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**CONDITIONS OF DEVELOPMENT CONSENT**


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**DA No:** DA-19/2015  
**Property:** 37-39 Hill Road, WENTWORTH POINT NSW 2127  
**Description:** Staged development application (concept design) to establish building locations and envelopes on blocks A-D, including heights, setbacks, parking, new roads and landscaping - Integrated Development - Water Management Act

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**1. Approved Plans**

The development is to be carried out in accordance with the approved stamped plans as numbered below:

| <b><i>Plan Number</i></b> | <b><i>Prepared By</i></b> | <b><i>Revision No.</i></b> | <b><i>Dated</i></b> |
|---------------------------|---------------------------|----------------------------|---------------------|
| DRWG No. AD-DA002         | Scott Carver              | 4                          | 26/02/2016          |
| DRWG No. AD-DA006         | Scott Carver              | 5                          | 26/02/2016          |
| DRWG No. AD-DA007         | Scott Carver              | 6                          | 26/02/2016          |
| DRWG No. AD-DA008         | Scott Carver              | 5                          | 26/02/2016          |
| DRWG No. AD-DA010         | Scott Carver              | 6                          | 26/02/2016          |
| DRWG No. AD-DA012         | Scott Carver              | 5                          | 26/02/2016          |
| DRWG No. AD-DA110         | Scott Carver              | 2                          | 10/08/2015          |
| DRWG No. AD-DA111         | Scott Carver              | 2                          | 10/08/2015          |
| DRWG No. AD-DA112         | Scott Carver              | 2                          | 10/08/2015          |
| DRWG No. AD-DA113         | Scott Carver              | 2                          | 10/08/2015          |
| DRWG No. AD-DA120         | Scott Carver              | 2                          | 19/06/2015          |
| DRWG No. AD-DA121         | Scott Carver              | 2                          | 19/06/2015          |
| DRWG No. AD-DA122         | Scott Carver              | 3                          | 10/08/2015          |
| DRWG No. AD-DA123         | Scott Carver              | 2                          | 10/08/2015          |
| DRWG No. AD-DA130         | Scott Carver              | 3                          | 16/11/2015          |
| DRWG No. AD-DA131         | Scott Carver              | 3                          | 16/11/2015          |
| DRWG No. AD-DA132         | Scott Carver              | 3                          | 16/11/2015          |
| DRWG No. AD-DA133         | Scott Carver              | 4                          | 16/11/2015          |
| DRWG No. AD-DA140         | Scott Carver              | 5                          | 26/02/2016          |
| DRWG No. AD-DA141         | Scott Carver              | 5                          | 26/02/2016          |
| DRWG No. AD-DA142         | Scott Carver              | 5                          | 26/02/2016          |
| DRWG No. AD-DA150         | Scott Carver              | 6                          | 26/02/2016          |
| DRWG No. AD-DA201         | Scott Carver              | 4                          | 10/08/2015          |
| DRWG No. AD-DA202         | Scott Carver              | 2                          | 31/07/2015          |
| DRWG No. AD-DA210         | Scott Carver              | 2                          | 10/08/2015          |
| DRWG No. AD-DA211         | Scott Carver              | 2                          | 10/08/2015          |
| DRWG No. AD-DA212         | Scott Carver              | 1                          | 20/01/2015          |
| DRWG No. AD-DA220         | Scott Carver              | 2                          | 19/06/2015          |
| DRWG No. AD-DA221         | Scott Carver              | 3                          | 10/08/2015          |
| DRWG No. AD-DA222         | Scott Carver              | 3                          | 10/08/2015          |
| DRWG No. AD-DA230         | Scott Carver              | 3                          | 10/08/2015          |
| DRWG No. AD-DA231         | Scott Carver              | 2                          | 19/06/2015          |
| DRWG No. AD-DA232         | Scott Carver              | 3                          | 10/08/2015          |

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|---|------------------|---|------------|
| DRWG No. AD-DA240                           | Scott Carver     | 2 | 10/08/2015 |
| DRWG No. AD-DA241                           | Scott Carver     | 2 | 10/08/2015 |
| DRWG No. AD-DA242                           | Scott Carver     | 2 | 10/08/2015 |
| Preliminary Site Investigation              | Douglas Partners | 0 | 14/08/2014 |
| Preliminary Site Investigation (Memorandum) | Douglas Partners | - | 07/07/2015 |

except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

Reason:- to confirm and clarify the terms of Council's approval.

2. **Time period of consent**

This consent shall lapse five (5) years from the date of determination unless the approved building, engineering or construction work has been physically commenced in accordance with this consent.

Development consent for the use of land does not lapse if the approved use of any land, building or work is actually commenced prior to the date on which the consent would otherwise lapse.

Reason:- to satisfy the requirements of Section 95 of the Environmental Planning and Assessment Act.

3. **No alteration without prior Council approval**

The completed building is not to be altered externally in character or colour without the prior consent of Council.

Reason:- to ensure the external appearance of the development is not obtrusive or offensive and does not degrade the visual quality of the surrounding area.

4. **Subsequent applications to comply with Staged Development approval**

The determination of any further development application made in respect of Precinct D, as identified under the Homebush Bay West Development Control Plan Amendment No. 1, 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 A through D 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) To facilitate the construction of the pedestrian promenade and to promote promenade access during all construction processes, the pedestrian promenade, associated landscaping and construction of the sea wall to the satisfaction of Council, should form part of any first stage works associated with any subsequent application within the staged works.
- a) The total cumulative gross floor area for Precinct D shall not exceed the maximum: 97,087 sqm

- b) The floor plate of each tower within Blocks B and C in Precinct D 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 with the exception of Blocks C and D.

Reason:- to ensure consistency with Division 2A of the EP&A Act 1979.

5. **NSW Office of Water General Terms of Approval**

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 19/2015 and provided by Council.

Any amendment or modifications to the proposed controlled activities may render the GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to the GTA will be required.

1. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
2. The consent holder must prepare or commission the preparation of (i) Erosion and Sediment Control Plan (ii) Soil and Water Management Plan.
3. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx) (i) Outlet structures
4. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
5. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
6. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
7. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
8. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

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Reason: To ensure the general terms of approval of the NSW Office of Water Integrated Approval are incorporated.

6. **Issuing of Construction Certificates – Controlled Activity Approval**

The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.

Reason:- to ensure a Controlled Activity Approval is obtained from NSW Office of Water where required prior to the issuing of a Construction Certificate.

7. **Roads and Maritime Services – General Requirements**

The following Roads and Maritime requirements shall be incorporated within the design of each subsequent stage of the development pertaining to Blocks A through D.

- The swept path of the longest vehicle (to service the site) entering and existing the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004.
- All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

Reason:- to ensure compliance with Roads and Maritime Requirements.

8. **Landscaping**

Each future stage is to be supported by a comprehensive landscape plan, prepared by a suitably qualified landscape architect demonstrating compliance with the Homebush Bay West Development Control Plan 2004 (as amended) and the Homebush Bay West Public Domain Manual 2005.

Reason:- to ensure a landscape framework which reflects the different scale and function of public streets and functions is provided.

9. **Wind Mitigation**

Each future stage is to be supported by a Wind Effects Study which is to be prepared by a suitably qualified person.

Reason:- to ensure compliance with the Homebush Bay West Development Control Plan 2004.

10. **Contamination Assessment – future development applications**

Any future development application associated with the construction and use of the site(s) shall be accompanied by a detailed contamination investigation (Stage 2) report respect of the suitability of the site for the proposed development. The report shall be prepared by a suitably qualified consultant in accordance with relevant EPA guidelines.

Please be advised that depending on the findings of the Detailed Site Investigation (Stage 2) report, it may be necessary to conduct further and/or Remediation Action Plan and/or Site Audit Statement.

Reason:- to ensure suitable site investigation has been undertaken prior to any works.

11. **Acoustic report – future development applications**

An acoustic report prepared by a suitably qualified acoustic consultant shall be submitted to the Consent Authority as part of any future development application associated with each future stage. The acoustic report must demonstrate compliance with all relevant statutory requirements and guidelines as applicable at time of the application.

Reason:- to ensure suitable acoustic amenity be maintained.

12. **Water quality**

Stormwater generated from the development site including proposed road network shall be treated within the site prior to discharging to Council System/waterways. Details shall be submitted as part of civil works/infrastructure development application.

Reason:- to ensure the water quality of the runoff.

13. **Stormwater Disposal - SOPA**

Any proposal to connect to existing stormwater infrastructure located on Sydney Olympic Park Authority (SOPA) land must be either accompanied by:

- correspondence from Council clearly confirming the infrastructure is owned, regulated and managed by Council under a formal agreement with SOPA or;
- must (either concurrently or subsequent with the DA) **seek separate approval from SOPA as the regulatory authority** to connect. The application must include detailed information about not only the physical connection but the calculated stormwater quality and flows including all modelling and assumptions.

Reason:- to ensure consent is obtained to facilitate stormwater connection.

14. **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.

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.

15. **Road design**

Verona Drive, Savona Drive and Monza Drive road designs shall cater the approved adjacent developments without causing any adverse impact or additional works within the adjoining sites.

In this regard full detail design shall be submitted and approved as part of infrastructure development application.

Reason:- to ensure the design and construction on adjoining lot do not conflict with each other.

16. **Memorandum of understanding**

A 'Memorandum of understanding' shall be signed between the owner(s) of 6 – 8 Baywater Drive (lot 18 in DP 270113) Wentworth Point and 37 – 39 Hill Road, Wentworth Point (lot 8 in DP 776611) regarding proposed Nuvolri Place design (including footpath and kerb & gutter) levels, street lighting and construction sequence as it affects the subject development and any proposed developments within 6 – 8 Baywater Drive Wentworth Point.

**Prior to the issue of any Construction Certificate** the details shall be submitted and approved by Auburn City Council.

Reason:- to ensure the design and construction on adjoining lot do not conflict with each other.

17. **Civil works**

Prior to lodgement of any future development applications as part of this staged development, a separate infrastructure development application incorporating memorandum of understanding shall be lodged with Council. All road networks adjacent to the proposed development shall be constructed in accordance with the Council's standards and specifications. In this regard,

- The works shall include road pavement, kerb & gutter, pedestrian footpath, necessary pram access, relief drainage, traffic signs, line markings, street lighting, water quality treatment device and service conduits.
- A detailed pavement design shall be submitted to council for approval. Future traffic generation and traffic loadings shall be incorporated in the detailed pavement design.
- All roads and road associated infrastructure including street lighting shall be completed in accordance with the approved plans.
- A compliance certificate of the **civil works/infrastructure** development shall be submitted
- All associated cost shall be borne by the applicant.

Reason:- to ensure roads within the development are appropriately constructed and development sites are ready for construction.

18. **Access to Public Road**

Access to a public road shall be provided at each stage of the development **prior to the issue of any Occupation Certificate** for that relevant stage.

Reason:- to ensure access to public road is provided.

19. **Disabled Access & Facilities**

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises – Building) Standards 2010' (including for existing buildings, whether or not any works are proposed). Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for the **construction certificate of each subsequent stage**.

Reason: to ensure compliance with the requirements of the Building Code of Australia

20. **Commonwealth Disability Discrimination Act**

The Commonwealth Disability Discrimination Act 1992 commenced the 'Disability (Access for Premises – Buildings) Standards 2010' on 1 May 2011 and now applies to all new buildings and affected parts of existing buildings. Submission and/or approval of this application does not imply or confer compliance with either the Act or the new Access Standard. Applicants should satisfy themselves and make their own inquiries to the Human Rights and Equal Opportunity Commission.

Reason: to provide advice on the requirements of the Commonwealth Disability Discrimination Act 1992

21. **Target hardening strategies to reduce crime**

The following target hardening strategies shall be undertaken on site during each relevant stage to assist in the reduction of crime in the locality:-

- a) CCTV digital cameras shall be installed in and around the premises, particularly at the entry and exit points to assist police to identify offenders of crime.
- b) Warning signs strategically posted in and around the premises to warn intruders of the security measures.
- c) Additional lightning be installed in and around the premises to act as a deterrent for crime. The lighting shall be installed in accordance with the Australian Standards 1158.3 1999.
- d) Business Identification to assist emergency services to locate a business. A street number or relevant identification number should be clearly displayed at the front of the premises.
- e) Landscaping should be designed so as to reduce concealment opportunities and increase visibility to and from businesses.
- f) Design of each building is to ensure that no natural ladders occur whereby an offender could climb the building to gain entry through a balcony.

Suitable details shall be provided for approval by Council or the Accredited Certifier prior to the issue of a Construction Certificate for each relevant stage.

Reason:- to reduce the incidence of late night crime in the locality and to improve public safety late at night.