

Kate Lafferty

From: Kate Lafferty
Sent: Tuesday, 31 March 2026 11:38 AM
To: 'akshay.bishnoi@dpie.nsw.gov.au'
Cc: Myfanwy McNally
Subject: Council Comments – SEARS – Mixed-use Development with Infill Affordable Housing – Blocks A and B -37-39 Hill Rd, Wentworth Point (SSD-109593990)

Dear Akshay,

Council Comments – SEARS – Mixed-use Development with Infill Affordable Housing – Blocks A and B -37-39 Hill Rd, Wentworth Point (SSD-109593990)
(Council Reference: NCA/7/2026)

Thank you for seeking Council advice on the draft SEARS for the above project.

The information and documentation requested within the draft SEARs is supported. Notwithstanding this, Council officers would like to make the following additional comments regarding information to be submitted with any future SSDA:

- **Wind Assessment**

It is noted that the wind assessment required under Section 8 (Environmental Amenity) of the draft SEARs should be based on a *wind tunnel test using Bankstown climate data* rather than merely a desktop assessment. This will potentially have significant impacts on the pedestrian wind environment and usage of communal/private areas on site. Any significant design changes due to wind impacts should be picked up early in the project development.

- **Consideration of Sydney Water Constraints**

Council officers are aware of the current issues pertaining to the capacity loading of Sydney Water sewer assets and restricted connection being available in Wentworth Point. The proposed increase in demand will create additional pressures on this infrastructure. The applicant should be considering this utility provision issue early in the development process as this may impact upon the design of the building (for example, provision of on-site sewer tanks and access by waste collection vehicles).

We would like to make the following comments that should be addressed by the applicant and the Department before the SSDA is lodged.

Planning Consideration of the Proposal

Applicability of Bonus Provisions under SEPP (Housing)

The applicant has noted within the scoping report that based upon legal advice (which Council has not been privy to), the proposal cannot seek a height or floor space bonus under the provisions of the SEPP (Housing). In this regard, Council officers are of the opinion that a height bonus could be achieved as the

maximum permissible building height (albeit in storeys rather than metres) would apply under the Housing SEPP due to the definition which includes not only EPIs but also the DCP:

maximum permissible building height means the maximum building height permitted on the land under Chapter 5 or 6, where relevant, an environmental planning instrument, other than this Policy, or a development control plan.

However, a floor space bonus could not be achieved as there is no FSR (only floor space) under the DCP. Clause 16(4) states that FSR bonus does not apply to development on land for which there is no maximum permissible floor space ratio.

The above would therefore suggest that part of the SEPP bonus provisions applies. What are the implications of this for assessment? The Department should provide a clear process for assessment in regard to the applicability of controls. In this respect, the legal planning means of achieving an additional height and floor space bonus without the need for a DCP amendment (or under the provisions of the Housing SEPP) should be clarified by the Department before SEARs are issued.

Applicability of Homebush Bay West DCP 2004 (and Amendment 1)

It is acknowledged that DCPs do not apply to SSD development under the provisions of Clause 2.10 of SEPP (Planning Systems) 2021.

However, given the DCP is a deemed masterplan required under Clause 4.13 of the SEPP (Precincts—Central River City) 2021 and is a matter for the consent authority to give consideration to, it is questionable whether this DCP should be disregarded in the assessment of the application. This should be confirmed before SEARs are issued.

I will upload this correspondence to the major projects portal to complete our task.

Please contact me if you have any further enquiries.

Kate Lafferty

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Council acknowledges the Traditional Owners of the land, the Dharug Peoples and pays respect to their Elders past and present.

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