

1 Susan Street, P.O. Box 118 Auburn, NSW Australia 1835

Telephone: 9735 1222 Facsimile: 9643 1120

ABN 63 914 691 587

In reply quote: DA-296/2014

Contact Name: Karl Okorn

8 December 2014

Joint Regional Planning Panels
Regionals Panels Secretariat
23-33 Bridge Street
SYDNEY NSW 2000

Dear Suzie Jattan,

**SUBJECT: DEVELOPMENT APPLICATION DA-296/2014 AT 3 BURROWAY ROAD,
WENTWORTH POINT**

Reference is made to the subject development application, which is scheduled to be determined by the Joint Regional Planning Panel (JRPP) on 11 December 2014.

The purpose of the letter is to advise that the recommended conditions sent by Council to the JRPP on 28 November 2014 have been subject to some minor amendments as a result of legal advice recently received by Council. The amendments do not alter the nature or intent of the conditions originally provided by Council, however Council considers the amendments will provide greater clarity with regard to the requirements of the conditions and should therefore be included. The relevant conditions are identified below:

- **Condition 1. A. DC1 is amended to read as follows:**

The following "Deferred Commencement" conditions are applied and must be satisfied before the consent can operate:-

Consent is granted subject to the following "deferred commencement" conditions. In accordance with Section 80(3) of the Environmental Planning and Assessment Act, this development consent will not operate until you satisfy the Council as to the matters set out in these "deferred commencement" conditions.

DC1. Submission of waiver letter from Dept. Planning

Submission of documentary evidence to Council demonstrating that the requirement under Clause 16 (2) of Sydney Regional Environmental Plan 24 – Homebush Bay Area, to comply with an approved master plan has been waived by the Minister for the site contained within the subject staged development consent.

*In accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of **730** days, sufficient enough for Council to be able to be satisfied of the above matters.*

If evidence is produced within the specified period, in accordance with Clause 95(5) of the Regulation, Council will notify you whether or not it is satisfied as to the above matters and whether or not the consent will operate.

- **Condition 2. Part A is amended to read as follows:**

Part A: Staged Development Conditions

- **Condition 4 is amended to read as follows:**

Subsequent applications to comply with Staged Development approval

The determination of any further development application made in respect of Precinct B cannot be inconsistent with this staged development consent.

The detailed design of the approved envelopes including the location of service areas and future development of Blocks C, E, F and H shall be contained within the building footprint and envelopes approved as part of this staged development consent. Any future development application made in respect of the land the subject of this staged development consent shall comply with the following:

- a) The total cumulative gross floor area for Precinct B shall not exceed the maximum: 220,940 sqm
- b) The floor plate of each tower within each Block in Precinct B shall not exceed the maximum floor area of 950 sqm.
- c) Each block forming part of the Concept Plan shall be subject of a separate development application.

Reason:- to ensure consistency with clause 83 of the EP&A Act 1979.

- **Condition 6 is amended to read as follows:**

Section 94 Developers Contributions – future stages

Section 94 contributions will be applicable for each of the subsequent stages of development forming part of this staged development consent in accordance with the Auburn Development Contributions Plan 2007.

The Section 94 contributions specifically nominated under Part B of this staged development consent apply only to building Block B (being stage 1 of the staged development approval) and are not applicable to future stages of the development.

Reason:- to ensure compliance with the Auburn Development Contributions Plan 2007 and ensure that s94 contributions are paid for each subsequent stage of developments within the staged development consent.

- **Condition 7 is amended to read as follows:**

Parking controls for commercial and retail uses

Parking and loading for commercial and retail uses proposed within subsequent stages of this staged development consent shall comply with the Roads and Maritime Services (RMS) Guide to Traffic Generating Developments.

Reason:- to ensure adequate parking is provided for the proposed development.

- **Condition 11 is amended to read as follows:**

Part B: Stage 1 Conditions – Block B

- **Condition 14 is amended to read as follows:**

Voluntary Planning Agreement

Prior to the issue of any Construction Certificate for Block B (stage 1), the owner of the land shall enter into a Section 93F Planning Agreement with Council. The planning agreement shall be generally in accordance with the offer made by the owners of the land to the Council in the draft Planning Agreement lodged with Development Application DA-296/2014 (subject to agreed upon modifications).

Reason:- To ensure the implementation of the proposed Voluntary Planning Agreement.

It would be appreciated if the amendments nominated above could be circulated to the Panel members prior to the meeting of 11 December 2014.

Yours faithfully,



KARL OKORN
MANAGER - DEVELOPMENT ASSESSMENT