a high quality public domain and streetscape character integrating with the Stage 1 public domain works that are nearing completion.</p> <p>The architecture of the building orientates toward the public domain. The proposal will appropriately provide for the casual surveillance of the public domain given the number of apartments designed to overlook surrounding public domain areas.</p> <p>Separate entries for pedestrians and vehicles are provided and where appropriate direct pedestrian access from the street is provided for lower ground floor apartments.</p> <p>Multiple communal entries are provided, which integrate with the public domain through the provision of forecourt areas with feature paving and landscaping.</p> |

#### 5.4.2 Development Principles

The following table summarises the proposal against the relevant controls contained in Part 3.1 of the PDCP.

| Section   | Comment  |
|---|--|
| 3.1 Preliminary Building Envelope (the "Business" preliminary envelope table applies to the proposal which is located within the B4 Mixed Use zone)   |  |
| Height - Maximum height is shown on the LEP 'Height of Buildings Map'   | Height is discussed in relation to the PLEP provisions above and the subject application is accompanied by a Clause 4.6 request in relation to height.   |
| Floor space ratio - Maximum floor space ratio is shown on the LEP 'Floor Space Ratio Map'   | FSR is discussed in relation to the PLEP provisions above and the subject application is accompanied by a Clause 4.6 request in relation to FSR.   |
| Minimum site frontage - Minimum 18 metres where more than 10 metres in height   | The site has a frontage in excess of 18 metres.  |
| Front setback <ul style="list-style-type: none"> <li>3 metres except where specified in Part 4 of the DCP.</li> <li>a lesser setback may be permitted if consistent with predominant street setback.</li> </ul>     | Part 4 of the DCP specifies a 2 metre setback for the road frontage of the subject site and the proposed development complies with this requirement to the eastern and southern site boundaries.   |
| Side setback <ul style="list-style-type: none"> <li>dependent upon amenity impact/s on adjoining development.</li> </ul>  | The proposed development retains the previously approved setbacks of 6.0 metre from the western adjacent site and a 16.0 metre setback is provided from the northern adjacent site (Lot 3).  |
| Rear setback <ul style="list-style-type: none"> <li>15% of site length for residential component; and/or where boundary adjoins a residential development or a residential zone; and otherwise on merit.</li> </ul> | The site does not have a traditional rear setback and each boundary other than the front boundary is more appropriately characterised as a side boundary. Having regard to the characteristics of the site, the proposal is considered to provide appropriate side setbacks. |
| Deep soil/Landscape Area <ul style="list-style-type: none"> <li>rear setback area is to be a deep soil landscaped area</li> </ul>   | The proposal retains the deep soil as previously approved which complies with of the minimum requirements of the Apartment Design Guide.   |

The following table summarises the proposal against the relevant controls contained in the remainder of Part 3 of the PDCP.

| Section                         | Comment  |
|---------------------------------|--|
| 3.2 Building Elements           |  |
| 3.2.1 Building Form and Massing | The impact of the amended proposal with respect to design and site planning remains positive. The proposed distribution of built form and massing of the building across the site is the result of a considered analysis of the context of the site and the desire to deliver a positive urban design outcome. The proposal incorporates an improved diversity of scale and form and is generally consistent with the principles of scale distribution for the site reflected in the |



| Section                                 | Comment  |
|---|--|
|   | LEP and DCP controls. The amended proposal generates an improved level of visual interest with increased modulation to the skyline. The amended development maintains a high level of environmental performance, provides a high level of amenity and an attractive contemporary architectural expression.   |
| 3.2.2 Building Facades and Articulation | <p>The amended distribution of built form and massing of the building across the site is the result of further review and analysis of the context of the site and the desire to deliver an optimised urban design outcome. The composition of the amended building introduces a higher level of articulation which serves to reduce the apparent mass and scale of the building and provide a higher level of visual interest and modulation to the skyline.</p> <p>The amended development maintains a variety of building elements and a visually engaging architectural language with a selection of appropriate materials and finishes as detailed in the architectural package. The proposed built form and composition will provide a positive contribution to the Westmead precinct.</p>  |
| 3.2.3 Roof Design                       | The proposed flat roof design successfully integrates into the overall facade, building composition and desired contextual response and will minimise the appearance of bulk and scale of the buildings as required by the DCP. Where appropriate service elements, such as service plants, lift over-runs and the like, have been integrated into the design of the roof.   |
| 3.2.4 Energy Efficient Design           | <p>This section of the DCP requires a BASIX certificate to be provided for residential development.</p> <p>A BASIX Certificate accompanies the application as required by the Environmental Planning and Assessment Regulation 2000 and SEPP BASIX.</p>  |
| 3.2.5 Streetscape                       | <p>The redevelopment of the site will reinvigorate the Westmead precinct and contribute to the vibrancy, economic success and housing choice within the area. The siting, scale, bulk, and massing of the amended development is an appropriate response to the attributes of the site and represents an appropriately designed development which will contribute positively to the area. The development has been carefully designed to be compatible with the pattern and character of development anticipated for the site and remains sensitive to the significance of nearby heritage items.</p> <p>The proposed design of the facades of the development incorporate a varied composition achieved through the use of a restrained mix of textures, materials, details and colours. The proposal will be constructed of suitably robust and durable materials which will contribute to the overall quality of the streetscape and complement the materiality of the nearby heritage significant buildings.</p> <p>The proposal will result in a new development within a generously landscaped setting.</p> <p>A single vehicular access point is maintained to the carpark and a separate loading dock will be accessed from a private road, ensuring the car parking generated by the development will have minimal visual impact and negligible impact on the character and function of the street frontages.</p> |

| Section                                  | Comment  |
|--|--|
|  | <p>Services and utility areas will be provided within the basement. Where services are required to be provided on the roof they will be integrated into the design and will not detract from the architecture of the building.</p> <p>Mail boxes will be provided in the pedestrian foyers and will be designed to comply with Australia Post standards.</p>   |
| 3.2.6 Fences                             | The proposed development is considered to be consistent with the fences objectives as suitable barriers between the public and private areas are proposed in the form of low-level walls and landscaping. Fencing adequately defines the interface between public and private areas.   |
| <b>3.3 Environmental Amenity</b>         |  |
| 3.3.1 Landscaping                        | No change is proposed in relation to the approved landscaping under DA 1271/2016.  |
| 3.3.2 Private and Communal Open Space    | No change is proposed in relation to the approved private and communal open space under DA 1271/2016.  |
| 3.3.3 Visual and Acoustic Privacy        | <p>A high level of visual privacy is maintained within the amended development. The separation distances within the development remains consistent with those suggested in the Apartment Design Guide and the DCP.</p> <p>An Acoustic Assessment prepared by Acoustic Solutions accompanies the application and details a number of design strategies and measures which will be implemented to ensure that the occupants of the development are not adversely affected by noise.</p>  |
| 3.3.4 Acoustic Amenity                   | An Acoustic Assessment prepared by Acoustic Solutions accompanies the application and details a number of design strategies and measures which will be implemented to ensure that the occupants of the development are not adversely affected by noise from the nearby rail corridor.  |
| 3.3.5 Solar Access and Cross Ventilation | <p>The DCP requires that dwellings within the development site and adjoining properties are to receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm on 21 June.</p> <p>Clause 6A of SEPP 65 provides that a DCP cannot be inconsistent with the Apartment Design Guide in relation to the required solar access. The Apartment Design Guide only requires a minimum of 2 hours solar access rather than the 3 hours suggested by the DCP. In this regard, 71.8% of apartments receive at least 2 hours of solar access.</p> <p>Whilst the proposal results in some increase in overshadowing to the recently completed development to the south, it does not prevent that development from remaining compliant with the ADG required solar access as illustrated in the shadow diagrams which accompany the application. In fact, a detailed 15 minute assessment of the solar performance of the as-built building to the south at 5-7 Maple Road has been used to inform the proposed height by ensuring that the solar access performance of that building remains compliant at 70% of apartments receiving 2 hours of solar access on 21 June.</p> |

| Section   | Comment  |
|---|--|
| <ul style="list-style-type: none"> <li>Min floor to ceiling height is 2.7m.</li> <li>80% of dwellings are to be naturally cross ventilated.</li> <li>Single aspect dwellings are limited in depth to 8m from a window.</li> <li>max building depth is 18m.</li> </ul> | <ul style="list-style-type: none"> <li>The floor to ceiling heights for apartments is 2.7m.</li> <li>Clause 6A of SEPP 65 provides that a DCP cannot be inconsistent with the Apartment Design Guide in relation to natural ventilation. The Apartment Design Guide only requires a minimum 60% of apartments to be naturally cross ventilated and the proposed development complies with this requirement.</li> <li>Single aspect dwellings generally do not exceed 8 metres depth from a window.</li> <li>Clause 6A of SEPP 65 provides that a DCP cannot be inconsistent with the Apartment Design Guide in relation to natural ventilation. In relation to natural ventilation, the Apartment Design Guide requires a maximum 18 metres depth for cross-through apartments, not the entire building as suggested by the DCP. The proposed cross-through apartments do not exceed 18 metres in accordance with the Apartment Design Guide.</li> </ul> |
| 3.3.7 Waste Management  | An updated Waste Management Plan prepared by Elephants Foot accompanies the application which details the proposed on-going waste management arrangements which are consistent with the relevant Design Principles within PDCP.  |
| <b>3.4 Social Amenity</b>   |  |
| 3.4.1 Culture and Public Art  | Development Application DA 1271/2016 was accompanied by a Public Art Strategy prepared by Turpin and Crawford which provides detail of the provision of high quality artworks within the development in publicly accessible/visible locations in accordance with the PDCP.   |
| 3.4.2 Access for People with Disabilities   | Access throughout the development will satisfy the requirements of the Disability Discrimination Act, 1992, the relevant Australian Standards and the Building Code of Australia. Refer to the Accessibility Report prepared by Morris Goding & Associates which accompanies the application for further detail in this regard.  |
| 3.4.4 Safety and Security   | There is no change of relevance to the principles of Crime Prevention Through Environmental Design.  |
| 3.4.5 Housing Diversity and Choice  | <p>The PDCP provides the following mix as a guide:</p> <ul style="list-style-type: none"> <li>3 bedroom 10% - 20%</li> <li>2 bedroom 60% - 75%</li> <li>1 bedroom 10% - 20%</li> </ul> <p>The PDCP indicates that the required apartment mix may also be refined having regard to the location of the development in relation to public transport, public facilities, employment areas, schools, universities and retail centres as well as population trends.</p> <p>The previously approved development provided a mix of 4 x studios (1.2%), 177 x 1 bedroom (51.5%), 152 x 2 bedroom (44.2%), and 11 x 3 bedroom</p>   |

| Section                             | Comment  |
|-------------------------------------|--|
|                                     | <p>(3.2%) and Council was satisfied that this mix was appropriate on the subject site despite the variation from the suggested mix in the DCP.</p> <p>The amended development retains generally the same percentage mix with 4 x studios (1%), 209 x 1 bedroom (51.6%), 178 x 2 bedroom (44%), and 14 x 3 bedroom (3.4%)</p> <p>The proposal is a transit orientated development that will provide additional housing choice with excellent access to a range of public transport options as well as being located within a regionally significant health and education hub and in close proximity to a range of recreational opportunities and services and facilities. The proposed mix therefore remains suitable having regard to the unique location of the site and will assist in rectifying the currently low provision of studio and 1 bedroom accommodation in Westmead, particularly having regard to the increasing demand for this type of accommodation.</p> <p>The DCP requires that where the total number of apartments within a development exceeds 20, that 10% of apartments be adaptable housing and comply with AS 4299. The proposal provides 41 (10%) adaptable apartments which is consistent with the PDCP requirement. The compliance of the proposed development with this requirement is detailed in the Accessibility Report prepared by Morris Goding &amp; Associates which accompanies the application.</p> |
| <b>3.5 Heritage</b>                 |  |
| 3.5.1. General                      | <p>The application is accompanied by a Statement of Heritage Impact prepared by Urbis which provides a detailed assessment of the impact of the amended proposal on the significance of the heritage items in the vicinity including the St Vincent's Building and the Farmhouse Building (local heritage items). The Statement of Heritage Impact concludes that the proposed works do not adversely affect the identified heritage significance of the built and landscape elements located in close proximity to the site.</p>  |
| <b>3.6 Movement and Circulation</b> |  |
| 3.6.1 Sustainable Transport         | <p>No car share parking spaces are proposed as part of the subject application. Given no public car parking is proposed, this is entirely appropriate. PDCP requires a Travel Plan prior to the release of the Occupation Certificate for developments with greater than 5,000 square metres of gross floor space and within a 800 metre radial catchment of a railway station. Given the proposed development satisfies the nominated criteria, it is anticipated that a condition of consent will be imposed requiring the preparation of a Travel Plan.</p>   |
| 3.6.2 Parking and Vehicular Access  | <p><i>Design:</i></p> <p>Vehicular access to the basement car park remains via a single access point from the internal roadway on the northern side of the development as previously approved. The revised basement carpark has ensures that all vehicles enter and exit the site in a forward direction minimising the impact of vehicles on pedestrian movements. A separate loading dock is retained on the northern side of the development.</p>   |

| Section                              | Comment   |
|--------------------------------------|---|
|                                      | <p>A Traffic and Parking Assessment prepared by JMP Consulting accompanies the subject application which confirms that the location and design of driveways, parking spaces and areas used for the movement of motor vehicles are designed in accordance with the relevant Australian Standards.</p> <p><i>Bicycle Parking:</i></p> <p>The DCP requires the provision of 1 bicycle space per 2 dwellings, requiring a total of 203 bicycle spaces. The proposed development provides 340 bicycle spaces. Bicycle parking will be provided in accordance with the relevant Australian Standard.</p> <p><i>Accessible Parking:</i></p> <p>The DCP requires that the number of accessible car parking spaces be provided as prescribed in Table D3.5 of the Building Code of Australia. The proposed development provides accessible car parking spaces.</p> <p><i>Storage:</i></p> <p>The DCP requires that all car parks for multi-dwelling residential developments be provide with a secure storage space with a minimum size of 10 cubic metres per dwelling. Storage space for the apartments is provided in accordance with the minimum requirements of the Apartment Design Guide as outlined in the schedule prepared by Turner Architects.</p> <p><i>Carparking:</i></p> <p>Site specific car parking provisions are provided under part 4.3.4.1 of PDCP. Refer to the assessment against part 4.3.4.1 of the DCP for detail in this regard.</p> |
| 3.6.3 Accessibility and Connectivity | <p>The DCP requires that pedestrian links should be provided where possible through development sites to improve connectivity between housing, open space networks, community facilities, public transport, local activity centres and schools.</p> <p>The redevelopment of the overall site has been designed to provide a high level of pedestrian permeability and creates new linkages between the railway station and nearby schools and hospitals and a high level of connectivity with the existing urban fabric.</p> <p>The proposed redevelopment of the subject site includes public domain works that are designed to integrate with the completed public domain works, and maintains a new private road within the '6.0 metre wide right of access' located adjacent to the northern site boundary as previously approved that will further improve accessibility and connectivity within the precinct.</p>   |

#### 5.4.3 Westmead Precinct

The site is located within the Westmead Precinct. The site is also identified as being within Special Area: 158-164 Hawkesbury Road and part of 2A Darcy Road, Westmead in section 4.3.4.1 of PDCP.

The following table summarises the amended proposal against the relevant controls contained in Part 4 of the PDCP:

| Section                  | Comment  |
|--------------------------|--|
| Desired Future Character |  |
| Desired Future Character | <p>Objectives for the Westmead Precinct:</p> <p>The amended development remains consistent with the desired future character of the locality in that:</p> <ul style="list-style-type: none"> <li>• The proposed development will not unreasonably impact on the amenity of existing residents in terms of solar access, privacy and views.</li> <li>• The proposal will deliver a significant improvement in terms of pedestrian links and connectivity for the precinct.</li> <li>• A wide range of dwelling types and sizes are proposed, with accessible, adaptable and visitable features incorporated for the changing needs of residents and future flexibility.</li> <li>• The landscaping proposed on the subject site as well as throughout the overall site will be of a high quality and will contribute towards local and regional biodiversity.</li> </ul> <p>Objectives for Special Area: 158-164 Hawkesbury Road and part of 2A Darcy Road, Westmead:</p> <p>The amended development remains consistent with the site specific desired future character objectives in that:</p> <ul style="list-style-type: none"> <li>• The proposed development is of a high architectural and landscaped quality. The composition of the building introduces a higher level of articulation with modulation of the facades with greater variation to the arrangement of balconies which serves to reduce the apparent mass and scale of the building and provide a high level of visual interest.</li> <li>• An active street environment and sense of individual ownership is achieved in the proposal with the majority of lower ground floor apartments enjoying individual entry.</li> <li>• Careful consideration has been given to the relationship between the proposed building and the heritage significant buildings located to the south east. In this regard the higher buildings have been retained in the south western corner of the site providing visual relief between the development and heritage significant buildings. The proposal appropriately responds to the siting, scale, form and character of heritage items.</li> <li>• The amended height of the proposed development is appropriately distributed across the site having regard for orientation, overshadowing, heritage buildings and views/vistas.</li> <li>• The architecture of the built form will provide for an appropriate interface between public and private spaces and will provide a high level of passive surveillance of the public domain surrounding the site.</li> <li>• The application is accompanied by a Traffic and Parking Assessment which finds that the proposed development has good access to public transport and the traffic generated from the redevelopment of the site will be less than that which was anticipated to result from the previously approved development of the site.</li> </ul> |



| Section                             | Comment  |
|-------------------------------------|--|
|                                     | <ul style="list-style-type: none"> <li>The proposed development will provide an increased resident population in a location that is well served by public transport.</li> </ul>  |
| Subdivision                         |  |
| Subdivision                         | Not Applicable.  |
| Building Form & Massing             |  |
| Building Height                     | Height is addressed in detail under the PLEP considerations.   |
| Floor Space Ratio                   | FSR is addressed in detail under the PLEP considerations.  |
| Design                              | <p>The amended proposal remains consistent with the Design Principles relating to 'Design' outlined within the DCP as follows:</p> <ul style="list-style-type: none"> <li>The architecture of the proposed development incorporates a higher level of modulation and visual interest and adopts a unified streetscape character.</li> <li>The proposed distribution of built form and massing of the building across the site is the result of a further review of the site and context and additional site analysis which has determined that the site has the environmental capacity for additional height whilst maintaining consistency with the established principles for a hierarchy and transition of height from south to north.</li> <li>The proposal retains activated frontages with the majority of the lower ground level apartments provided with direct street access.</li> <li>The proposed built form appropriately still defines the adjacent street corridors, street corners and open spaces on the site.</li> <li>The architectural package includes a solar access analysis which demonstrates that the proposed development does not result in any unreasonable impacts to other buildings and/or public open space within the site in terms of loss of solar access. In fact, a detailed 15 minute assessment of the solar performance of the as-built building to the south at 5-7 Maple Road has been used to inform the proposed height by ensuring that the solar access performance of that building remains compliant at 70% of apartments receiving 2 hours of solar access on 21 June.</li> <li>The proposal has adequate regard to the slope of the land.</li> <li>Whilst the site is largely isolated in terms of its visual presence to Hawkesbury Road and Westmead Station, the proposal will present an attractive contemporary architectural expression.</li> <li>An Acoustic Assessment prepared by Acoustic Solutions accompanies the application and details a number of design strategies and measures which will be implemented to ensure that the occupants of the development are not adversely affected by noise and vibration from the adjacent railway.</li> </ul> |
| Public Domain and Indicative Layout |  |
| Open Space                          | No change is proposed in relation to the approved open space under DA 1271/2016  |

| Section                        | Comment  |
|--------------------------------|--|
| Heritage                       |  |
| General                        | <p>The application is accompanied by a Statement of Heritage Impact prepared by Urbis which provides a detailed assessment of the impact of the amended proposal on the significance of the heritage items in the vicinity including the St Vincent's Building and the Farmhouse Building (local heritage items). The Statement of Heritage Impact concludes that the proposed works do not adversely affect the identified heritage significance of the built and landscape elements located in close proximity to the site.</p>  |
| Traffic & Transport            |  |
| Car Parking                    | <p>The maximum applicable car parking rate for residential flat buildings is:</p> <ul style="list-style-type: none"> <li>• Studio apartments – a maximum of 0.6 spaces per apartment,</li> <li>• 1, 2 and 3 bedrooms - a maximum of 1 space per apartment plus 1 parking space to be provided for every 5 dwellings for visitors.</li> </ul> <p>Based on these car parking rates, a maximum of 404 residential car parking spaces and 81 visitor car parking spaces would be permitted for the proposal.</p> <p>The proposal provides a total of 404 residential car parking spaces and 81 visitor car parking spaces.</p> <p>Consistent with the DCP Design Principles, the majority of car parking is proposed at basement level, with some provided on the Lower Ground Floor Level. The proposal minimises pedestrian and vehicular conflict with a single entry to the basement carpark.</p> <p>Refer to the Traffic and Parking Assessment prepared by JMP Consulting that accompanies the application for further detail in relation to the proposed car parking arrangement.</p> |
| Bicycle Parking                | <p>The DCP requires that bicycle parking must be provided in accordance with Part 3.6.2 of the DCP. Refer to the assessment against Part 3.6.2 of the DCP for detail in this regard. Bicycle parking will be provided in accordance with the relevant Australian Standard.</p>   |
| Streets                        | Not applicable.  |
| Alternative Means of Transport | <p>Pedestrian links and facilities for non-car modes of transport are provided. In this regard, the redevelopment of the overall site provides a high level of pedestrian permeability and creates new linkages between the railway station and nearby schools and hospitals and a high level of connectivity with the existing urban fabric.</p>  |

## 6.0 SECTION 4.15 CONSIDERATIONS

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979. Guidelines (in italics) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning (now the Department of Planning and Environment).

### 6.1 *The provisions of any planning instrument, draft environmental planning instrument, development control plan or regulations*

The proposal is permissible pursuant to the Parramatta Local Environmental Plan 2011 and is generally in conformity with the objectives of the B4 Mixed Use zone provided under the LEP. The proposal is also generally compliant with the development controls contained within the Parramatta Development Control Plan 2011 and where the proposal departs from the provisions has been demonstrated to be capable of support

### 6.2 *The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

#### **Context and Setting**

What is the relationship to the region and local context in terms of:

the scenic qualities and features of the landscape?

the character and amenity of the locality and streetscape?

the scale, bulk, height, mass, form, character, density and design of development in the locality?

the previous and existing land uses and activities in the locality?

The proposed redevelopment will deliver an important stage of the urban renewal of a large site which has previously been underutilised. The redevelopment of the site will reinvigorate the Westmead precinct and contribute to the vibrancy, economic success and housing choice within the area. The siting, scale, bulk, and massing of the amended development is consistent with that anticipated for the site and represents an appropriately designed development which will contribute positively to the area.

What are the potential impacts on adjacent properties in terms of:

relationship and compatibility of adjacent land uses?

sunlight access (overshadowing)?

visual and acoustic privacy?

views and vistas?

edge conditions such as boundary treatments and fencing?

The proposed development incorporates appropriate design elements to ameliorate potential amenity impacts to adjoining properties. These issues have been discussed in detail in the body of this Statement.

### Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

travel demand?

dependency on motor vehicles?

traffic generation and the capacity of the local and arterial road network?

public transport availability and use (including freight rail where relevant)?

conflicts within and between transport modes?

traffic management schemes?

vehicular parking spaces?

The proposed development provides appropriately for car parking and will not result in any adverse impact on the capacity of the local road network.

### Public domain

The property's presentation in a streetscape context will be enhanced as a consequence of the proposed development. The proposal will significantly improve the casual surveillance of the public domain given the number of apartments designed to overlook surrounding public domain areas.

### Utilities

Adequate utility services are able to be provided to service the development.

### Flora and fauna

The subject proposal does not require any additional tree removal and deliver a comprehensive landscape scheme that will enhance the amenity and liveability for residents, workers and visitors and will integrate with the recently completed public domain landscape works.

### Waste collection

Normal domestic waste collection applies to this development. A Waste Management Plan and Construction Management Plan accompany the application which detail how construction and ongoing waste will be managed.

### Natural hazards

The site is not affected by any known hazards.

### Economic impact in the locality

The proposed development will provide temporary employment through the construction of the development. The proposal will introduce an increased residential population which will contribute to the economic success of surrounding retail and business activities.

### Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

size, shape and design of allotments?

the proportion of site covered by buildings?

the position of buildings?

the size (bulk, height, mass), form, appearance and design of buildings?

the amount, location, design, use and management of private and communal open space?

landscaping?

The impact of the proposal with respect to design and site planning is positive. The amended distribution of built form and massing of the building across the site is the result of further analysis of the context of the site and the desire to deliver a positive urban design outcome. The proposal incorporates an improved diversity of scale and form. The proposal generates a high level of visual interest with improved modulation to the skyline as well as retaining an engaged ground floor plane incorporating landscaping. The building exhibits a high level of environmental performance, provides a high level of amenity and an attractive contemporary architectural expression.

How would the development affect the health and safety of the occupants in terms of:

lighting, ventilation and insulation?

building fire risk - prevention and suppression/

building materials and finishes?

a common wall structure and design?

access and facilities for the disabled?

likely compliance with the Building Code of Australia?

The proposed development will comply with the provisions of the Building Code of Australia as required by clause 98 of the Environmental Planning and Assessment Regulation 2000. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

### Construction

What would be the impacts of construction activities in terms of:

the environmental planning issues listed above?

site safety?

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

### 6.3 The suitability of the site for the development

Does the proposal fit in the locality?

- are the constraints posed by adjacent developments prohibitive?
- would development lead to unmanageable transport demands and are there adequate transport facilities in the area?
- are utilities and services available to the site adequate for the development?

The adjacent development does not impose any insurmountable development constraints. There will be no excessive levels of transport demand created.

Are the site attributes conducive to development?

The site does not have any physical or engineering constraints which would prevent the proposed development from occurring.

### 6.4 Any submissions received in accordance with this Act or the regulations

It is envisaged that any submissions made in relation to the proposed development will be appropriately assessed by Council.

### 6.5 The public interest

The proposed redevelopment will deliver an important stage of the urban renewal of a large site which has previously been underutilised. The proposed development will provide a positive contribution to the streetscape and will allow for the proper interpretation of the nearby heritage items. The redevelopment of the site will reinvigorate the Westmead precinct and contribute to the vibrancy, economic success and housing choice within the area. The development provides 405 residential apartments which will increase the residential population which will support local businesses and contribute to diversity in the community. The development maximises internal amenity for future occupants. The proposal is also consistent with the objectives of the relevant planning provisions and the design principles established for the site. The proposal will capitalise on the significant investment in public transport immediately adjacent to the site and provide housing in a highly appropriate location. For these reasons the approval of the development is considered to be in the public interest.



## 7.0 CONCLUSION

The relevant matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 have been addressed in this Statement and the proposed development has been found to be consistent with the objectives of all relevant planning provisions.

The proposal is permissible with Council's consent within the zone and meets the relevant objectives of the PLEP.

The proposed amended development is the outcome of a further design review since approval of DA 1271/2016 as a result of the significant strategic planning, transport planning and policy changes that have taken place in Westmead in recent years. The site is now exceptionally well located with immediate proximity to not just a single train station, but a train station, metro station and light rail station. The site is also within a precinct which is earmarked for significant jobs and student growth immediately around the site. Therefore, it is critically important to ensure that this significant landholding optimises the delivery of housing to support this growth, within the previously identified urban design framework for the site.

Careful consideration has been given to the location, size and design of the amended development to ensure that an improved urban design outcome will be achieved which is consistent with the desired future character of the overall site. The proposed development responds positively to the particular site circumstances, without unacceptable impact to the amenity of adjoining development generally.

The proposal represents an improvement in relation to the previously approved development for the site as it introduces urban design benefits including greater diversity of scale, increased variety of architectural expression, and an accentuation of the slenderness of form of the tower. These benefits are achieved whilst still adhering to the previously established urban design principles of for the overall site, including the principle of downward transition from south to the north.

The site has been demonstrated to be suitable for the amended development which will positively contribute to the diversity in housing stock and availability within the area, with the environmental capacity of the site. The proposal will have acceptable impacts on both the environment and the amenity of the locality. For reasons outlined in this Statement of Environmental Effects the proposed alterations and additions to DA/1271/2016 at 3 Farmhouse Road, Westmead should be granted development consent.