

Item 4
JRPP 2015SYW057
DA40/2015
2 Burroway Road
Wentworth Point
Council Assessment
report

AUBURN CITY COUNCIL

DA-40/2015 Pt Lot 2 Burroway Road, WENTWORTH POINT

Applicant	Urban Growth NSW
Owner	Maritime Authority of NSW
Application No.	DA-40/2015
Description of Land	Pt Lot 2 DP 859608, Pt Lot 2 Burroway Road, WENTWORTH POINT
Proposed Development	Staged development proposal for demolition of existing buildings, tree removal, earthworks, site remediation, construction of roads, sea wall and public domain works and further subdivisions to create roads
Site Area	9131.00m ²
Zoning	Zone RE1- Public Recreation, Zone R4 - High Density Residential, Zone B1- Neighbourhood Centre
Disclosure of political donations and gifts	Nil disclosure
Issues	- FSR (gross floor distribution)

1. Recommendation

- a. ***That Development Application No. DA-40/2015 for the staged development including demolition of existing buildings, tree removal, earthworks, site remediation, construction of roads, sea wall and public domain works and further subdivisions to create roads on land at Pt Lot 2 Burroway Road, WENTWORTH POINT be approved subject to conditions listed in the attached scheduled.***

2. Background

The Wentworth Point Urban Activation Precinct is part of a NSW government initiative established in 2013 to facilitate housing supply and increase housing choice and affordability in the broader Sydney metropolitan region.

The precinct to be developed comprises of 2 parcels of land known as the Burroway Road Site (Pt Lot 2 in DP 859608) and the Hill Road site (Pt Lot 3 in DP 859608). The two parcels are located at the northern end of Wentworth Point precinct with a total combined land area of approximately 18.6 hectares and both parcels are currently under the ownership of NSW Roads and Maritime Services (RMS).

The statement of environmental effects submitted with this application provides a delivery/staging of works plan for the Wentworth Point Precinct, where subsequent applications for the overall redevelopment of the Wentworth Point Precinct are to be submitted including:

- DA 1A – subdivision of Hill Road site to create lots for residential development, roads and a public reserve.
- DA 1B – Hill Road site establishment works, including demolition, earthworks, roadwork, drainage, servicing and public domain.
- DA 2A – subdivision of Burroway Road site to create lots for residential development, a school, maritime uses and a peninsula park.
- **DA 2B – (subject of this application) Burroway Road site establishment works, including demolition, earthworks, roadwork, drainage, servicing and public domain**

(including construction of the peninsula park). Will also include subdivision to create roads.

- DA 3 – Wentworth Point Marina.
- DA 4 – Wentworth Point Boathouse.

As indicated above, DA 2A for subdivision is the first stage of the Burroway Road site to create lots for various land uses and currently forms part of a separate development application no. DA-273/2014, whilst DA 2B is for civil infrastructure and site preparation works which is the subject of this application. Approval for the development of the land uses will form part of future separate development applications.

3. Site and Locality Description

The subject site relevant to this particular application is legally described as Lot 2 in DP 859608 and is known as the Burroway Road site. The site is located on the northern end of Wentworth Point which comprises a total land area of approximately 9.1 hectares. The site is currently under the ownership of NSW Roads and Maritime Services (RMS).

The site is strategically located close to the geographic centre of the metropolitan Sydney region approximately 12km west of the Sydney CBD and 6km east of the Parramatta CBD. Wentworth Point which extends south presently accommodates industrial uses which is undergoing transformation into a growing residential community.

The subject site relevant to this application is identified in the plan below:





4. Description of Proposed Development

A staged development application (concept proposal) for distribution of gross floor area as well as civil infrastructure site preparation works is planned for the Burroway Road site. This application represents the second stage in the delivery and staging requirements for the Wentworth Point Urban Activation Precinct and various separate applications will be subsequently lodged.

Approval is sought for the following:

- Concept proposal:-

Distribution of gross floor area across the following lots shown below comprising a total of 51,003 m²

Lot number	Site area	Proposed GFA	Landuse
Lot 203	2.566 ha (25660 m ²)	47,069m ²	Residential/maritime
Lot 204	8,923m ²	3,934m ²	Residential/maritime
Total	34,583m²	51,003m²	-

- Detailed site and civil infrastructure works:-
 - Further subdivision of the land to create a local road (extension of Ridge Road)
 - Demolition of existing buildings
 - Site clearing and tree removal
 - Bulk earthworks
 - Remediation of the site
 - Construction of roads
 - Stormwater management and erosion control works
 - Water, sewerage, communications, electricity and gas servicing
 - Construction of a sea wall
 - Landscaping of peninsula park
 - Public domain works, such as a public promenade, street trees and local embellishments (seating etc).

5. Referrals

The development application was referred to the following relevant internal Council departments for comment:-

Engineering

Council's engineer has raised no objections to the proposed Subdivision of Pt Lot 2 subject to the imposition of recommended conditions on any development consent.

Landscaping

Council's landscape architect has raised no objections to the proposed Subdivision of Pt Lot 2 subject to the imposition of recommended conditions on any development consent.

(b) External Referrals

The application was referred to the following approval agencies for comment:

a) Sydney Olympic Park Authority (SOPA)

In accordance with Section 27 of the Sydney Olympic Park Authority Act 2001 and Clause 14 of Sydney Regional Environmental Plan Number 24 Homebush Bay Area, a copy of the development application was referred to Sydney Olympic Park Authority for comment.

In correspondence dated 24 April 2015, the comments received from Sydney Olympic Park Authority provided advisory conditions with regard to sediment and erosion control. Other concerns raised by SOPA which required further clarification include stormwater management, water cycle management, trunk drainage, water quality, WRAMS, illumination and light spill and public domain works.

Comment: Council Officers acknowledge the above concerns raised by SOPA and it is considered that the concerns raised can be addressed via conditions of consent.

b) Roads and Maritime Services

In accordance with Section 87 of the Roads Act 1993, the application was referred to RMS for comment. In correspondence dated 28 April 2015, the comments received from RMS advised that the following additional information was required including detailed traffic signal plan for Burroway Road/Hill Road and Raw traffic modelling data and report.

Comment: Council Officers acknowledge the above points raised by RMS and appropriate conditions will be imposed to ensure the matters raised are appropriately addressed prior to any works commencing on the site.

c) Department of Primary Industries (Office of Water and Fisheries NSW)

The following referrals were made to the subsidiary government bodies for comment including:

- *Office of Water*

Whilst it is noted that integrated provisions under the EP&A Act 1979 do not apply to development applications by the Crown, it is considered good practice to refer the subject application to the

NSW Office of Water for their information and comment as the subject land adjoins river foreshore - Homebush Bay.

On 12 May 2015, Council received an email correspondence from NSW Office of Water advising that there are no comments regarding the works proposed on the waterfront land. Notwithstanding, it was advised that a referral to Fisheries NSW should be made to ensure compliance with the Fisheries Management Act 1994.

- *Fisheries NSW*

As above, the application was referred to Fisheries NSW for comment. On 14 July 2015, Council received formal comments which provided advisory conditions during construction or demolition process to minimise impacts on aquatic environment and specific requirements relating to the saltmarsh area. These recommendations are included as recommended conditions of consent.

d) Foreshore and Waterways Planning Advisory Committee

On 20 April 2015, in accordance with Clause 29 and Schedule 2 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, the application was referred to the Foreshore and Waterways Planning and Advisory committee for consideration and comment.

To date, Council has yet to receive a formal response in relation to the above referral.

6. Crown development application

Crown Development

The development proposal constitutes development by the "Crown" for the purposes of Division 4 Part 4 of the Environmental Planning and Assessment Act as detailed below:

Section 88(1) and 88(2) of the EPA Act relevantly provides the following:

"Crown development application" means a development application made by or on behalf of the Crown.

and,

A reference in this Division to the Crown:

(a) includes a reference to a person who is prescribed by the regulations to be the Crown for the purposes of this Division:

Clause 226(1)(a) of the EPA Regulations provides the following:

The following persons are prescribed for the purposes of Division 4 of Part 4 of the Act (as referred to in section 88 (2) (a) of the Act):

(a) a public authority (not being Council)

It is noted that the Roads and Maritime Services is a public authority. Given that this application is made on behalf of RMS, as a consequent, the subject development application constitutes a "Crown" development for the purposes of division 4 of the Act as referred to above.

Determination of Crown development applications

In view of the above, it should be noted that Section 89 of the EPA Act precludes a consent authority, including a regional panel, from refusing a Crown development application, except with the approval of the Minister, or from imposing a condition of consent to a Crown development application, except with the approval of the applicant or the Minister.

7. The provisions of any Environmental Planning Instruments (EP& A Act s79C(1)(a)(i))

The proposed development is affected by the following Environmental Planning Policies.

7.1 State Environmental Planning Policy No.55 - Remediation of Land

The requirement at Clause 7 of SEPP 55 for Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development has been considered in the following table:-

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In the development going to be used for a sensitive land use (eg: residential, educational, recreational, childcare or hospital)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Details of contamination investigations carried out at the site:</p> <p>The application has been accompanied by a soil contamination assessment and more importantly a detailed Remedial Action Plan (RAP), prepared by Parson Brinckerhoff dated 9/01/15, reference no. 2207004B-RES-REP-001, Revision C, Site Audit and Interim Audit Advice prepared by JBS&G, dated 9 December 2014.</p> <p>Council's referral from the environmental health officer has provided the following advice based on the reports provided above:</p> <ul style="list-style-type: none"> • "The information provided includes a detailed contamination assessment by Parsons Brinckerhoff (appendix F) which assesses the existing road portion of the site development. • Appendix G provides a Detailed RAP for the proposed infrastructure delivery development. This RAP identifies the preferred remediation option of capping the site and implementing a long term environmental management Plan for the site consistent with option 3 of previously reviewed conceptual RAPs for the site. • As part of the process JBS&G have been engaged by to conduct a site audit of the Wentworth point development. Appendix H is interim Audit Advice provided by JBS&G dated 9 December 2014. This advice (whilst not considered a site Audit statement or site audit report provides an overview/assessment of currently available information and provides that it is considered that the proposed remediation is technically feasible; is environmentally justifiable given the nature and extent of contamination at the site; and is 	

Matter for Consideration	Yes/No
<p>considered with relevant laws, polies and guidelines.</p> <ul style="list-style-type: none"> The interim advice for the Auditor also provides that the auditor considers that the infrastructure portion of the <u>site can be made suitable for the proposed land use.</u> <p>Having regard to the above, it is considered that the application is satisfactory and can be supported subject to recommended conditions of consent regarding contamination/remediation.</p>	
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

7.2 State Environmental Planning Policy - BASIX

The application relates to civil infrastructure and site preparation works including distribution of gross floor area. In this instance, SEPP BASIX is not relevant and therefore does not require review as there are no building works with a residential component being proposed as part of this application.

7.3 Sydney Regional Environmental Plan No. 24 - Homebush Bay Area

The requirements and objectives of Sydney Regional Environmental Plan is not relevant to the subject application as the Auburn Local Environmental Plan 2010 provides the statutory controls in relation to the Burroway Road site/UAP currently zoned RE1, R4 and B1. Refer to section 7.5 below.

7.4 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is identified as being located within the area affected by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development raises no issues as no impact on the catchment is envisaged.

(Note: - the subject site is not identified in the relevant map as 'land within the 'Foreshores and Waterways Area' or 'Wetland Protection zone', is not a 'Strategic Foreshore Site' and does not contain any heritage items. Hence the majority of the SREP is not directly relevant to the proposed development).

7.5 Local Environmental Plans

The provision of the Auburn Local Environmental Plan (ALEP 2010) is the statutory control governing the Burroway Road site and the land falls within the zone RE1, R4 and B1 under the relevant plan. The proposed site preparation and civil infrastructure works are considered to perform satisfactorily having regard to the provisions under the ALEP 2010.

A summary of the relevant provisions applicable to the application is considered in the table below to demonstrate consistency and compliance with the statutory planning controls, whilst a more detailed analysis and comprehensive assessment of the ALEP is discussed further in the compliance table provided in **Appendix B** of this report.

Standard	Requirement	Proposal	Compliance	Percentage variance
<i>Auburn Local Environmental Plan 2010</i>				
Lot Size	No minimum under ALEP 2010	N/A	N/A	N/A

Zoning	RE1, R4 and B1	Nil building works. Application relates to civil works and GFA distribution	Yes	N/A
Building Height	Max. 25 storeys	N/A	N/A	N/A
Floor Space Ratio	<u>Max. 1.25 (Max. GFA: 43,228.75m²)</u>	51,003m² (1.47:1)	No	22%
Architectural Roof feature	Permitted only for decorative purpose	N/A	N/A	N/A
Flooding	Not identified in flood map, however located in proximity to flood catchment area	Affected by overland flow path. Flood study provided.	Yes	N/A
Heritage	No impact on heritage item.	N/A	N/A	N/A

Based on the compliance table summary above, the proposed works are generally consistent with the local planning provisions, with the exception of the floor space ratio development standard. This non-compliance is discussed in further detail below.

a. Distribution of Gross Floor Area:-

The subject application seeks approval for the distribution of gross floor area across lots 203 and 204 under a proposed concept plan arrangement for the Burroway Road site.

The total combined land area for lots 203 and 204 equates to 34,583m² and a maximum floor space ratio of 1.25:1 applies across these lots. Based on the total site area, the total combined maximum gross floor space area permitted across the two lots is 43,228.75m². In this instance, the proposed maximum gross floor area of 51,003m² which results in a total FSR of 1.47:1 which exceeds the maximum requirement by 7,775m² or 22%. This non-compliance cannot be supported as it represents a variation to a development standard. In this regard, to ensure consistency and compliance with Council's local planning provisions with particular reference to clause 4.4 of the ALEP, it is recommended that this aspect of the development proposal not form part of the approval for the site.

8. The provisions of any Draft Environmental Planning Instruments (EP& A Act s79C(1)(a)(ii))

The proposed development is not affected by any relevant Draft Environmental Planning Instruments.

9. The provisions of any Development Control Plans (EP& A Act s79C(1)(a)(iii))

9.1 Wentworth Point Precinct Development Control Plan 2014

The relevant design requirements and objectives of the WPPDCP 2014 have been considered in the assessment of the development application. The proposed development which primarily seeks consent for civil infrastructure and site preparation works is consistent with the relevant requirements and therefore, is considered to perform satisfactorily with regard to the WPPDCP 2014.

The table below is a summary of compliance to demonstrate the development proposal's consistency with the relevant planning controls that are applicable to the site and proposal with respect to WPPDCP. A more detailed and comprehensive assessment of the development proposal against the WPPDCP is discussed further in the compliance table provided in **Appendix B** of this report.

Table 1. – HBW Compliance Summary:

Wentworth Point Precinct Development Control Plan 2014				
Standard	Requirement	Proposal	Compliance	Percentage variance
Indicative structure plan	See figure 2.	Subdivision pattern and proposed street/road network consistent with figure 2.	Yes	N/A
Public domain - Street network & design	See figure 3	Subdivision pattern and proposed street/road network consistent with figure 3.	Yes	N/A
Street dimensions	Ridge Road extension: 25m for primary road.	25m wide as per subdivision plan	Yes	N/A
	Indicative local streets: 16m	Excluded from application	N/A	N/A
Pedestrian & cycle network	See figure 8	Landscape concept plan which incorporates pedestrian and cycle network link along Parramatta River and Homebush Bay, is generally consistent with figure 8	Yes	N/A
Landform & contamination	See figure 9.	The plans submitted detailing landform transitions (bulk excavations) are generally consistent with figure 9. The proposal to raise ground levels across the site, with the exception of school site) and the transition in landform between development parcels and public open space is required to facilitate and accommodate future park, and residential development to allow basements to be constructed above the water table. Excavations along the eastern foreshore are also proposed to accommodate the revetment and promenade. Contamination has been addressed above.	Yes	N/A
Open space network	See figure 10 & 11 & Table 3 for open space characteristics	Landscape design of proposed peninsular park is generally consistent with the relevant requirements and characteristics outlined in table 3.	Yes	N/A
Public art	Refer to Public art	Limited to current application for	N/A	N/A

	strategy adopted under subdivision consent	civil infrastructure works. Proposed public domain works are satisfactory and cover various detailed landscaping and local park embellishments such as street furniture, bbq/picnic facilities, playground equipment etc. however do not include public art works/sculptures.		
Private domain - Land use & floor space distribution	See figure 2 for land use distribution	Future land uses to be subject of separate application. GFA consistent with ALEP 2010.	Yes	N/A
Building height & form	See figure 12. Low rise: 4 – 5 storeys adjacent to foreshore/peninsular park Range of 4 – 7 storeys with max. 25 storeys balanced with low rise Max building lengths: 65m. Where greater than 30m, separate into 2 parts.	Not relevant to current application. n/a n/a	N/A	N/A
Setbacks & public domain interface	See figure 13. 3 – 5m from property boundary to outer most projection of building Buildings fronting river foreshore/ peninsula park to be generally in accordance with figure 14 Building setback to SOPA site, parklands to be in accordance with figure 15	Not relevant to current application. n/a n/a	N/A	N/A
Private open space	Balconies – min. 8m ² , min. dimension 2m POS on grd lvl – max. gradient 1 in 20	Not relevant to current application. n/a	N/A	N/A
Deep soil zones /landscaping	Common open space/ courtyards min. 30% of development block Consistent with subdivision approval	Not relevant to current application. n/a	N/A	N/A

	(section 2.3)			
Building design & materials	Buildings to incorporate high level of articulation, distinct facades, articulated roof forms, variations in materials and finishes	Not relevant to current application.	N/A	N/A
	Building design to achieve min. 3 hours direct sunlight btw 9am and 3pm midwinter to living areas and POS for at least 70% of apartments	n/a		
Wind effects	Wind effects report submitted for buildings over 7 storeys	Not relevant to current application.	N/A	N/A
	Wind effects caused by development should not exceed: 10m per second on streets with active frontages, 16m per second for all other streets	n/a		
Vehicular access and parking	See table 4 Studio, 1B and 2B = min. 1.0 space 3B or greater = min. 2.0 space Visitors = min. 0.1 space	Not relevant to current application.	N/A	N/A
	Non-residential uses, refer to Auburn DCP for parking rates	n/a		
Safety and security	Meet CPTED principles	Not relevant to current application.	N/A	N/A
Adaptable housing	Over 50, 6 to be provided (Plus 10% of additional dwellings beyond 60, rounded up to the nearest whole number)	Not relevant to current application.	N/A	N/A
Sustainability & environmental management	Compliance with BASIX, water reuse, water and energy efficient fittings	Not relevant to current application. No building works proposed.	N/A	N/A
Water management	See figure 16	Stormwater/sewer civil works management plan submitted is satisfactory.	Yes	N/A

Ecology	<p>Protection of coastal saltmarsh on eastern point of peninsular park (Wilsonia backhousei species).</p> <p>Re-establish riparian vegetation around foreshore – wetlands/areas of planted swamp oak</p> <p>Boardwalks not to encroach coastal saltmarsh</p> <p>Timing of construction works to avoid impacts on white bellied sea eagle.</p>	<p>Various specialist reports including, ecological impact statement has been prepared by Biosis in accordance with Threatened Species Conservation Act 1995, Env. Protection & Biodiversity Conservation Act 1999, Marine Environmental Assessment by Worley Parsons, Geotech investigations by Douglas Partners, have been provided to consider and address the impact of the development on the significance of the redevelopment of the site. Conclusion of the reports and the recommendations will be conditioned accordingly. Retention of saltmarsh headland is proposed.</p>	Yes	N/A
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9.2 Section 94 Contributions Plan

The application and the works proposed do not require the payment of contributions in accordance with Council's Section 94 Contributions Plan at this time. Subsequent applications for the development of the created allotments will be subject to S94 contributions.

10. The provisions of the Regulations (EP& A Act s79C(1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the EP& A Regulations 2000.

11. The Likely Environmental, Social or Economic Impacts (EP& A Act s79C(1)(b))

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

12. The suitability of the site for the development (EP&A Act s79C(1)(c))

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site can be said to be suitable to accommodate the proposal. The proposed development has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

13. Submissions made in accordance with the Act or Regulation (EP&A Act s79C(1)(d))

Advertised (newspaper) ☒

Mail ☒

Sign ☒

Not Required ☐

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited for a period of 30 days between 25 February 2015 to 27 March 2015. A public meeting was also held by Council Officers on 17 March 2015. The notification generated 1 submission and a petition containing 38 signatures in respect of the proposal. The issues raised in the public submissions are summarised and commented on as follows:

Issue: The respondents have primarily raised concerns with regard to the following:

- Moratorium on all residential development requested to review of UAP and Wentworth Point developments in light of recent increase in density to address street layout, bike lanes and footpaths, provision of community facilities and services
- Inadequate planning for community facilities, infrastructure and safety of residents due to population increase
- Recent developments creating reduced apartment sizes with unusable balconies
- Lack of parklands, public school, wetland restoration, community facilities and tree lined boulevards
- Primary school to contain facilities such as playing fields, open spaces, vegetable patch, library, hall, disabled access, before and after school care
- Suggested sports high school to utilise SOPA facilities
- Provision of preschools and long day care centres with outdoor areas climbing equipment, sand and water play. Community rooms for meetings, groups like scouts and girl guides, churches, embroidery, cards, choirs and bands etc. Men shed for noisy or dirty crafts and hobbies. Community gardens for growing herbs, vegetables and fruit, areas for teenagers to hang out, shoot hoops and hit a ball
- Provision of Police, Ambulance and Fire Authorities
- Review of road widths and footpaths need to be widened
- Controls strengthen to ensure increased provision of visitor parking, disabled parking, taxi and removalist vans, along with easy access for Council garbage services
- Provision of cycle paths

Comment: The redevelopment of the UAP site in Wentworth Point is in an area undergoing transition where all future developments have been specifically targeted by the State Government as a priority growth area and precinct initiative as per the finalisation report 2014. As a result, Council's statutory controls were amended to include the northern portion of Wentworth Point (UAP) site and subsequently, the development of the new Wentworth Point Development Control Plan 2014 was made and adopted by the Secretary of the Department of Planning on 7 August 2014. The WPPDCP 2014 established a structural design framework to guide developments for the future growth and planning of residential, commercial and other land uses for the UAP. In this instance, Council is obliged to assess any development applications submitted to Council with regard to the statutory controls identified above.

As part of the WPPDCP 2014, community facilities and other infrastructure are required to be provided to ensure the area is self-sufficient and sustainable. Council is currently in negotiations with developers to secure an additional community facility and Council has also recently received a development application for the provision of a new public school with a capacity of 540 students.

Council also acknowledges the need for various facilities, park land, infrastructure and services for the area. Appropriate upgrade of traffic and associated infrastructure is anticipated to be provided where required in the near future.

Road and footpath widths are consistent with the WPPDCP. Appropriate conditions will be imposed to ensure cycle network links are provided in accordance with the WPPDCP.

Having regard to the above, the development proposal has been assessed on its individual merit and is considered to perform satisfactory with respect to the ALEP and WPPDCP. The development which largely relates to site preparation works to facilitate future developments is considered to be generally in accordance with the street network and subdivision lot pattern under the relevant plan.

14. The public interest (EP& A Act s79C(1)(e))

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

15. Operational Plan / Delivery Program

This assessment and report relates to the Auburn City Council Operational Plan and Delivery Program, Our Places – Attractive and Liveable theme, action “2a.1.1.3 Assess development applications, complying development and construction certificates”.

16. Conclusion

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979.

The proposed development is appropriately located within the relevant zones under the provisions of Auburn Local Environmental Plan 2010. The proposal is consistent with all statutory and non-statutory controls applying to the development. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, and the development may be approved subject to conditions.

APPENDIX B:

- a) Auburn Local Environmental Plan (LEP 2010) pg. 17
- b) Wentworth Point Precinct Development Control Plan 2014 pg. 39

(a) Auburn Local Environmental Plan (LEP) 2010

The relevant objectives and provisions of Auburn LEP 2010 have been considered in the following assessment table:

Clause	Yes	No	N/A	Comment
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Part 1 Preliminary				
1.2 Aims of Plan				
(1) This Plan aims to make local environmental planning provisions for land in Auburn in accordance with the relevant standard environmental planning instrument under section 33A of the Act.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development proposal is considered to be consistent with the aims of this plan subject to compliance with the conditions recommended by Council.
(2) The particular aims of this Plan are as follows:				
(a) to establish planning standards that are clear, specific and flexible in their application,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(b) to foster integrated, sustainable development that contributes to Auburn's environmental, social and physical well-being,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(c) to protect areas from inappropriate development,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(d) to minimise risk to the community by restricting development in sensitive areas,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(e) to integrate principles of ecologically sustainable development into land use controls,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(f) to protect, maintain and enhance the natural ecosystems, including watercourses, wetlands and riparian land,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(g) to facilitate economic growth and employment opportunities within Auburn,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(h) to identify and conserve the natural, built and cultural heritage,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(i) to provide recreational land, community facilities and land for public purposes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Clause	Yes	No	N/A	Comment

Part 1 Preliminary					
1.2 Aims of Plan					
(1) This Plan aims to make local environmental planning provisions for land in Auburn in accordance with the relevant standard environmental planning instrument under section 33A of the Act.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development proposal is considered to be consistent with the aims of this plan subject to compliance with the conditions recommended by Council.	
(2) The particular aims of this Plan are as follows:					
(j) to establish planning standards that are clear, specific and flexible in their application,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
(k) to foster integrated, sustainable development that contributes to Auburn's environmental, social and physical well-being,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
(l) to protect areas from inappropriate development,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
(m) to minimise risk to the community by restricting development in sensitive areas,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
(n) to integrate principles of ecologically sustainable development into land use controls,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
(o) to protect, maintain and enhance the natural ecosystems, including watercourses, wetlands and riparian land,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
(p) to facilitate economic growth and employment opportunities within Auburn,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
(q) to identify and conserve the natural, built and cultural heritage,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
(r) to provide recreational land, community facilities and land for public purposes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
1.8A Savings provision relating to development applications					
If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Note. However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant land is appropriately amended or, if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.					
1.9 Application of SEPPs and REPs					
(1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

<p>prevail over this Plan as provided by section 36 of the Act.</p> <p>(2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies:</p> <p><i>State Environmental Planning Policy No 1—Development Standards</i></p> <p><i>State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development</i> (clause 6, clause 10 and Parts 3 and 4)</p> <p><i>State Environmental Planning Policy No 60—Exempt and Complying Development</i></p> <p><i>Sydney Regional Environmental Plan No 24—Homebush Bay Area</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>1.9A Suspension of covenants, agreements and instruments</p> <p>(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.</p> <p>(2) This clause does not apply:</p> <p>(a) to a covenant imposed by the Council or that the Council requires to be imposed, or</p> <p>(b) to any prescribed instrument within the meaning of section 183A of the <i>Crown Lands Act 1989</i>, or</p> <p>(c) to any conservation agreement within the meaning of the <i>National Parks and Wildlife Act 1974</i>, or</p> <p>(d) to any Trust agreement within the meaning of the <i>Nature Conservation Trust Act 2001</i>, or</p> <p>(e) to any property vegetation plan within the meaning of the <i>Native Vegetation Act 2003</i>, or</p> <p>(f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995</i>, or</p> <p>(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.</p> <p>(3) This clause does not affect the rights or interests of any public authority under any registered instrument.</p> <p>(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>There are no covenants, agreements or instruments applying to the land which will prevent the development proceeding in accordance with the plan.</p>
<p>Part 2 Permitted or prohibited development (note: the subject lot 2 is located within multiple land use zoning including: R4 and RE1)</p>				
<p>2.6 Subdivision—consent requirements</p> <p>(1) Land to which this Plan applies may be</p>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Application for proposed land subdivision is</p>	

<p>subdivided, but only with development consent.</p> <p>Notes.</p> <p>1 If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>, the Act enables it to be carried out without development consent.</p> <p>2 Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.</p> <p>(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>Note. The definition of secondary dwelling in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.</p>				addressed under DA-273/2014.
<p>Zone R4 High Density Residential</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a high density residential environment. • To provide a variety of housing types within a high density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To encourage high density residential development in close proximity to bus service nodes and railway stations. <p>2 Permitted without consent</p> <p>Nil</p> <p>3 Permitted with consent</p> <p>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Shop top housing; Any other development not specified in item 2 or 4</p> <p>4 Prohibited</p> <p>Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity</p>	<input checked="" type="checkbox"/> 	<input type="checkbox"/> 	<input checked="" type="checkbox"/> 	<p>The proposed development relates to civil infrastructure works and these works are permissible with Council consent under the relevant zones.</p>

[illegible]

4.1 Minimum subdivision lot size				
(1) The objectives of this clause are as follows:				
(a) to ensure that lot sizes are able to accommodate development consistent with relevant development controls, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Addressed under DA-273/2014. Subdivisions of lot 2 into 4 lots are considered satisfactory.
(b) to ensure that subdivision of land is capable of supporting a range of development types.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(3A) Despite subclause (3), the minimum lot size for dwelling houses is 450 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3B) Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The subject sites are not located within the Former Lidcombe Hospital Site.
(3C) Despite subclauses (3)–(3B), the minimum lot size for development on land within the Former Lidcombe Hospital Site, as shown edged blue on the Lot Size Map, is as follows in relation to development for the purpose of:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) dwelling houses:				
(i) 350 square metres, or				
(ii) if a garage will be accessed from the rear of the property – 290 square metres, or				
(iii) if the dwelling house will be on a zero lot line – 270 square metres,				
(b) semi-detached dwellings – 270 square metres,				
© multi dwelling housing – 170 square metres for each dwelling,				
(d) attached dwellings – 170 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.2 Rural subdivision				
Not Applicable.				

4.3 Height of buildings				
(1) The objectives of this clause are as follows:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The application relates to civil infrastructure works and gross floor area distribution only. As no building works are proposed, these controls are limited to in application. Building works in relation to height will be considered under separate future applications.
(a) to establish a maximum building height to enable appropriate development density to be achieved, and				
(b) to ensure that the height of buildings is compatible with the character of the locality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2A) Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres,				
(b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map—14 metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.4 Floor space ratio				
(1) The objectives of this clause are as follows:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The application includes a concept plan proposal for distribution of floor space areas for each lot subdivided under DA-273/2014. The maximum FSR permitted for lot 203 and 204 in R4 zoning is 1.25:1.
(d) To establish a maximum floor space ratio to enable appropriate development density to be achieved, and				
(e) To ensure that development intensity reflects its locality.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed gross floor area proposed is as follows:
(2) 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2A) Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Lot 203 – 47,069m² • Lot 204 – 3,934m² Total = 51,003m² <p>Site area of lots 203 and 204 combined = 34,583m².</p>
(a) for sites less than 1,300 square metres—0.75:1,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) for sites that are 1,800 square metres or greater—0.85:1.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The above GFA distribution proposed is inconsistent with the maximum FSR permitted for the site and its respective zoning being (51,003m ² / 34,583m ²) = 1.47:1.
(2B) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) 3:1 for office premises and hotel or motel accommodation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Based on the above calculations, the proposed GFA for the two respective lots and thus the overall FSR proposed exceed the maximum 1.25:1 requirement by 22%. This non-compliance is considered to be unacceptable and cannot be supported. As such, this aspect of the application is recommended to be excluded from any approval granted for the site.
(2C) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<p>shown edged light purple on the Floor Space Ratio Map, is as follows:</p> <p>(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and</p> <p>(b) 2:1 for office premises and hotel or motel accommodation.</p>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
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<p>4.5 Calculation of floor space ratio and site area</p> <p>(1) Objectives The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> (a) to define floor space ratio, (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to: <ul style="list-style-type: none"> (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and (iii) require community land and public places to be dealt with separately. <p>(2) Definition of "floor space ratio" The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.</p> <p>(3) Site area In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:</p> <ul style="list-style-type: none"> (a) if the proposed development is to be carried out on only one lot, the area of that lot, or (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out. <p>In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.</p> <p>(4) Exclusions from site area The following land must be excluded from the site area:</p> <ul style="list-style-type: none"> (a) land on which the proposed development is prohibited, whether under this Plan or any other law, (b) community land or a public place (except as provided by subclause (7)). <p>(5) Strata subdivisions The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.</p> <p>(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.</p> <p>(7) Certain public land to be separately considered For the purpose of applying a floor space ratio to any proposed development on, above or</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>FSR has been calculated in accordance with this requirement and the non-compliance with FSR has been noted and discussed above.</p>
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<p>below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.</p> <p>(8) Existing buildings</p> <p>The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.</p> <p>(9) Covenants to prevent "double dipping"</p> <p>When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.</p> <p>(10) Covenants affect consolidated sites</p> <p>If:</p> <ul style="list-style-type: none"> (a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development, <p>the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.</p> <p>(11) Definition</p> <p>In this clause, public place has the same meaning as it has in the <i>Local Government Act 1993</i>.</p>				
<p>4.6 Exceptions to development standards</p> <p>(1) The objectives of this clause are:</p> <ul style="list-style-type: none"> (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances. <p>(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p> <p>(3) 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</p>				<p>The applicant has not formally sought to vary any development standards.</p>

development standard by demonstrating:				
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Consent must not be granted for development that contravenes a development standard unless:				
(a) the consent authority is satisfied that:				
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the concurrence of the Director-General has been obtained.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) In deciding whether to grant concurrence, the Director-General must consider:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the public benefit of maintaining the development standard, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) Not applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).				
(8) This clause does not allow consent to be granted for development that would contravene any of the following:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) a development standard for complying development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> applies or for the land on which such a building is situated,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) clause 5.4.				
Part 5 Miscellaneous provisions				

5.6 Architectural roof features				
(1) The objectives of this clause are:				Not relevant to the subject application for subdivision.
(a) To ensure that any decorative roof element does not detract from the architectural design of the building, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) To ensure that prominent architectural roof features are contained within the height limit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:				
(a) the architectural roof feature:				
(i) comprises a decorative element on the uppermost portion of a building, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) is not an advertising structure, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iv) will cause minimal overshadowing, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.9 Preservation of trees or vegetation				
(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Subject site has been targeted by Department of Planning as an urban activation precinct to facilitate housing supply and increase housing choice and affordability in the broader Sydney metropolitan region. This application which relates to civil infrastructure works seeks to remove trees and vegetation across the majority of the site to accommodate proposed bulk earthworks. Two existing fig trees will however be retained as well as existing salt marsh on the headland which will be protected. An arboriculture report prepared by rboreport, dated 19/8/14 has also been submitted to accompany the development application which is considered satisfactory.
(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.				
(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) development consent, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) a permit granted by the Council.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

consent for the carrying out of the activity for which a permit was sought.			
(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(a) that is or forms part of a heritage item, or that is within a heritage conservation area, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.			
(8) This clause does not apply to or in respect of:			
(a) the clearing of native vegetation:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) that is authorised by a development consent or property vegetation plan under the <i>Native Vegetation Act 2003</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the <i>Native Vegetation Act 2003</i>) that is authorised by a development consent under the provisions of the <i>Native Vegetation Conservation Act 1997</i> as continued in force by that clause, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the <i>Forestry Act 1916</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) action required or authorised to be done by or under the <i>Electricity Supply Act 1995</i> , the <i>Roads Act 1993</i> or the <i>Surveying and Spatial Information Act 2002</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>(e) plants declared to be noxious weeds under the <i>Noxious Weeds Act 1993</i>.</p> <p>Note. Permissibility may be a matter that is determined by or under any of these Acts.</p> <p>(9) Not adopted</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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5.10 Heritage conservation					
Note. Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.				The subject site is not identified as a heritage conservation area.	
(1) Objectives					
The objectives of this clause are:					
(a) to conserve the environmental heritage of Auburn, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(c) to conserve archaeological sites, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(d) to conserve places of Aboriginal heritage significance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(2) Requirement for consent					
Development consent is required for any of the following:					
(a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(c) altering a heritage item that is a building by making structural changes to its interior,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(g) subdividing land on which a heritage item is located or that is within a heritage conservation area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(3) When consent not required					
However, consent under this clause is not required if:					
(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(b) the development is in a cemetery or burial ground and the proposed development:					

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) the development is exempt development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note. For land known as Rookwood Cemetery zoned SP1 Cemetery, development consent from, and notification to, the consent authority is not required under this plan for the further use of an existing grave site or crypt within a graveyard that is a heritage item, provided the heritage significance of the item is not adversely affected.			
(4) Effect on heritage significance The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(5) Heritage impact assessment The consent authority may, before granting consent to any development on land:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(a) on which a heritage item is situated, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) within a heritage conservation area, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) within the vicinity of land referred to in paragraph (a) or (b),	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
require a heritage impact statement 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.			
(6) Heritage conservation management plans The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act 1977</i> applies):			
(a) notify the Heritage Council of its intention to grant consent, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(8) Places of Aboriginal heritage significance			

<p>The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:</p>				
(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(9) Demolition of item of State significance</p>				
<p>The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act 1977</i> applies):</p>				
(a) notify the Heritage Council about the application, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(10) Conservation incentives</p>				
<p>The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:</p>				
(a) the conservation of the heritage item is facilitated by the granting of consent, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>5.12 Infrastructure development and use of existing buildings of the Crown</p>				
(1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority that is permitted to be carried out without consent under the State Environmental Planning Policy (Infrastructure) 2007.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Civil infrastructure works proposed by Crown. This requirement is not relevant.
(2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Part 6 Additional local provisions			

6.1 Acid sulfate soils					In accordance with the Acid Sulfate Soils Map ASS_009, the subject land is identified as Class 2. Acid sulphate soils management plan has been prepared by Parsons Brinkerhoff to accompany the application. The statement which outlines management strategies for potential acid sulphate soils during site works and treatment strategies to be approved by the site auditor. The plan is considered to be satisfactory and appropriate conditions will be imposed to ensure compliance with the recommendations of the strategies.
(1)	The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2)	Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Class of land	Works				
1	Any works.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3)	Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4)	Despite subclause (2) Development consent is not required under this clause for the carrying out of works if:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a)	a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b)	the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5)	Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority				

<p>(including ancillary work such as excavation, construction of access ways or the supply of power):</p> <p>(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,</p> <p>(b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),</p> <p>(c) minor work, being work that costs less than \$20,000 (other than drainage work).</p> <p>(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:</p> <p>(a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or</p> <p>(b) the works are likely to lower the watertable.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>6.2 Earthworks</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land,</p> <p>(b) to allow earthworks of a minor nature without separate development consent.</p> <p>(2) Development consent is required for earthworks, unless:</p> <p>(a) the work does not alter the ground level (existing) by more than 600 millimetres, or</p> <p>(b) the work is exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(c) the work is ancillary to other development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or of the soil to be excavated, or both,</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Earthworks proposed are considered satisfactory and appropriate conditions will be imposed to ensure consistency and compliance with this requirement. Proposed earthworks to the site to raise the ground level are required to accommodate and facilitate future park and residential development. Raising the existing ground level allows basements to be constructed above water table and excavations along eastern foreshore are proposed for the revetment and promenade. Appropriate plans have been submitted detailing landform generation and gradient transitions between the proposed parklands and development blocks which is considered satisfactory visually and functionally in accordance with the WPPDCP requirements.</p> <p>Excavations are expected to be limited to works for pile caps, slab thickenings and services.</p>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) the source of any fill material and the destination of any excavated material,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(f) the likelihood of disturbing relics,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Note. The <i>National Parks and Wildlife Act 1974</i> , particularly section 86, deals with disturbing or excavating land and Aboriginal objects.				

6.3 Flood Planning				In accordance with Flood Planning Map FLD_009, the subject site is not identified as being flood prone. Therefore this clause is not applicable.
(1) The objectives of this clause are:				
(a) to minimise the flood risk to life and property associated with the use of land,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) to avoid significant adverse impacts on flood behaviour and the environment.				
(2) This clause applies to:				
(a) land that is shown as "Flood planning area" on the Flood Planning Map, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) other land at or below the flood planning level.				
(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) is compatible with the flood hazard of the land, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) A word or expression used in this clause has the same meaning as it has in the NSW Government's <i>Floodplain Development Manual</i> published in 2005, unless it is otherwise defined in this clause.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) In this clause:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.				
Flood Planning Map means the Auburn Local Environmental Plan 2010 Flood Planning Map.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6.5 Essential Services				Application includes provision of appropriate services including gas, electricity, sewer, stormwater disposal, telecommunication lines and road access.
(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:				
a) the supply of water,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b) the supply of electricity,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c) the disposal and management of sewage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d) stormwater drainage or on-site				

conservation, e) suitable road access.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
This clause applies to land at Wentworth Point, identified as "Wentworth Point Maritime Precinct" on the <u>Key Sites Map</u> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) Despite any other provision of this Plan, development of the land to which this clause applies for any of the following purposes is permissible with development consent: (a) boat building and repair facilities, (b) boat launching ramps, (c) boat sheds, (d) marinas.				

b) Wentworth Point Precinct DCP 2014

The relevant objectives and provisions of Wentworth Point Precinct DCP 2014 have been considered in the following assessment table:

Requirement	Yes	No	N/A	Comment
1.0 Introduction This Development Control Plan (DCP) provides a framework to guide development in the Wentworth Point Urban Activation Precinct (the precinct).				
1.1 Name of this DCP This DCP is called the Wentworth Point Precinct Development Control Plan. The DCP has been prepared pursuant to the provisions of Section 74C of the <i>Environmental Planning and Assessment Act 1979</i> (the Act). The DCP was adopted by the Secretary of the Department of Planning and Environment (the Secretary) on 7 August 2014 and came into force on 7 August 2014.	<input checked="" type="checkbox"/>			
1.2 Land to which this DCP Applies This DCP applies to development within the precinct as shown in Figure 1 .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.3 Purpose of the DCP The purpose of the DCP is to guide the future development of the precinct to: - identify the vision, key development principles, elements and indicative structure for the future development of the precinct - communicate the planning, design and environmental objectives and controls against which the consent authority will assess future development applications - ensure the orderly, efficient and environmentally sensitive development of the precinct, and - promote a high quality urban design outcome.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	The DCP is applicable to the site the subject of this application.
1.4 Relationship to other Plans This plan supplements the Auburn Local Environmental Plan 2010 (Auburn LEP) by	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>providing specific development provisions for the Wentworth Point Urban Activation Precinct. Development within the precinct will need to have regard to this DCP as well as relevant provisions in the Auburn DCP 2010. In the event of any inconsistency between this DCP and the Auburn DCP 2010, this DCP will prevail to the extent of the inconsistency.</p> <p>Relevant provisions of the Auburn DCP 2010 are cross referenced in the DCP and are set out below:</p> <ul style="list-style-type: none"> - Introduction - Definitions and terms - Residential flat buildings – ancillary site facilities - Residential flat buildings – adaptable housing - Child care centres - Advertising and signage - Parking and loading - Access and mobility - Stormwater drainage - Waste - Tree preservation <p>In addition to this DCP and the Auburn DCP 2010, applicants and Council should refer to:</p> <ul style="list-style-type: none"> - relevant State Planning Policies, including <i>Sydney Regional Environmental Plan 25 (Sydney Harbour Catchment) 2005</i> (a deemed SEPP), and - the relevant Section 94 Contributions Plan or any relevant infrastructure planning agreement. <p>This DCP replaces all DCPs and deemed DCPs that applied to the precinct prior to the commencement date of this Plan, including the Homebush Bay West DCP (2004) and the Homebush Bay West - Wentworth Point Master Plan (2005).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>1.5 Consent Authority</p> <p>Unless otherwise authorised by the Act, Auburn City Council is the consent authority for all development in the precinct to which this DCP applies.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>1.6 Application of this DCP</p> <p>The provisions of this DCP are not statutory requirements and any development application will be considered on its merits. The consent authority is to be flexible in applying the controls and allow reasonable alternative solutions that achieve the overall vision, development principles and key elements for the precinct as well as the specific objectives of the controls.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>Role of the Indicative Structure Plan</p> <p>The Wentworth Point Precinct Indicative Structure Plan at Figure 2 shows how the overall precinct may develop over time. It is intended as a guide to demonstrate how the vision, development principles and key elements for the precinct may be achieved. <u>It is recognised that there may be other options for the site's layout which may be as effective in achieving the above for the precinct. As such, Council may grant consent to a proposal that differs from the Indicative Structure Plan where the variation is considered to still achieve the vision, principles and key elements of this DCP.</u></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Consistency with Objectives and Controls in				

this DCP Clauses in this DCP contain objectives and controls relating to various aspects of development. The objectives enable Council and applicants to consider whether a particular proposal will achieve the development outcomes established for the precinct. The controls establish standards, which if met, mean that development should be consistent with the objectives. However, in some circumstances, strict compliance with the controls may not be necessary, or may be difficult to achieve because of the particular characteristics of a development site. In these situations, Council may grant consent to a proposal that does not comply with the controls in this plan, providing the relevant objectives are achieved. Where a variation is sought it must be justified demonstrating how the development will meet the vision and development principles as well as the objectives of the relevant control.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Noted.
1.7 Information to be Submitted with Development Applications Information requirements for development applications are set out in Part 2 of the Auburn DCP 2010.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All relevant information required to properly assess this proposed civil works application has been provided and considered satisfactory.
1.8 Notification of Development Applications Notification of development applications will be undertaken in accordance with Part 3 of the Auburn DCP 2010.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Application has been appropriately notified in accordance with the ADCP 2010.
2.0 Vision, Principles and Indicative Structure				
2.1 Vision Wentworth Point is a vibrant urban community that forms a key part of the broader Sydney Olympic Park Specialised Precinct, makes a significant contribution to providing high quality housing for Sydney's diverse and growing population in an environment that embraces its location adjoining Homebush Bay, the Parramatta River and Sydney Olympic Park, Parklands and represents contemporary, high density sustainable living.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.2 Development Principles To achieve the vision, the Wentworth Point Precinct is to:				
a. strengthen the role of Wentworth Point as an integral part of the broader Sydney Olympic Park Specialised Precinct	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The purpose of this subdivision application provides a layout plan and design for the precinct to allow the vision and objectives of the development principles of this clause to be realised.
b. create a network of unique, memorable and high quality places	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. respond to and enhance its unique natural setting on the Parramatta River	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d. provide a peninsula park that maximises amenity for the local community	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e. create a compact, walkable urban community	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
f. provide high density, medium to high rise housing to increase housing choice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
g. incorporate a network of publicly accessible open spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
h. incorporate a primary school that serves the wider Wentworth Point community	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
i. provide public view corridors to and from the Millennium Marker, Parramatta River and Sydney Olympic Park, Parklands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
j. create a complete, largely self-contained community	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
k. comprise a diverse and innovative built form that provides a high quality living environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
l. be resilient to climate change and sea level	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

rise, and m. incorporate sustainability measures that reduce its impact on the natural environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.3 Indicative Structure Plan				
Objectives				
a. To ensure that development in the precinct occurs in a coordinated manner consistent with the vision and development principles for the precinct.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. To ensure the key elements of the precinct are delivered whilst providing a degree of flexibility as to the final layout and design of the precinct.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Controls				
1. Development is to be generally consistent with the Indicative Structure Plan at Figure 2 . Where variations are proposed, development is to demonstrate how the vision, development principles, key elements for the precinct and relevant specific objectives are to be achieved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Addressed under DA-273/2014, subdivision plan for Pt Lot 2 is generally in accordance with the structure plan of figure 2.
2. A subdivision development application is required for each of the two neighbourhoods prior to approval of any other development within that neighbourhood which is not for a public purpose. Each development application should address the following matters as they relates to that neighbourhood:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Council has received a subdivision application for each neighbourhood site being DA-273/2014 for Pt Lot 2 and DA-274/2014 for Pt Lot 3.
- identify individual development lots, and lots for open space or other public purposes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Distribution of the individual lots for proposed planned land uses as per relevant zoning and density under ALEP 2010 are shown in the subdivision plans of both DAs submitted. The non-compliance with the FSR is discussed under section 7a of the report.
- confirm how development will be distributed across the neighbourhood consistent with the floor space ratio controls identified in the Auburn LEP, by allocating a maximum allowable floor space for each development lot	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- confirm the final street, pedestrian and cycleway network	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The application includes a landscape design which proposes a pedestrian and cycle network in accordance with figure 8 of the plan. Final street/road is also in accordance with figure 3.
- include a stormwater management strategy for the neighbourhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stormwater drainage including sewer works and catchment plan and other associated civil infrastructure works such as earthworks, roads, communications, gas and electricity drawing plans have been submitted with the application to facilitate future redevelopment of the site.
- identify the proposed changes to the landform	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed construction of roads and road levels to be raised to provide new land topography to facilitate basement level construction above water table. The new land topography proposed is considered to be satisfactory and generally in accordance with figure 9.
- confirm that the proposed development within the western neighbourhood would not impact on the ecological values of Newington Nature Reserve, including as a result of overshadowing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Various specialist reports including, ecological impact statement has been prepared by Biosis in accordance with Threatened Species Conservation Act 1995, Env. Protection & Biodiversity Conservation Act 1999, Marine Environmental Assessment by Worley

<ul style="list-style-type: none">- identify opportunities for deep soil planting within development lots, including front setbacks, (see Section 4.5) and within the public domain- a public art strategy (see section 3.5).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parsons, Geotech investigations by Douglas Partners, have been provided to consider and address the impact of the development on the significance of the redevelopment of the site. Conclusion of the reports and the recommendations will be conditioned accordingly. Retention of saltmarsh headland is proposed.	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Application does not include building works. A draft strategy forming part of DA-273/2014 has been submitted with the application and is considered to be satisfactory. A comprehensive assessment of the strategy will be considered at detailed plan of subsequent applications made to Council.	
Refer to Table 1 - Key elements (pg. 5-6)					
3.0 Public Domain					
3.1 Street Network and Design					
Objectives					
a. To create a distinct sense of place that responds to natural landscape features.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. To integrate with the surrounding street network by extending the existing alignment of Burroway Road and Ridge Road into the precinct and continuing the future alignment of Ridge Road to the peninsula park.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. To provide a legible, interconnected and permeable local street network, providing convenient opportunities for movement throughout the precinct.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. To prioritise pedestrian and cyclist movement and provide places for people to interact and connect.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. To facilitate the safe and efficient movement of vehicles, pedestrians and cyclists.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
f. To optimise view lines to the water, Millennium Marker and parklands.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
g. To coordinate and manage the potential raising of road levels to accommodate on-site parking above the water table in order to avoid intrusion into the ground water table and potential land contamination and achieve acceptable flood protection.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
h. To create an attractive and comfortable streetscape for pedestrians and cyclists that comprise consistent and high quality paving, street furniture and street tree plantings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Controls					
1. The street network is to be generally consistent with Figure 3 . The western extension of Burroway Road and northern extension of Ridge Road are to be located as shown. Local streets and shareways are to be located generally as shown or may be varied where the above objectives are met. In particular, to enhance sense of place, Ridge Road is to pivot north-east to directly align with Wentworth Point.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Proposed subdivision of Pt Lot 2 is generally in accordance with figure 3 – street network plan of this plan.
2. New streets are to be generally consistent with the parameters in Table 2 below and the	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed new streets are consistent with the street dimensions of table 3 of this	

typical street sections at Figure 4 to Figure 7 . Angle parking is to be provided on Ridge Road adjoining the peninsula park. Additional opportunities to provide parking within close proximity to the foreshore open space are also to be explored.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	plan.
3. The extension of Burroway Road is to facilitate vehicular access to the block located to the west of the pocket park.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Application relates to civil works only. This requirement will be addressed under subsequent applications at detailed design stage where compliance with this requirement is to be demonstrated by the applicant.
4. The access road adjoining the maritime plaza is to facilitate emergency and service access. The design of the road is to integrate with that of the broader plaza.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. Shareways are to prioritise pedestrian and cyclist movement whilst accommodating site access for emergency and service vehicles in a low speed traffic environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Development applications are to identify the future management arrangements for the shareways.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Conditions to be included for amended landscape plan/public domain plan to include provision of cyclist network.
7. Public pedestrian connections between the precinct and the adjoining Sydney Olympic Park, Parklands are to be provided through a managed gradient change such as steps and ramps.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	To be addressed under separate DA at detailed design stage.
8. Where the road levels are to be raised, an applicant is to demonstrate that this is undertaken in a coordinated manner and the resultant streetscape and urban form can meet the relevant objectives of this DCP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A satisfactory landscape design of the peninsular park has been submitted detailing proposed public domain works which cover various detailed landscaping and local park embellishments such as street furniture, bbq/picnic facilities, playground equipment etc. subject to Council's recommended conditions.
9. Intersection and crossing design is to favour pedestrian convenience and safety.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10. Footpaths are to be provided on both sides of every street. Pavement width is to allow for comfortable walking, unimpeded by obstacles. The placement of trees, street furniture and signage is to provide for amenity without causing clutter.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11. A public domain plan is to be submitted with the relevant development application that details the design, maintenance and management of all streets.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Two existing fig trees will be retained as well as existing salt marsh on the headland which will be protected. An arboriculture report prepared by rboreport, dated 19/8/14 has also been submitted to accompany the development application which is considered satisfactory.
12. New streets are to have shared services pits to reduce maintenance costs and reduce conflict with street plantings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13. Street furniture that enhances the comfort, legibility and attractiveness of the public domain is to be provided. It is to include high quality, durable and co-ordinated selection of: - seating - lighting - rubbish bins - signage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14. Where possible, areas of planted Swamp Oak along Burroway Road and Hill Road should be retained or replaced as part of the landscape design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15. Street trees are to be provided within deep soil zones on all streets (with the exception of shareways) to achieve the following outcomes: - co-ordinated palette of climatically responsive species - reinforce the street hierarchy and create distinct places - be robust and low-maintenance - be planted in a co-ordinated, regularly spaced and formalised manner - increase the comfort of the public domain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	for pedestrians				
-	enhance the environmental performance of the precinct by increasing opportunities for energy efficiency, reducing the heat island effect and providing habitat for wildlife.				
16.	Planter boxes within share ways are to support the growth of appropriate sized trees, having regard for the Residential Flat Design Code guidelines on planting on structures.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3.2 Pedestrian and Cycle Network					
<i>Objectives</i>					
a.	To facilitate convenient movement, with safe and direct connections between key locations including the primary school, ferry terminal, peninsula park, wider Sydney Olympic Park, Parklands and the proposed Homebush Bay Bridge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b.	To provide continuous foreshore public access.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Controls</i>					
1.	The pedestrian and cyclist network is to be generally consistent with Figure 8.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed subdivision plan is generally in accordance with figure 8 of this plan.
2.	A continuous shared pedestrian and cycle link is to be provided along the Parramatta River and Homebush Bay foreshore.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.	The subdivision / block pattern is to provide a number of safe and convenient walking and cycling routes, including shareways, between key destinations and to the river foreshore.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.	Pedestrian and cycle access throughout the precinct , including connections from roads to public open space, is to be designed to:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory landscape design concept plan has been submitted with the application detailing specific works such as park facilities and local embellishments, pedestrian and cycle network to be provided.
-	be direct and accessible to all				
-	be easily identified by users				
-	have a public character				
-	include signage advising of the publicly-accessible status of the link and the places to which it connects				
-	be clearly distinguished from vehicle accessways, unless purpose built shareways				
-	allow visibility along the length of the link to the public domain at each end				
-	align with breaks between buildings so that views are extended and the sense of enclosure is minimised				
-	include materials and finishes (paving materials, tree planting, furniture etc.) integrated with adjoining streets and public spaces and be graffiti and vandalism resistant				
-	be well lit to safety standards				
-	be open to the sky along the entire length				
-	be accessible 24 hours a day.				
5.	Lockable bike storage is to be provided as part of the Maritime Plaza.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.3 Landform and contamination					
<i>Objectives</i>					
a.	To minimise the impact of excavation on the water table and existing ground conditions.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Appropriate specialist reports and accompanying plans have been submitted to Council for assessment regarding soil contamination and proposed cut and fill. The report and plans submitted are considered satisfactory.
b.	To ensure any above ground car parking is appropriately located and screened to create attractive streetscapes, convenient pedestrian movement and minimal visual impact on the public domain.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

c. To integrate development sites with surrounding landform through sensitive gradient transitions.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d. To avoid disturbing acid sulphate soils.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Controls				
1. The existing landform and internal roads may be raised to accommodate parking above the water table. The general form of any raising is shown at Figure 9 . Any raising is to ensure:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
- an appropriate visual and functional transition to the peninsula park and the Sydney Olympic Park, Parklands, and between development blocks, public open space and the school playing fields				
- gradient changes across the site in accordance with applicable Australian Standards for accessibility				
- that it will not result in any adverse impacts, such as stormwater runoff on adjoining land.				
2. Any raising in either the western or eastern neighbourhood is to be addressed as part of the first subdivision development application that creates the internal road and block network, and is to demonstrate how the reformed topography integrates with the surrounding area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. The ground floor of buildings is to engage with and activate the adjoining street or public open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Basement parking areas are to be protected from flooding.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Note: generally a ground floor level the same as the adjoining footpath or park surface or up to 0.6m above the level of the adjoining footpath or park surface will achieve this outcome.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3.4 Open Space Network				
Objectives	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
a. To provide unique, high quality, and memorable places.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. To create an iconic peninsula park at Wentworth Point that reinforces the distinct and valuable landscape character of Parramatta River.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. To create a continuous foreshore park along the precinct's Parramatta River frontage and continuous public open space along the precinct's Homebush Bay frontage providing a range experiences along the foreshore.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d. To provide a network of pocket parks, distributed across the precinct that allow for a diverse range of active and passive recreation uses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e. To integrate with the broader Sydney Olympic Park, Parklands and Wentworth Point open space network.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
f. To promote an attractive, green and environmentally sensitive character for the precinct.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
g. To optimise physical access and views to the water.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
h. To protect and enhance the precinct's ecological values within the open space network.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
i. To maximise the interface between development and public open space to provide	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

enhanced levels of residential amenity and casual surveillance of the public open space, including through the creation of a wedge of public open space between the school and eastern neighbourhood aligned with the pivot of Ridge Road.				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed subdivision incorporates designated public open space area that is consistent with figure 10 and 11 of this plan.
j. To locate and design the school's primary open space so that it visually (and potentially functionally) integrates with the peninsula park, including enabling informal community recreational use outside of school hours.				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Controls				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1. Areas of publicly accessible open space are to be provided generally in accordance with Figure 10 and Figure 11 and the characteristics outlined in Table 3 . Variations to the open space network are to demonstrate consistency with the above objectives, the vision, development principles and key elements for the precinct.				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. A high level of functional and visual engagement between any development and pocket parks and the adjoining foreshore park and Sydney Olympic Park, Parklands is to be achieved by: <ul style="list-style-type: none">- providing convenient and safe public pedestrian connections where possible- addressing level differences through human scale transitions avoiding large or abrupt level changes- screening all car parking and building services from view, and- providing view corridors in accordance with Figure 2.				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.5 Public Art							
Objectives							A draft public art strategy has been submitted with the application and is considered to be satisfactory.
a. To enhance the sense of place through the provision of public art.				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. To use public art to enhance and define the character areas of the precinct.				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Controls							
1. A public art strategy is required to form part of the first subdivision development application for each of the two neighbourhoods to achieve the following principles: <ul style="list-style-type: none">- provide public art at key focal points throughout the precinct in locations that maximise visibility;- enhance the precinct's identity and sense of place; and- ensure public art is high quality, durable and low maintenance.				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Development applications are to demonstrate consistency with the public art strategy for the relevant neighbourhood.				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.0 Private domain							
4.1 Land use and floor space distribution							
Objectives							
a. To reinforce the role of Wentworth Point as a major location for housing as part of the Sydney Olympic Park Specialised Precinct.				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. To ensure the vision, development principles and key elements for the precinct are delivered.				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. To encourage a range of non-residential uses				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

that meet the needs of local residents.				
d. To ensure that floor space is appropriately distributed across the precinct.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Controls				
1. The distribution of land uses within the precinct is to be consistent with the development principles and indicative structure plan in Figure 2 .	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As discussed previously, the distribution of land uses within the precinct is not consistent ALEP 2010 as required by this DCP clause. Accordingly, the floor space distribution aspect of the application I not endorsed by Council and is recommended to be excluded from the application.
2. A range of non-residential uses are to be provided to meet the needs of the local community. Retail uses are to be focused around the Maritime Plaza. Small scale retail uses such as cafes may be allowed where adjoining and engaging with pocket parks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. The maximum floor space of individual buildings is to be consistent with the distribution of floor space approved by the relevant subdivision application (see Section 2.3).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4.2 Building Height and form				
Objectives				
a. To reinforce the role of Wentworth Point as a major location for housing and a key part of the Sydney Olympic Park Specialised Precinct.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application relates to civil works only and thus the building height controls are not relevant at this stage.
b. To create a visually interesting, modulated skyline comprised primarily of perimeter block development supported by a small number of taller tower buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Building height and form controls will be considered at detailed design stage under a subsequent application.
c. To frame significant views between the Parramatta River and the Millennium Marker and to maximise view sharing.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d. To reinforce the preferred urban form and enhance the legibility of the precinct by aligning greatest height to the western extension of Burroway Road and the northern extension of Ridge Road.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e. To achieve a balance between an urban scale and creating a comfortable, human scale public domain.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
f. To ensure that the bulk and scale of buildings is minimised and that building forms provide a high level of residential amenity.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Controls				
1. Maximum building height in storeys is to be consistent with Figure 12 . Height measured in storeys is to be taken from the relevant adjacent street frontage. This enables consideration of the raising of the landform within the precinct, whereby while a building may achieve the same height in metres it may present as a higher building in storeys at one frontage (refer to Figure 14 and Figure 15).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Buildings heights are to be consistent with the following principles:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
- lower rise buildings (4 to 5 storeys) are to be located adjacent to the foreshore and the peninsula park, with vertical building elements providing articulation				
- a range of building heights (typically 4 - 7 storeys) with taller forms of up to 25 storeys balanced with lower rise perimeter block forms.				
3. Lower rise building forms are to be consistent with the following principles:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
- perimeter block building forms generally				

<p>enclose a central communal open space</p> <ul style="list-style-type: none"> - full height gaps between buildings for visual connections between streets and communal open spaces within blocks - maximum building lengths of 65m, but where a building has a length greater than 30m, it is to be separated into at least 2 parts by a significant recess or projection - maximum building depth in accordance with the NSW Residential Flat Design Code. 				
<p>4. Taller building forms are to be consistent with the following principles:</p> <ul style="list-style-type: none"> - a maximum of 6 x 25 storey buildings across the precinct (5 in the western neighbourhood and 1 in the eastern neighbourhood) - located generally in accordance with Figure 12 and distributed through the precinct - separated in accordance with the NSW Residential Flat Design Code - a maximum individual footprint of 750m² GFA - oriented to take advantage of views and enable view corridors to be obtained between the Millennium Marker and Parramatta River - minimise overshadowing on public and communal open space - not overshadow the peninsula park or Parramatta River foreshore path from 9am and 3pm on 21 June - incorporate a semi-podium to soften street presence - have a strong vertical emphasis in facade articulation. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>4.3 Setbacks and Public Domain Interface <i>Objectives</i></p> <p>a. To provide strong definition to the public domain and create a coherent, urban street wall that encloses streets.</p> <p>b. For ground floor residential uses, to create an attractive transitional space that enables a high level of engagement between the public and private domains, softens the impact of the built form and is capable of being used for private outdoor recreation.</p> <p>c. For ground floor commercial uses, to build to the street alignment to maximise presence and activation of the street.</p> <p>d. To set taller building elements back from the street to reduce apparent building scale and bulk and enable adequate sunlight access to the public domain.</p> <p>e. To present a varied and visually attractive form when viewed from the Parramatta River foreshore.</p> <p><i>Controls</i></p> <p>1. Minimum building setbacks are to be consistent with Figure 13.</p> <p>2. Setbacks from the outermost projection of the building to the property boundary or for shareways, to the edge of the shareway corridor:</p> <ul style="list-style-type: none"> - are to be between 3-5m - may be reduced at key street corners 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Application relates to civil works only and thus these controls are not relevant at this stage.</p> <p>Setbacks and public domain interface controls will be considered at detailed design stage under a subsequent application.</p>

<p>where it can be demonstrated that it is to provide an urban design element, and</p> <ul style="list-style-type: none"> - may be reduced by up to 600mm for elements that articulate the building facade such as balconies, party walls and eaves. 				
3. Buildings on street corners are to address both street frontages.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Except where directly adjoining Sydney Olympic Park, Parklands, all above ground carparking structures in areas highly visible from the public domain are to be suitably sleeved with active frontages, which may comprise residential or non-residential uses such as shops and cafes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. Buildings fronting the river foreshore and peninsula park are to be generally in accordance with Figure 14 and:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> - be highly modulated and articulated - avoid long building forms fronting the water / open space, and - incorporate generous landscaping within setbacks. 				
6. Building setbacks to Sydney Olympic Park, Parklands are to be generally in accordance with Figure 15 and:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> - enable unrestricted emergency vehicle access to buildings in accordance with applicable building code requirements - incorporate landscaping to reduce the visual impact of buildings and the emergency vehicle access and visually integrate the precinct with the parklands, and - in accordance with CPTED principles ensure that the setback is safe and clearly identifiable as part of the precinct and not for general public access. 				
7. Development facing the extension of Burroway Road is to engage with the street and adjoining pocket park through layout and design measures that provide an appropriate balance between privacy and opportunities for casual surveillance of the public domain.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. Residential uses at ground level are to be in accordance with the following principles:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> - ground level dwellings have their main entry directly accessible from and at the same level as the adjoining public footpath or parkland or are raised by up to 600m - buildings and main living areas and adjoining private open space are oriented to be parallel and directly overlook the street or park, and - front boundary treatments combine level change, landscaping and fencing to provide a reasonable level of privacy for residents whilst not significantly reducing visual surveillance. 				
9. Commercial uses at ground level are to be in accordance with the following principles:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> - at the same level as the adjoining public footpath - highly glazed facades that engage with the street - awnings for pedestrian shelter - access in accordance with the Disability 				

Discrimination Act 1992.				
4.4 Private Open Space				
<i>Objectives</i>				
a. To soften the visual impact of buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application relates to civil works only and thus these controls are not relevant at this stage.
b. To cater for the recreational needs of building occupants and enhance comfort levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. To provide communal open space for residents that offers social opportunities and quality outlook from apartments.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d. To contribute to the environmental performance of the precinct by reducing the urban heat island effect and where appropriate providing for habitat creation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Controls</i>				
1. Balconies are to meet the requirements of the NSW Residential Flat Design Code and have a minimum area of 8 sqm and a minimum dimension of 2m.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Private open space controls will be considered at detailed design stage under a subsequent application.
2. Private open space for ground floor apartments is to meet the requirements of the NSW Residential Flat Design Code, and have a maximum gradient of 1 in 20.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Private open space and balconies are to be directly accessible from the living area of the dwelling and capable of serving as an extension of the living area. 4. Common open space / courtyards are to be located, designed and landscaped to:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
- comprises generally a minimum of 30% of the development block				
- incorporate shade trees				
- enhance views from residential apartments and create recreational opportunities				
- be the focal point for residents and incorporate residents facilities, storage space for maintenance equipment, public art (refer Section 3.5) and water features where appropriate, and				
- achieve good amenity in terms of solar access and natural air flow.				
4. Additional communal open space on roof tops is encouraged in locations where it does not adversely impact on the residential amenity of surrounding residents.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.5 Deep soil zones / landscaping				
<i>Objectives</i>				
a. To improve amenity and soften the impact of buildings through the provision of landscaping, including the retention and/or planting of trees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. To assist with the management of water quality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Controls</i>				
1. Deep soil zones are to be provided consistent with the subdivision approval for the relevant neighbourhood (see Section 2.3).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed subdivision plan provides opportunities for deep soil zones/landscaping.
2. Where the deep soil zone requirements set out the Residential Flat Design Code cannot be met, a similar extent of landscaping is to be provided, and designed in accordance with the Residential Flat Design Code guidelines for planting on structures.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.6 Building Design and Materials				
<i>Objectives</i>				
a. To achieve diversity and interest in the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application relates to civil works only and

architectural character of the development.				
b. To make a positive contribution to streetscape quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	thus these controls are not relevant at this stage.
c. To reduce the appearance of building bulk and scale.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Controls				Building design and materials controls will be considered at detailed design stage under a subsequent application.
1. To create a varied, diverse built form, each building is to have its own distinct, innovative design that represents contemporary best practice in architectural and urban design quality. <i>Note: Different architectural firms are encouraged to design each building.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Buildings have a high level of articulation through: <ul style="list-style-type: none"> - variation in form and massing - recesses and projections - useable balconies and decks, and - elements of a finer scale than the main structural framing such as eaves and awnings. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. An arresting and diverse range of building facades are to be provided, incorporating elements that express visually prominent parts of buildings such as corners.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Facades are to incorporate distinct, legible pedestrian entries and engage with the public domain through the extensive use of large windows and other openings and the avoidance of large expanses of blank walls.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. Rooflines are to be: <ul style="list-style-type: none"> - articulated to provide visual interest and contribute to a dynamic, modulated skyline, and - designed to facilitate the establishment of devices that enhance the environmental performance of the buildings, including green roofs, solar panels and rainwater collection and storage. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Variations in materials and colours are to be used to differentiate between the parts of buildings, in particular the base.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Buildings are to include a variety of high quality, durable materials in a range of compatible colours such as rendered concrete or face brick and include components of timber, steel and glass except highly reflective glass.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. Utility elements are to be designed as integral parts of the building.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Building design is to consider the Building Amenity provisions of the NSW Residential Flat Design Code, and in particular achieve a minimum of 3 hours direct sunlight between 9 am and 3 pm in midwinter to living rooms and private open spaces for at least 70% of apartments.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.7 Wind effects				
Objectives				
a. To ensure that taller residential apartment buildings satisfy nominated wind standards so as to maintain comfortable conditions for pedestrians, maintain the structural integrity of buildings and encourage the growth of street trees.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Controls				To be considered at detailed design stage under separate application. Subject application relates to subdivision only and as such wind effect requirements are not relevant.
1. A wind effects report is to be submitted with				

development applications for buildings over seven storeys, and is to demonstrate that the wind effects caused by development does not exceed: - 10 metres per second on streets with active frontages - 16 metres per second for all other streets.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Building design is to minimise adverse wind effects on recreation facilities and open spaces within developments.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Balconies are to be designed to minimise wind impacts and maximise useability and comfort through recessed balconies, operable screens, pergolas and shutters.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.8 Vehicular Access and Car Parking				
<i>Objectives</i>				
a. To ensure the amount, location and design of car parking caters for the needs of residents, workers and visitors.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not relevant to current application for subdivision.
b. To minimise adverse traffic impacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. To encourage active transport such as walking, cycling and public transport.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d. To create a high quality streetscape outcome that provides a safe, convenient and comfortable pedestrian environment where car parking is not visually dominant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Controls</i>				
1. Car parking for residential uses is to be provided as set out in Table 4 .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Table 4 – Minimum residential car parking requirements:				
Dwelling Type	Minimum car parking rate			
Studio	1.0			
1 bedroom	1.0			
2 bedroom	1.1			
3 bedrooms or greater	2.0			
Visitors	0.1			
2. Car parking for non-residential uses is to be provided in accordance with the Auburn DCP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Car parking is to be provided within the development blocks but may extend under share ways if required. Car parking is not permitted under primary or local [check] roads or the foreshore and peninsula parks. Car parking may intrude in part under pocket parks provided that appropriate ownership and management agreements are established and it does not preclude or limit deep soil planting.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Car parking entrances are to be: - in accordance with Parking and loading, Section 3.4 - General parking design and Section 4.4.2- Design of parking spaces of the Auburn DCP 2010 - where alternative locations exist, excluded from the western extension of Burroway Road or opposite a public park - limited to a maximum of 2 entrances per block - screened for the full height and width of the entrance to minimise views into the car park from the public domain, and - maintain clear sight lines for vehicles entering and exiting the car park and pedestrians using the footpath outside the entrance in accordance with Parking and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

loading, Section 3.3 - Sight distance and pedestrian safety.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. Access driveways and circulation roadways are provided in accordance with Parking and loading, Section 3.2 – Access driveway and circulation roadway design of the Auburn DCP 2010.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Development is to incorporate on-site bicycle parking in accordance with Parking and loading, Section 3.1 - Bicycle parking of Auburn DCP 2010.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Residential development is to provide an appropriate number of car share parking spaces for the exclusive use of car share scheme vehicles. Car share parking spaces are to be included in the number of car parking spaces permitted on a site. The car share parking spaces are to be: <ul style="list-style-type: none"> - exclusive of visitor car parking - retained as common property by the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time - made available for use without a fee or charge by operators of car share schemes - grouped together in the most convenient locations relative to car parking area entrances and pedestrian lifts or access points - located in a well-lit places that allows for casual surveillance - where the space is external, located adjacent to a public road and integrated with the streetscape through appropriate landscaping - signposted for use only by car share vehicles, and made known to building occupants and car share members through appropriate signage which indicates the availability of the scheme and promotes its use as an alternative mode of transport. <p>A development application is to demonstrate how the car share parking space is to be accessed, including arrangements where it is accessed through a security gate. A covenant is to be registered with the strata plan advising of any car share parking space(s). The covenant is to include provisions that the car share parking space(s) cannot be revoked or modified without prior approval of Council.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. A Travel Access Guide approved by Council prior to occupation is to be made available to residents and non-residential tenants of development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.9 Safety and Security				
<i>Objectives</i>				
a. To provide high levels of property safety and personal comfort and safety.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not relevant to current application for subdivision.
b. To minimise opportunities for criminal and anti-social behaviour.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Controls</i>				
1. Development is to meet the principles of Crime Prevention through Environmental Design (CPTED), including:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<ul style="list-style-type: none"> - maximising opportunities for casual surveillance of the public domain, including parks, from the main living area of dwellings - maximising legibility of the movement network, public domain and building entrances - maximising visibility and minimising concealed areas, particularly at building entrances - clearly demarcating the public and private domain, and - adequate lighting to all areas of the public domain. 				
2. Building design is to maximise opportunities for casual surveillance of the streets and communal spaces within the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Ground floor dwellings fronting the streets are to have an "address" or "front door" that is visible and directly accessible from the street.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. The detailed design of the external areas of the ground floor is to minimise blind-corners, recesses and other areas which have the potential for concealment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. Building entries are to be clearly visible, unobstructed and easily identifiable from the street, other public areas and other development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Where practicable, lift lobbies, stairwells and corridors are to be visible from public areas by way of glass panels or openings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.10 Adaptable housing <i>Objectives</i> <ul style="list-style-type: none"> a. To ensure a sufficient proportion of dwellings include accessible layouts and features to accommodate changing requirements of residents. b. To encourage flexibility in design to allow people to adapt their home as their needs change due to age or disability. <i>Controls</i> <ul style="list-style-type: none"> 1. Residential development is to meet the requirements for adaptable housing within residential flat buildings set out in the Auburn DCP 2010. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not relevant to current application for subdivision.
5.0 Sustainability and Environmental Management 5.1 Sustainability <i>Objectives</i> <ul style="list-style-type: none"> a. To increase energy efficiency. b. To reduce reliance on potable water. c. To be climatically responsive and maximise advantages provided by the precincts north facing waterfront location including access to winter sunlight and cooling summer breezes. d. To reduce waste and increase the reuse and recycling of materials. <i>Controls</i> <ul style="list-style-type: none"> 1. Residential development is to comply with BASIX. 2. The re-use of grey water and provision of dual water reticulation systems is encouraged where possible. 3. Development adjacent to the waterfront that faces north should optimise the amount of 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A Basix Certificate is not required for civil works applications.

glazing on the northern façade and incorporate deep and extensive balconies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Public amenities are to use water and energy efficient fittings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.2 Water Management				
<i>Objectives</i>				
a. To reduce stormwater quantity and improve stormwater quality prior to it exiting the precinct.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not relevant to current application for subdivision.
b. To reduce reliance on potable water for use in irrigations systems.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. To reduce the risk to human life and property from flooding to acceptable levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d. To ensure resilience to climate change and potential future sea level rise.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Controls</i>				
1. Development incorporates water management measures generally in accordance with Figure 16 .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Development incorporates a suite of other water sensitive urban design measures, in particular those that replicate natural water cycle processes, in the public domain and within blocks such as:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> - on-site water detention - bio-retention systems - swales - gully baskets - stormwater quality improvement devices - permeable pavements; and - collection of rainwater for use in irrigation systems in the public domain, including streets, parks and private communal recreation areas. 				
3. The following stormwater targets are to be met for the entire precinct:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> - 90% reduction in the post-development average annual gross pollutant load - 85% reduction in the post-development average annual total suspended solids (TSS) load - 65% reduction in the post-development average annual total phosphorus (TP) load - 45% reduction in the post-development average annual total nitrogen (TN) load 				
4. The following stormwater targets are to be met for specific sites:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> - 92% reduction in the post-development average annual gross pollutant load. - 90% reduction in the post-development average annual total suspended solids (TSS) load. - 68% reduction in the post-development average annual total phosphorus (TP) load. - 47% reduction in the post-development average annual total nitrogen (TN) load. 				
5. Hard paved surfaces within the peninsula park and along the foreshore promenade are to maintain permeability.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Development complies with the flood risk management provisions of the Auburn DCP 2010.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Development applications are to demonstrate that proposed changes to the landform will not result in increased stormwater runoff to	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

adjoining sites.				
5.3 Ecology				
<i>Objectives</i>				
a. To ensure that development does not impact on the ecological values of the adjoining Newington Nature Reserve and Homebush Bay.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Various specialist reports including, ecological impact statement has been prepared by Biosis in accordance with Threatened Species Conservation Act 1995, Env. Protection & Biodiversity Conservation Act 1999, Marine Environmental Assessment by Worley Parsons, Geotech investigations by Douglas Partners, have been provided to consider and address the impact of the development on the significance of the civil works proposed and redevelopment of the site. Conclusion of the reports and the recommendations will be conditioned accordingly. Retention of saltmarsh headland is proposed.
b. To protect and enhance the ecological values of the precinct.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Controls</i>				
1. Demonstrate that development will not impact on the ecological values of the Newington Nature Reserve as a result of water run-off or overshadowing. Consideration is to be given to the <i>Guidelines for Development adjoining Department of Environment and Climate Change Land</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. For the peninsula park and the foreshore open space:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- Coastal Saltmarsh Threatened Ecological Community on the eastern point of the peninsula park is to be protected and regenerated to increase the diversity and density of the community's indicator species (including the <i>Wilsonia</i> backhouse species), and weeds are to be eradicated				
- riparian vegetation is to be re-established along the foreshore in particular around wetlands and to enhance existing mangroves and areas of planted Swamp Oak				
- suitable species and extent of revegetation is to be identified by an ecologist				
- boardwalks are not to encroach on Coastal Saltmarsh Threatened Ecological Community and are to form a barrier to weed infestation				
- interpretive signage is to be provided along the boardwalk in appropriate locations to educate the community about the Coastal Saltmarsh and <i>Wilsonia</i> backhouse.				
3. The timing of construction works is to avoid impacts on the White-bellied Sea-eagle.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Item 4
JRPP 2015SYW057
DA40/2015
2 Burroway Road
Wentworth Point
Draft Conditions

CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-40/2015
Property: Pt Lot 2 Burroway Road, WENTWORTH POINT
Description: Staged development proposal for demolition of existing buildings, tree removal, earthworks, site remediation, construction of roads, sea wall and public domain works and further subdivisions to create roads

1. Approved Plans

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

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
DA 001 Standard notes & legend	Brown Smart Consulting	6	30.01.15
DA 002 General layout plan (extent of works)	Brown Smart Consulting	6	30.01.15
DA 003 Demolition plan	Brown Smart Consulting	6	30.01.15
DA 101 Road bulk earthworks plan Sheet 01/02	Brown Smart Consulting	6	30.01.15
DA 102 Road bulk earthworks plan Sheet 02/02	Brown Smart Consulting	6	30.01.15
DA 103 Vehicle turn paths	Brown Smart Consulting	6	30.01.15
DA 105 Bulk earthworks levels – Burroway Road parcel	Brown Smart Consulting	6	30.01.15
DA 201 Longitudinal sections – Burroway Rd extension/Circuit Rd North	Brown Smart Consulting	6	30.01.15
DA 202 Longitudinal sections – Ridge Road	Brown Smart Consulting	6	30.01.15
DA 203 Longitudinal sections – Circuit Road South	Brown Smart Consulting	6	30.01.15
DA 204 Typical Road Cross sections	Brown Smart Consulting	6	30.01.15

DA 502 Developed catchment plan	Brown Smart Consulting	6	30.01.15
DA 503 Preliminary drainage layout	Brown Smart Consulting	6	30.01.15
DA 601 Site sections – sheet 01/02	Brown Smart Consulting	6	30.01.15
DA 602 Site sections – sheet 02/02	Brown Smart Consulting	6	30.01.15
DA 702 Proposed potable water services	Brown Smart Consulting	6	30.01.15
DA 703 Proposed pressure sewer	Brown Smart Consulting	6	30.01.15
DA 704 Proposed communications	Brown Smart Consulting	6	30.01.15
DA 705 Proposed electricity	Brown Smart Consulting	6	30.01.15
DA 706 Proposed gas	Brown Smart Consulting	6	30.01.15
DA 707 Sediment & erosion control plan	Brown Smart Consulting	6	30.01.15
DA 707 Sediment & erosion control notes & details	Brown Smart Consulting	6	30.01.15
13506_L_1000 Park masterplan	Context	0	24.10.14
13506_L_1001 Tree removal plan	Context	1	03.11.14
13506_L_1001 Open space activities	Context	0	24.10.14
13506_L_1002 Lighting strategy	Context	0	24.10.14
13506_PD_L_1003 Street tree planting	Context	0	24.10.14
13506_PD_L_2000 Typical street plan/sections	Context	0	24.10.14
13506_L_2000 Indicative park cross sections	Context	0	24.10.14
13506_L_2001 Indicative park cross sections	Context	0	24.10.14
13506_L_2002 Indicative park cross sections	Context	0	24.10.14
13506_L_3000 Promenade section - 01	Context	0	24.10.14

13506_L_3000 Revetment type 1 section - 02	Context	0	24.10.14
13506_L_3001 Detailed sections 3	Context	0	24.10.14
Materials Palette	Context	0	24.10.14
Planting Palette	Context	0	24.10.14
Wentworth Point Seawall	Worley Parsons	B	12.0614
Detailed Remediation Action Plan – Infrastructure delivery 2207004B-ES-REP-001	Parsons Brinckerhoff	C	09.01.15

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. **Submission of Plan of with subdivision certificate application**

The subdivision certificate application is to be supported by the submission of an original plan of subdivision together with seven (7) copies to be submitted to Council.

Note: A Subdivision Certificate fee is payable to Council on lodgement of the plans and an inspection fee may be required before collection of the final signed plan of subdivision.

Reason:- to ensure an application is made for a subdivision certificate.

4. **Public art works**

Implementation of the public art works shall be in accordance with the Public Art Strategy prepared by Urban Growth and dated April 2015, submitted to Council under DA-273/2014 and DA-274/2014. Works shall be undertaken in conjunction with the Peninsula Park construction and shall be completed prior to the dedication of the Peninsula Park to Council.

Reason:- to ensure compliance with the Public Art Strategy.

5. **Remediation and validation**

The following shall be complied with in respect of remediation and validation works at the property:

- a) Remediation and validation works shall be carried out in accordance with the approved Remediation Action Plan. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works. Please note that variations to the approved remediation works may require the submission to Council of a Section 96 Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979*.
- b) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council prior to the commencement of any further construction works.

Following the preparation of the validation report, Council will require that the applicant engage an accredited auditor under the *Contaminated Land Management Act 1997* to review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement.

The accredited auditor shall provide Council with a copy of the Site Audit Report and Site Audit Statement, within seven (7) days of site validation.

In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 96 Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979* will be required.

Reason:- to ensure the provisions of State Environmental Planning Policy No. 55 – Remediation of Land and the Contaminated Land Management Act are complied with.

6. **Sydney Olympic Park Authority Sediment and Erosion Control requirements**

Prior to the commencement of construction, the proponent must establish appropriate sediment and erosion control measures consistent with the Blue Book at all site access points.

During construction, sediment and erosion control measures across the site, including all access points, must be maintained in a manner that ensures sediment tracking and dust emissions beyond the boundary of the site is minimised.

Reason:- to ensure the conditions provided by SOPA are satisfied in relation to sediment and erosion control

7. **Fisheries Management Terms of Approval**

The following measures should be implemented during the construction or demolition process to minimise impacts on the aquatic environment:

- a) Appropriate best practice erosion and sediment control measures should be used.

- b) Appropriate acid sulphate soil treatment measures should be employed as required.

Regarding the area of saltmarsh planned for this part of the proposal:

- a) Seawall repair works around the saltmarsh area need to be designed so that they continue to allow the passage of higher tidal flows to the saltmarsh habitat. To survive, saltmarsh requires irregular tidal flooding between the mean high water mark and highest astronomical tide mark. The seawall repair works must not reduce or prohibit the flow of these tides.
- b) It is recommended that activity to rehabilitate the area of saltmarsh, by removing weeds and facilitating tidal flows to encourage saltmarsh regeneration, is undertaken as part of the ongoing management of this site.

Reason:- to ensure compliance with the requirements of the Fisheries Management Act 1994, the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively, and the associated Policy and Guidelines for Fish Habitat Conservation and Management (2013).

8. Landscaping of Peninsula Park

The following items shall be incorporated within the Peninsula Park landscape plan and submitted to Auburn City Council for approval prior to the commencement of any works on the site.

- Public Toilet - an *Exeloo Automated Unisex Toilet* or equivalent, shall be installed and located near both alfresco and playground area.
- Storage Facility - A Storage Facility is required to ensure quality maintenance of the Park. The storage facility shall be minimum 42m² (6m x 7m) internally plus provision for a staff member to park a vehicle and take delivery of materials on a hardstand. The Storage Facility shall be easily accessible from Ridge Road. Internally, the facility shall be separated into the following 3 areas;
 - i. Plant storage area accessed by a roller door minimum 3.14m wide single garage size,
 - ii. Amenity room with wash up facilities,
 - iii. Toilet.
- Furniture
 - i. A minimum, four (4) additional seats are to be installed along water edge walkway in positions that enable long vistas across the water ways.
 - ii. A minimum, four (4) additional seats are to be installed along other pathways.
 - iii. A minimum of one (1) bubbler and water refill stations adjacent to the playground area and each fitness station area.
- Fitness Stations

Provision of fitness stations as follows:

- i. Equipment certified to comply with AS 4685
- ii. Equipment shall be high quality designed equipment suitable for a range of skill levels from beginners to advance.
- iii. Equipment shall include both Static and Mechanical equipment at each fitness station.

- iv. A hard wearing surface shall be provided under each piece of equipment.
- v. Equipment shall be installed on a level surface.
- vi. All equipment shall include appropriate signage for correct use of equipment.

- Playground

All playground equipment and safety surfacing to comply to the following standards;

- i. AS 4685:2014 Playground Equipment and Surfacing
- ii. Australian and New Zealand Standard AS/NZS 4486.1: Playgrounds and playground equipment
Part 1: Development, installation, inspection, maintenance and operation.
- iii. Australian Standard AS 4685: Playground equipment
- iv. Australian Standard AS 1428: Design for access and mobility

All equipment shall cater in the majority for 5-12 year olds with some facilities for 2-5 year olds, unless the demographics of Wentworth Point suggest otherwise.

The landscape plan detail design, materials and finishes of works incorporating proposed seating, shelter, shade and observation areas for parents and carers. The plan shall identify the type of equipment to be included and the preferred location of each item including rubber softfall or equivalent materials in high wear areas of the playground.

- Lighting Strategy - All lights shall be made of marine grade materials resistant to salt air and salt water erosion.

- Wetlands

- i. A safe vehicle access route shall be provided to where trash racks or gross pollutant traps are located adjacent wetlands.
- ii. A plant palette for wetland areas shall be included together with an suitable landscape management plan.

9. Erection of Signs

A rigid and durable sign must be erected in a prominent position on any site on which building including any civil infrastructure work, subdivision work or demolition work is being carried out:-

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100.

Reason:- to comply with the requirements of Clause 98A and 136B of the Environmental Planning and Assessment Regulations.

10. **Construction/Demolition Hours**

Site and civil infrastructure works and demolition works, including the delivery of materials or equipment to and from the property are to be carried out between the hours of 7.00 am and 6.00 p.m. only from Mondays to Fridays and between 8.00 am and 4.00 p.m. only on Saturdays. No construction works or deliveries for the construction are to take place on Sundays or public holidays.

Prior to commencement of any demolition or construction work the applicant is to erect signs on the site, which are clearly visible from the footpaths adjoining the site boundaries, which state the permitted construction/demolition hours. These signs must also state "Any instances of site and civil infrastructure works, demolition works or deliveries outside the permitted hours can be reported to Auburn Council on 9735-1222 during office hours or 0417-287-113 outside office hours".

Reason:- to reduce nuisance to the surrounding properties during the construction period.

11. **Demolition of buildings**

The building/s shall only be demolished in accordance with the requirements of AS 2601-2001 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:-

- a) Protection of site workers and the general public.
- b) Erection of hoardings where appropriate.
- c) Asbestos handling and disposal where applicable.
- d) Any disused service connections shall be capped off to Council's requirements.
- e) The disposal of refuse is to be to an approved waste disposal depot.

Reason:- to ensure protection of the public, environment and to uphold public health standards. This also complies with the requirements of clause 92 of the Environmental Planning and Assessment Regulation 2000.

12. **Display of a warning sign for soil and water management**

Throughout the site construction/remediation/demolition period, a warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works.

Reason:- to ensure all building workers are aware of the need to maintain the sediment and erosion control devices.

13. **Fencing of construction/demolition sites – Rental of road reserve/footpath area**

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

NOTE: Should ANY part of the fence or hoarding encroach beyond the boundaries of the site, it will be necessary to make application to Council for rental of the road reserve/footpath area BEFORE the fence/hoarding is erected.

Reason:- to provide protection to public places and to prevent unauthorised access to the site.

14. **Demolition - Lead Management Work Plan**

A Lead Management Work Plan shall be prepared in accordance with *AS2601-2001 Demolition of Structures* by a person with suitable expertise and experience and submitted to the PCA or Council for approval prior to the issuing of the Construction Certificate. The Lead Management Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials. The Lead Management Work Plan shall be prepared in accordance with:-

- a) AS 4361:1998 Guide to lead paint management;
- b) Australian Standard AS 2601: 2001 Demolition of Structures;
- c) Lead Safe A renovator's guide to the dangers of lead, NSW EPA, 1998 (booklet)

Reason:- to ensure suitable procedures are employed to manage demolition activities involving lead paint.

15. **Demolition – Lead Paint Disposal**

The demolition and disposal of materials incorporating lead such as lead paint and dustpaint shall be conducted in accordance with *AS2601-2001 Demolition of Structures*. Removal, cleaning and disposal of lead-based paint shall conform with relevant EPA guidelines including the *Lead Safe A renovator's guide to the dangers of lead*, NSW EPA, 1998. Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (eg; ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work shall be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition shall not be performed during high winds, which may cause dust to spread beyond the site boundaries. Please note that Council may require testing to verify that the soil lead levels are below acceptable health criteria.

Reason:- to ensure the disposal and demolition of materials incorporating lead is carried out in a safe manner in accordance with relevant regulations.

16. **Demolition – common sewerage system**

If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.

Reason:- to ensure demolition activities do not disrupt the operation of the sewerage system for other users of the system.

17. **Demolisher Details**

The demolisher/owner/applicant shall:-

- a) Lodge with Council, and at least forty-eight (48) hours prior to the commencement of work (due to the potential impact on Council's infrastructure):-
 - i) Written notice, indicating the date when demolition of the building is to commence.
 - ii) The demolisher's full name and address.
 - iii) Details of Public Liability Insurance.
- b) Comply with Australian Standard 2601 – 2001 "*Demolition of Structures*"; and,
- c) Have a current public liability/risk insurance, and policy details of such shall be submitted to Council for its records.
- d) Ensure that all possible/practicable steps are taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like arising from the demolition works

This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

Reason:- to ensure details of the demolisher are provided to Council and relevant safety requirements are met.

18. **Demolition Works – noise and vibration**

The following shall be compiled with:-

- a) Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
- b) Vibration levels induced by the demolition activities shall not exceed 3mmsec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
- c) The upper noise level from the demolition operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

Reason:- to ensure noise and vibration arising from the demolition works does not impact on the amenity of the surrounding area.

19. **Asbestos**

- a) In the event that asbestos is on a site or building under demolition or construction, WorkCover NSW is to be contacted to ascertain the appropriate response, to ensure the safety and protection of existing and future workers and residents. An Asbestos Removal Contractor licensed by WorkCover NSW is to handle/remove/transport and dispose of any products containing asbestos in a manner approved of by the Department of Environment and Conservation (DEC). Copies of tipping dockets are to be retained and able for viewing by Council officers on request.
- b) Asbestos material can only be disposed of at a landfill site nominated by Waste Services NSW for that purpose. An appointment must be made with Waste Services NSW to dispose of asbestos materials at the nominated landfill.
- c) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:-
 - i) Work Health and Safety Act 2011;
 - ii) *The Work Health and Safety Regulation 2011*;
 - iii) *Protection of the Environment Operations Act 1997*
 - iv) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes, NSW EPA, May 1999*
 - v) *Waste Avoidance and Resource Recovery Act 2001*.
 - vi) *The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)]*;
 - vii) *The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]* <http://www.nohsc.gov.au> ; and
 - viii) *The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors*.

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259.

Under the Work Health and Safety Regulation 2011, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work.

Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting <http://www.workcover.nsw.gov.au> or one of Workcover NSW's offices for further advice.

- d) In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.

Reason:- to ensure the safe handling, treatment and disposal of asbestos materials arising from the demolition/construction works.

20. **Services to be capped**

Prior to the commencement of demolition works, the applicant must ensure that utility services to the land upon which the building to be demolished stands, as well as the building itself, are terminated and capped in accordance with the requirements of supply authority, eg. Electricity-Supplier of Electricity to the subject premises, Gas-Supplier of Gas to the subject premises.

Reason:- to ensure all services are capped adequately.

21. **Site to be kept in a clean condition**

Upon completion of demolition works and if no new building works are commenced on site, the site shall be kept in a clean manner with landscaping and fencing to the satisfaction of Council.

Reason: to control soil erosion, and not have any unsightly views.

22. **Neighbour 24 notification of commencement of demolition**

Prior to the commencement of work the applicant shall provide 24 hours notice in writing to the neighbours adjoining and opposite the site of the intended time and date of the start of the demolition work.

Reason:- to ensure details of the demolisher are provided to neighbours.

23. **Infrastructure Fee**

The infrastructure inspection fee in accordance with Councils Fees and Charges Schedule shall be paid prior to the commencement of any works.

Reason: to contribute to the cost of inspection and identification of any damage to Council's infrastructure as a result of the development.

24. **Maintain plans on-site**

A copy of the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.

Reason:- to ensure a record of the approved plans are readily available.

25. **Items not to be placed on roadway**

The following items must not be placed on the footpath, roadway or nature strip at any time:-

- a) Building materials, sand, waste materials or construction equipment;
- b) Bulk bins/waste skips/containers; or
- c) Other items that may cause a hazard to pedestrians.

Reason:- to ensure the public is not inconvenienced, placed in danger and to

prevent harm to the environment occurring.

26. **Sign to be erected concerning unauthorised entry to the site**

A sign must be erected in a prominent position stating that unauthorised entry to the site is not permitted. The sign must also name the builder or other person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours. The sign is to be removed when the site/remediation/demolition works have been completed.

Reason:- to restrict public access to the site and to provide suitable contact details in a clear and conspicuous position.

27. **Toilet accommodation for people working at the site**

Suitable toilet accommodation is to be provided at the work site at all times. If temporary toilet accommodation is proposed, it must:-

- Have a hinged door capable of being fastened from both inside and outside,
- Be constructed of weatherproof material,
- Have a rigid and impervious floor; and
- Have a receptacle for, and supply of, deodorising fluid.

Reason:- to ensure suitable toilet accommodation is provided for workers.

28. **Sedimentation Control**

Prior to the commencement of site works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:-

- a) A dish shaped diversion drain or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
- b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed below the construction area.
- c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.
- f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.
- g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
- h) The installation of gutters, downpipes, and the connection of downpipes to the

stormwater disposal system prior to the fixing of the roof cladding.

Such measures are to be maintained at all times to the satisfaction of Council.
Failure to do so may result in the issue of penalty infringement notices.

Reason:- to minimise soil erosion and control sediment leaving the site during construction and to prevent water pollution from occurring.

29. **Noise from construction activities**

Noise from construction activities associated with the development shall comply with the NSW Interim Construction Noise Guidelines (DECCW) 2009.

Reason:- to ensure noise arising from construction activities is in accordance with relevant legislation and Environment Protection Authority requirements.

30. **Site compaction – work methodology**

Prior to the commencement of any work, a work methodology prepared by an appropriately qualified geotechnical engineer shall be made in respect of all site compaction works. The work methodology shall address the following:-

- a) Predicted vibration emissions extending beyond the boundaries of the site generated from the construction works indicating compliance with the requirements of the NSW Environment Protection Authority's Noise Control Guidelines – Vibration in Buildings; and
- b) Measures to minimise dust, offensive noise emissions and vibrations to demonstrate compliance with the NSW Environment Protection Authority's Noise Control Guidelines – Construction Site Noise.

Reason:- to ensure that carrying out of site compaction works is of minimal impact in the locality.

31. **Dial before you dig (advisory)**

Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.

Before you dig call "Dial before you dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and the distance to the nearest cross street) or register on line at www.dialbeforeyoudig.com.au for underground utility services information for any excavation areas.

The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a back yard renovator, an individual tradesman or a professional excavator the potential for injury, personal liability and even death exists every day. Obtaining accurate information about your work site significantly minimises these risks.

Reason: To ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction.

32. **Discovery of additional information during remediation, demolition or construction**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council immediately.

Reason:- to ensure Council is informed of any new information relevant to site conditions and site contamination associated with the development.

33. **Off-site soil disposal**

Any soil disposed of offsite shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999).

Reason:- to ensure soil disposed off-site is classified in accordance with relevant EPA requirements.

34. **Road opening permit**

Prior to commencement of any work on Council roads and footpaths, a road-opening permit shall be obtained from Council's Service Planning Department.

Reason:- to safeguard Council property against damage.

35. **Road and associated road infrastructure Construction**

All roads proposed within the development shall be constructed in accordance with 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.
- Prior to commencement of any works, detailed pavement design shall be submitted to Auburn City 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 Council approved plans.
- At the completion, compliance certificate of the above works shall be submitted to Auburn City Council.
- All associated inspection shall be carried out by Auburn City Council.

All associated cost shall be borne by the applicant.

Reason: to ensure roads within the development are appropriately

constructed to service the development sites.

36. **Water quality**

Stormwater generated from the development site including the proposed road network shall be treated within the site prior to discharging to Council System/waterways. Details of the quality treatment shall be submitted to Auburn City Council for approval. In this regard,

- A copy of the "MUSIC" model shall be submitted to Council.
- The wetland design shall be undertaken in consultation with Council.
- Stormwater drainage plan shall comply with the "MUSIC" model output.

Any modification required to the existing drainage network shall be incorporated in the drainage plans.

Reason: to ensure the water quality of the runoff to comply with the requirements.

37.

Submission of full stormwater disposal details

Prior to commencement of works, full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Auburn City Council for approval to ensure the approved stormwater plans are incorporated with the development.

The details shall be prepared by a suitably qualified practising Civil/Hydraulic Engineer and must be in accordance "Auburn Development Control Plans 2010 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987".

In the event that amplification of the existing or provision of new drainage lines is required, the applicant shall bear the cost of the provision of such facility and all works outside the property boundary.

The runoff generated from the area of Ridge Road adjacent to the Burroway Road intersection shall be treated to comply with the water quality objectives of the development.

Reason: - to ensure the stormwater is suitably discharged.

38. **Drainage pipe size**

The inter lot drainage pipes shall be designed to cater for the 20 year ARI critical storm event with consideration that the site will be developed to 100% impervious area. In this regard,

- A designated emergency overland flow path shall be provided up to 100 year ARI storm event with a fifty percent (50%) blockage factor.
- Prior to commencement of works, details shall be incorporated on the

Stormwater drainage plans and submitted to Auburn City Council for approval.

- Detail longitudinal section and hydraulic grade line analysis for the proposed stormwater drainage system shall be incorporated.

Reason: to prevent localised flooding

39. **Works-as-Executed Plan**

Prior to issue of the subdivision certificate, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Auburn City Council. The W.A.E. plan shall show (where applicable):-

- Whether all works have been completed generally in accordance with the approved plans.
- Any departure from the approved plan and conditions.
- Any additional work that has been undertaken.
- Location, levels and sizes of pipes and pits.
- Finished floor and finished surface levels.

NOTE: The WAE surface level shall be taken after completing all necessary works.

The above information is to be superimposed on a full sized copy of Council approved plan.

Reason: - to account for minor variations and to ensure Council has the final details.

40. **Road retaining structure**

Prior to commencement of any works, a detailed retaining wall design shall be submitted to Auburn City Council for approval to support the elevated road structure to comply with relevant standards. The support structure shall be clear from the proposed road boundary.

Reason: to ensure the support of constructed infrastructure.

41. **Street Lighting – Public Roads**

Prior to commencement of any works street lighting design for Burroway Road and Ridge Road frontages together with Energy Australia consent shall be submitted to Auburn City Council for approval. In this regard, prior to obtaining consent from Energy Australia, all street lighting shall be designed in consultation with Council in accordance with AS 1158 "Road Lighting" and submitted to Council together with associated running cost, for Council approval.

All associated cost shall be borne by the applicant.

Prior to the issue of subdivision certificate, all the street lighting works shall be completed in accordance with the approved plan and written verification from suitably qualified person shall be obtained stating the works have been completed in accordance with approved plans. Copy of the written verification shall be submitted to Council.

Reason: to ensure street lighting is provided in accordance with Australian standard AS1158.

42. **Sea wall construction**

The proposed sea wall shall be designed and constructed to the satisfaction Council. In this regard,

- Prior to commencement of any works the detailed sea wall design shall be submitted to Auburn City Council for approval.
- The seawall design shall be a 100 years life span,
- The sea wall construction shall be completed in accordance with the approved plans and the terms of this consent prior to the dedication of the Peninsula Park to Council.
- All associated inspections shall be carried out by Auburn City Council.

All associated cost shall be borne by the applicant.

Reason: to ensure the seawall designed and constructed to the satisfaction Council.

