

ASSESSMENT REPORT

1 Burroway Road, Wentworth Point SSD 6387 MOD 4

1. INTRODUCTION

This report provides an assessment of an application seeking approval to modify a State Significant Development Consent (SSD 6387) for a mixed use development at 1 Burroway Road, Wentworth Point in the Parramatta local government area. The application has been lodged by Sutherland and Associates Planning Pty Ltd (the Applicant) pursuant to section 96(1)A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposal seeks approval for the installation of a canopy structure over the through-site link and a new cafe at the link's southern end adjacent to Burroway Road.

2. SUBJECT SITE

The subject site is located at the northern end of Wentworth Point, which is bound by the Parramatta River to the north and east and parklands to the south and west. The site is owned by the Sydney Olympic Park Authority (SOPA) (refer to **Figure 1**).

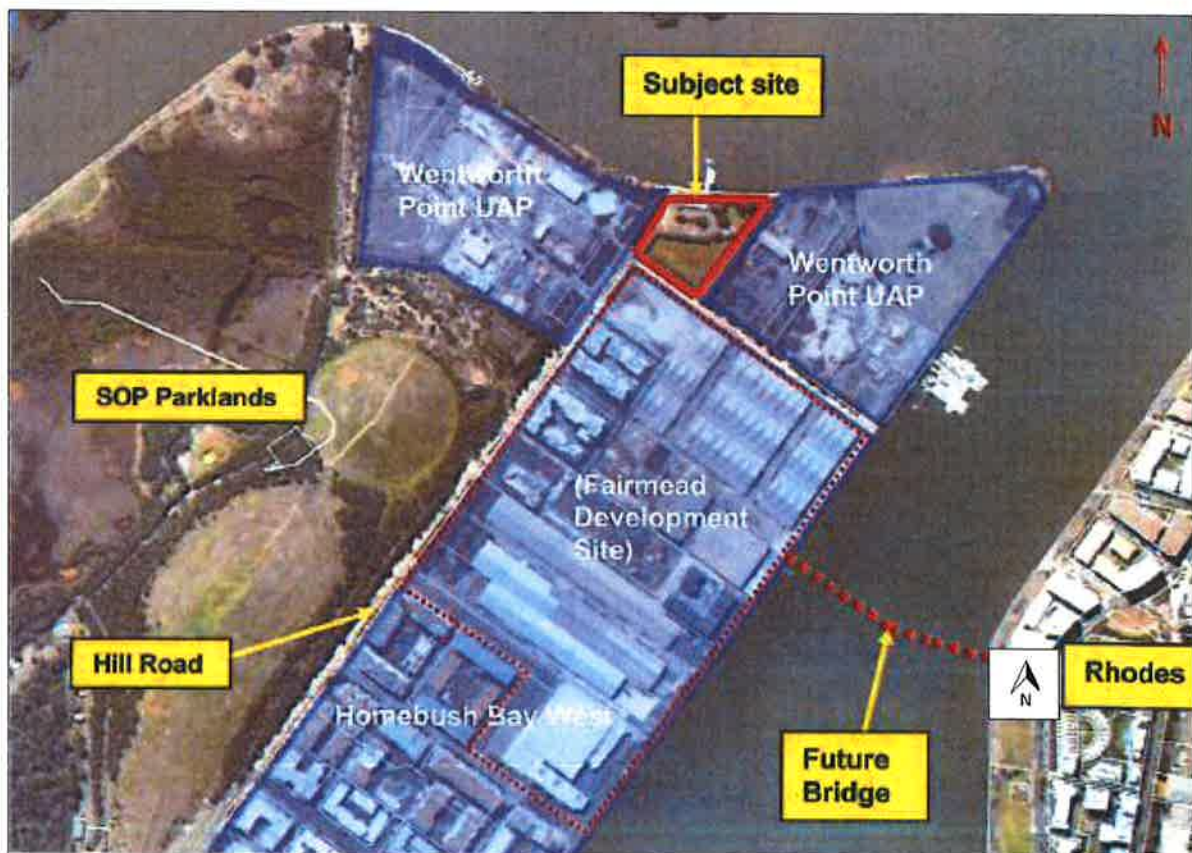


Figure 1: Site Location

3. APPROVAL HISTORY

On 1 December 2014, the Secretary of the Department of Planning and Environment granted SSD approval for the construction of three 8 storey residential buildings above ground floor retail/commercial podiums and a three level basement structure and associated public domain works.

The approved layout is illustrated in the Site Plan at **Figure 2**.

The proposal has been modified on three occasions to:

- amend Condition B17 Access for People with Disabilities;
- amend the mix of apartment types, residential internal layout, number of parking spaces for the child care centre, additional retail storage, reconfigure the loading dock, and external façade; and
- include an additional condition to specifically reference the approved uses within the commercial tenancies.

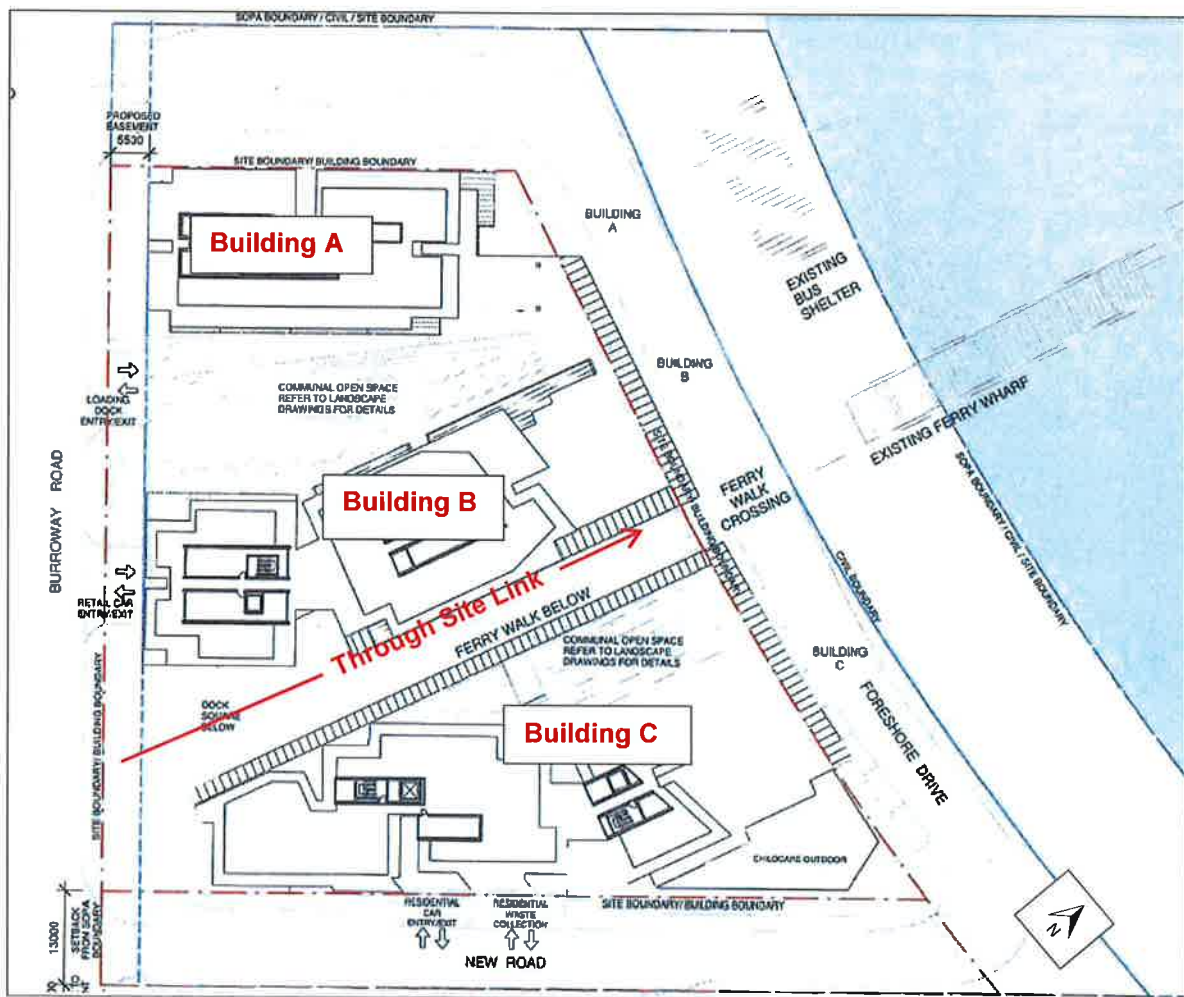


Figure 2: Approved Site Plan

4. PROPOSED MODIFICATION

On 22 August 2016, the Applicant lodged an application (SSD 6387 MOD 4) seeking approval to amend the approved development by including a:

- glazed canopy supported by centralised columns along the through-site link; and
- new cafe at the southern end of the through-site link adjacent to Burroway Road.

On 8 December 2016 the Applicant lodged a Response to Submissions (RtS) which reduced the footprint of the café.

The modification is requested on the basis that it will improve amenity and weather protection, and increase activation of the through site link. **Figures 3 to 7** illustrate the proposal.

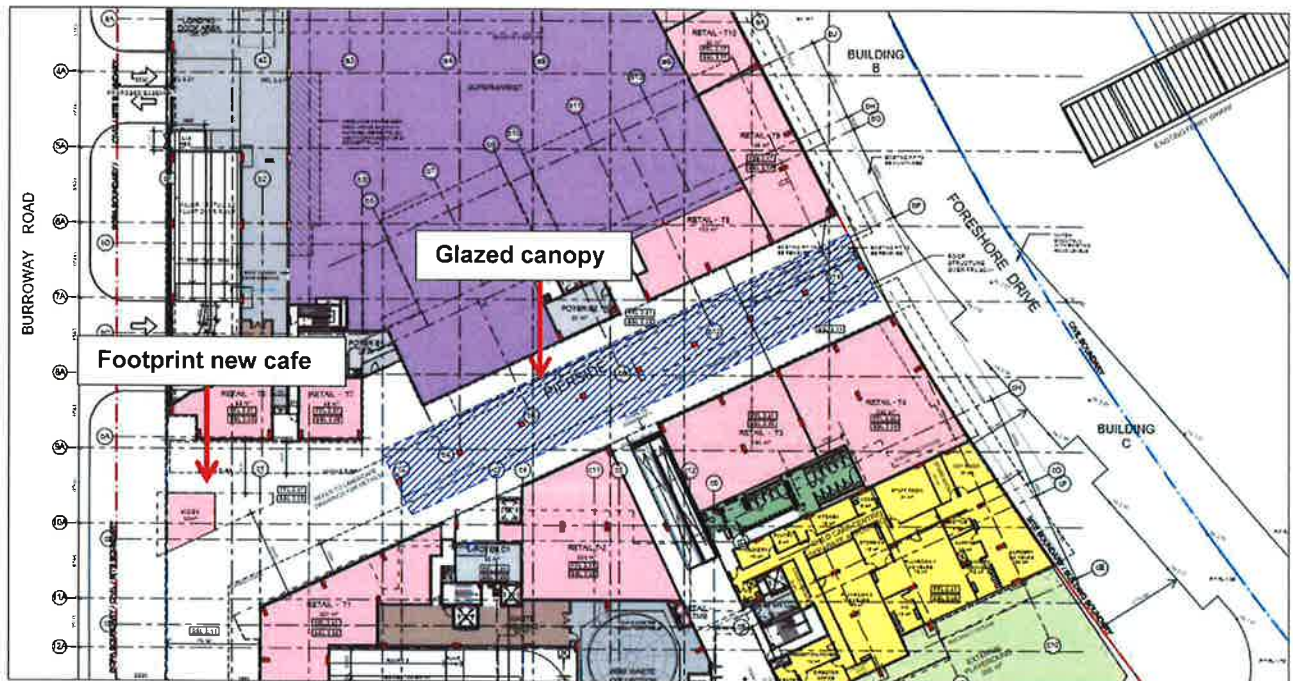


Figure 3: Proposed Site Plan



Figure 4: Proposed awning looking north



Figure 5: Proposed awning looking south



Figure 6: Proposed cafe



Figure 7: Proposed cafe

5. STATUTORY CONSIDERATION

5.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact.	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications will have minimal environmental impacts.
That the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	The proposed modification seeks approval for minor changes and does not result in any additional adverse impacts on the surrounding area. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 6 of this report.
Any submission made concerning the proposed modification has been considered	The Department received two submissions on the proposal. The issues raised in submissions have been considered in Section 7 of this report.

5.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;*
- *State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; and*
- *State Environmental Planning Policy No 55 - Remediation of Land.*

The Department undertook a comprehensive assessment of the redevelopment against the abovementioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification is generally consistent with the EPIs.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Director, Modification Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection;
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

6. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification request was made publicly available on the Department's website and referred to Parramatta City Council (Council) and the Sydney Olympic Park Authority SOPA for comment. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means.

Council initially raised concern regarding the location of the café as it would impede the visual and pedestrian flows through the site. Following the amended scheme submitted with the RtS, Council raised no further objection to the location of the café, but recommended it be constructed of high quality materials. In relation to the canopy, Council recommended it be designed and constructed in accordance with the Building Code of Australia and designed to

ensure the plaza area maintains appropriate access for people with disabilities.

SOPA raised no objection to the proposed canopy structure, but raised concern with the initial size and location of the cafe and the visual impact it would have on the through-site link. Following submission of the RtS, SOPA raised some issues relating to pedestrian movements within the area generally, and the need for a precinct wide pedestrian access strategy. The Department considers these issues are outside of the scope of the current modification request.

7. ASSESSMENT

The Department considers the key issues associated with the proposed modification are:

- public Domain; and
- canopy Design (see **Table 1** below).

Table 1: Assessment of Key Issues

Issue	Consideration	Recommendation
<i>Public Domain Impacts (Cafe)</i>	<ul style="list-style-type: none"> • The proposal seeks approval for a new café at the entrance of an open air at-grade through-site link which provides public access between Burroway and Foreshore Roads to the ferry terminal. • SOPA and Council initially raised concern with the location and size of the cafe and the potential loss of visual connection to the foreshore and ferry terminal from Burroway Road. • In response, the applicant relocated the café to the west and reduced its size from 50 sqm to 30 sqm so a 10 metre wide through site link would be retained. • Council acknowledged the improvements of the revised proposal and considered it would minimise impacts on the public domain. • The Department considers the location and size of the proposed cafe (as amended) is appropriate given it would: <ul style="list-style-type: none"> – activate the entrance to the site on Burroway Road; and – maintain a 10 metre wide through-site link consistent with the requirements in <i>Wentworth Point Precinct Masterplan 2030</i>; – continue to allow direct pedestrian access to the ferry terminal and bus interchange; and – retain adequate visual permeability through the site. • The Department is also satisfied the café is appropriately designed to complement the architecture and design of the surrounding buildings and public domain. • The Department is therefore satisfied there would be no adverse impacts on the public domain. 	No additional conditions or amendments necessary.
<i>Canopy Design</i>	<ul style="list-style-type: none"> • Council and SOPA are supportive of the proposed canopy. Council recommended the canopy be designed and constructed in accordance with the Building Code of Australia and the plaza maintains appropriate access for people with disabilities. SOPA recommended it be designed to manage stormwater runoff. • The proposed canopy contains intermittent solid sections to provide sunshade and all-weather protection for pedestrians. The design allows for the penetration of light and free movement of air as it spans above the retail awnings below. It would be supported by a single row of columns to minimise impacts on pedestrians and disabled access through the link. • The applicant confirmed rainwater would run off the canopy to adjacent awnings which have sufficient capacity to convey rainwater. • The Department considers the canopy would make a positive contribution to pedestrian amenity. • The Department is satisfied the design would not have an adverse impact on the visual amenity of the site, stormwater management, or disabled access. 	No additional conditions or amendments necessary.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modification is appropriate on the basis that:

- there will be no unacceptable impacts on pedestrian access;
- the visual connections to the foreshore and ferry terminal along the through-site link from Burroway Road will be maintained;
- it is consistent with the requirements of the *Wentworth Point Precinct Masterplan 2030*;
- the cafe will activate the gateway to the site on Burroway Road;
- the canopy structure will provide all-weather protection for pedestrians and the design ensures there will be adequate penetration of light and air for the amenity of pedestrians.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is RECOMMENDED that the Director, Modification Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 96(1)A, subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

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 22/12/16

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APPENDIX A: INSTRUMENT OF MODIFICATION

The Instrument of Modification can be found on the Department's website at the following address:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6387

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6387

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6387