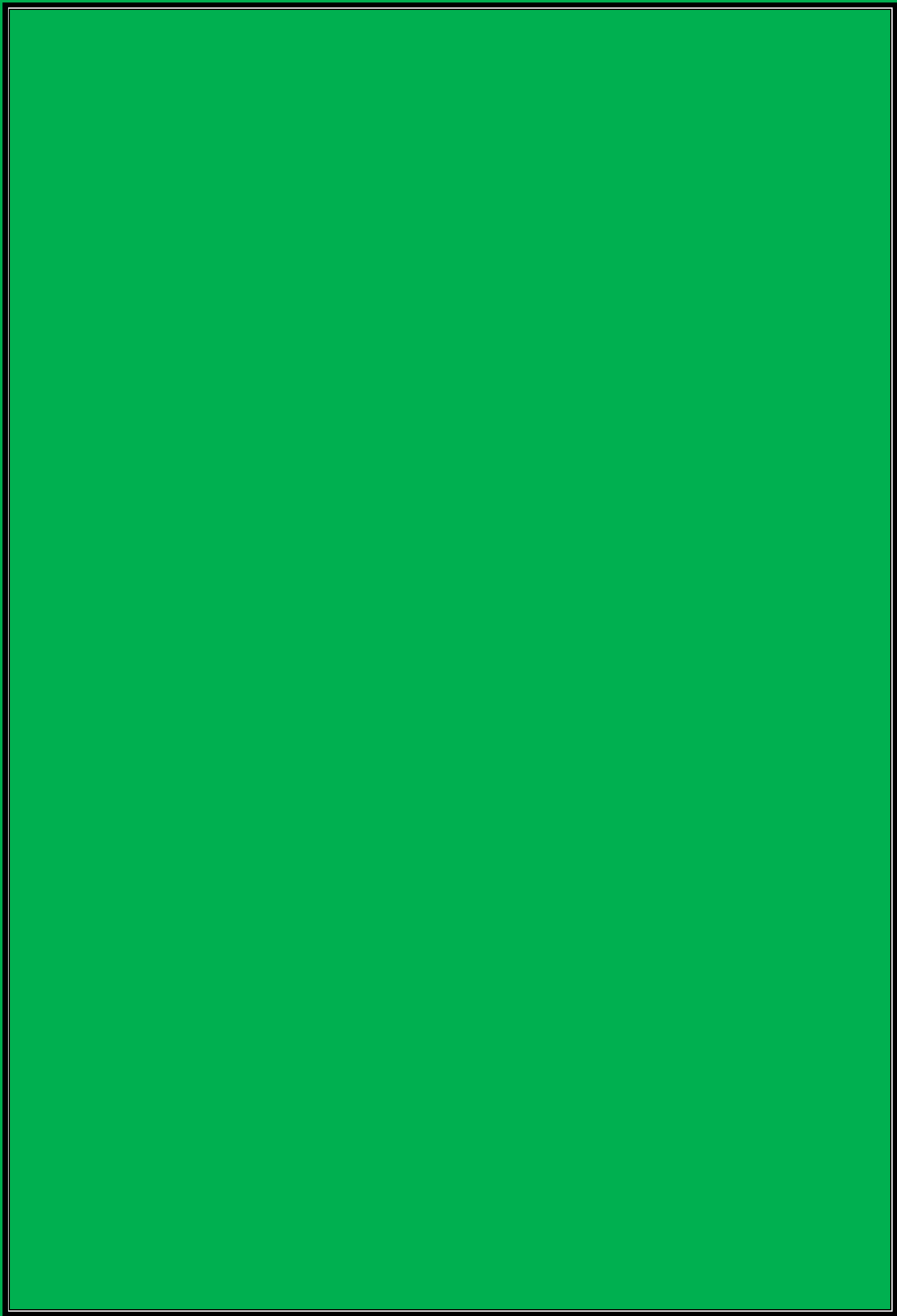


# **Council Assessment Report**

**2015YW160 (DA273/2014)**

**Subdivision**

**Lot 2 Burroway Road, Wentworth Point**



## JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No	<b>2015SYW160</b>
DA Number	<b>DA-273/2014</b>
Local Government Area	<b>Auburn City Council</b>
Proposed Development	<b>Sub-Division of 1 lot into 4 Torrens Title allotments.</b>
Street Address	<b>Part Lot 2 Burroway Road, Wentworth Point</b>
Applicant/Owner	<ul style="list-style-type: none"> <li>• <b>Applicant: UrbanGrowth NSW</b></li> <li>• <b>Owner: Roads and Maritime Service</b></li> </ul>
Number of Submissions	<ul style="list-style-type: none"> <li>• <b>Nil</b></li> </ul>
Regional Development Criteria (Schedule 4A of the Act)	<b>Section 89(6) referral</b>
List of All Relevant s79C(1)(a) Matters	<p>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</p> <ul style="list-style-type: none"> <li>• SEPP 55.</li> <li>• SREP (Sydney Harbour Catchment) 2005.</li> <li>• Auburn LEP 2010.</li> </ul> <p>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</p> <p>List any relevant development control plan: s79C(1)(a)(iii)</p> <ul style="list-style-type: none"> <li>• Wentworth Point Precinct DCP</li> </ul> <p>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv) - "Nil".</p> <p>List any coastal zone management plan: s79C(1)(a)(v) - "Nil".</p> <p>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 - "Nil".</p>
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> <li>• <b>Planning assessment report</b></li> <li>• <b>Planning Assessment Summary Report &amp; Conditions</b></li> </ul>

Recommendation	<b>Approval subject to conditions.</b>
Report by	<b>Auburn City Council.</b>

## **Assessment Report and Recommendation Cover Sheet**

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Department: Planning and Environment

**DA ASSESSMENT DELEGATED REPORT**

<b>Address:</b>	Pt Lot 2 Burroway Road, WENTWORTH POINT, Pt Lot 2 DP 859608		
<b>Description of Proposal:</b>	Sub-Division of 1 lot into 4 Torrens Title allotments.		
<b>Value of Works:</b> <b>Rawlinsons Value:</b>	\$0	<b>Zoning:</b>	<ul style="list-style-type: none"> <li>RE1 - Public Recreation</li> <li>R4 - High Density Residential</li> <li>B1 - Neighbourhood Centre</li> </ul>
<b>Area:</b>	3230.00	<b>Current Use:</b>	Vacant Land
<b>Applicant:</b>	Urban Growth NSW	<b>Owner:</b>	Maritime Authority of NSW

**1. Required Information**

Item	Received			Item	Received		
	Yes	No	N/A		Yes	No	N/A
Owners Consent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site Analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specification	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stormwater Management Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Erosion & Sediment Control Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Statement of Environmental Effects	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Statement of Heritage Impact	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Statement of Species Impact (8 part)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Landscape Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Survey Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BASIX certificate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Waste Management Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadow Diagrams / Profiles	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Driveway Longitudinal Section	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Colour/Material/Finishes Schedule	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contamination Assessment: Prelim Site Investigation (Stage 1) Detailed Site Investigation (Stage 2)	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
				Remediation Action Plan Site Audit Statement	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>
Flood Study	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Site Inspection Date:	<input checked="" type="checkbox"/>		

**2. Requirements/Affectations**

<b>Planning Instruments:</b>	SEPP 55 , SREP (Sydney Harbour Catchment) 2005, ALEP 2010, Wentworth Point Precinct DCP	<b>Zoning:</b>	<ul style="list-style-type: none"> <li>RE1 - Public Recreation</li> <li>R4 - High Density Residential</li> <li>B1 - Neighbourhood Centre</li> </ul>
<b>Draft Planning Instruments:</b>	Nil	<b>Draft Zoning:</b>	Nil
<b>DCP:</b>	Wentworth Point Precinct DCP	<b>BCA Class:</b>	-
<b>Integrated:</b>	<input type="checkbox"/> Yes: if 'Yes' - Type: <input checked="" type="checkbox"/> No	<b>Crown:</b>	<input checked="" type="checkbox"/> Yes ( <i>Urban Growth NSW on behalf of RMS</i> ) <input type="checkbox"/> No

<b>Concurrence:</b>	<input type="checkbox"/> Yes: if 'Yes' - Type: <input checked="" type="checkbox"/> No	<b>Acid Sulphate Soils</b>	<input checked="" type="checkbox"/> Yes: Class 2 <input type="checkbox"/> No
<b>Heritage Item:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Flood Affected:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Disclosure of Political Donations</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Councillor Call In to Determine DA</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### 3. Background

The precinct to be developed comprises of 2 parcels of land known as the Burroway Road Site (Lot 2 in DP 859608) and the Hill Road site (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. Both parcels are currently under the ownership of NSW Roads and Maritime Services (RMS).

In addition, 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:

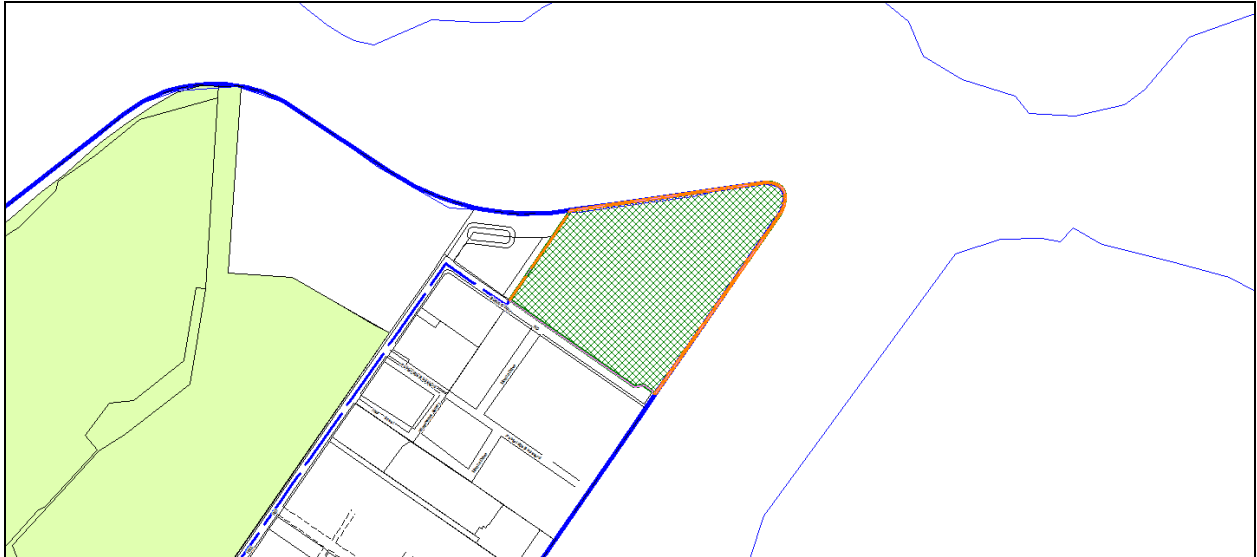
- DA 1A – subdivision of Hill Road site to create lots for residential development, roads and a public reserve.
- DA 1B – Hill Road site establishment works, including demolition, earthworks, roadwork, drainage, servicing and public domain.
- **DA 2A (subject of this application) – subdivision of Burroway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

### 4. Site & 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 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:



## 5. Detailed Description of the Development

It is proposed to subdivide Lot 2 (Burroway Road site) into four Torrens title lots.

The four Torrens title lots are to be divided and distributed into the following future land uses as follows:

- Lot 201 – comprising of 1.503 ha – School
- Lot 202 – comprising of 4.16 ha – Peninsula Park
- Lot 203 – comprising of 2.576 ha – Residential development and maritime uses
- Lot 204 – comprising of 8,645 sqm – Residential development and maritime uses

The subject draft plan of the proposed subdivision of Lot 2 is identified in the plan below:



(Brown Smart Consulting) – Proposed Plan of Subdivision of Lot 2 in DP 859608

It is noted that this application in particular only seeks approval for a subdivision plan and does not propose works of any kind to be undertaken as part of this stage of the development. Site preparation and construction works are proposed to take place under subsequent future

applications to Council which will include earthworks, remediation, tree removal and servicing and further subdivision of the site to create lots for roads. Future uses of the four Torrens title sites will also form part of future applications to be considered by Council.

## **6. Referrals**

### **(a) Internal 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 Lot 2 subject to the imposition of recommended conditions on any development consent.

### **(b) External Referrals**

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

#### 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 via Email dated 22 September 2014, the comments received from Sydney Olympic Park Authority advised of no objections to the proposed development in general, however indicated that any proposed connection to existing stormwater infrastructure located on SOPA land would require a subsequent DA for approval to be sought from SOPA as the regulatory authority to connect.

*Comment: Council Officers acknowledge the above concerns raised by SOPA in relation to stormwater infrastructure and will be considered under any future development there after.*

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

### **(a) State Environmental Planning Policy No. 55 – Remediation of Land**

The requirement at clause 7 of SEPP No. 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:

<b>Matter for Consideration</b>	<b>Yes/No</b>
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



Matter for Consideration	Yes/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 Site Audit Statement (SAS) prepared by JBS&amp;G dated 9/10/13, reference no. 0503-1101 which includes a section B statement indicating that the site can be made suitable for the proposed development subject to compliance with included conditions of consent.</p> <p>Council's referral from the environmental health officer has advised that the main concern or consideration is ensuring that appropriate conditions of consent are in place to ensure that the appropriate remediation strategies are prepared and implemented with appropriate involvement of an accredited site auditor. As a result, an appropriate condition has been recommended to be placed on the consent requiring remediation and validation works to be carried out in accordance with the requirements of the SAS and subsequent applications submitted for future works on the created allotments to be supported with a detailed RAP that has been reviewed and accepted by an accredited Site Auditor prior to commencement of remediation works.</p> <p>Having regard to the above, it is considered that the application is satisfactory and can be supported.</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

**(b) Other State Environmental Planning Policies and Regional Environmental Planning Policies**

SEPP/REP	Applicable	SEPP/REP	Applicable	SEPP/REP	Applicable
SEPP 1 – Development Standards	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP 4 – Development Without Consent and Miscellaneous Complying Development	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP 6 – No. of Storeys in a Building	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
SEPP 10 – Retention of Low-Cost Rental Accommodation	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP 19 – Bushland in Urban Areas	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP 33 – Hazardous & Offensive Development	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
SEPP 53 – Metro Res. Development	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP 55 – Remediation of Land	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	SEPP 64 – Advertising & Signage	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
SEPP 65 – Design Quality of Residential Flat Development	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP (Housing for Seniors & People with a Disability) 2004	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP (Building Sustainability Index: BASIX) 2004	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
SEPP (Major Projects) 2005	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP (Temporary Structures & Places of Public Entertainment)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP (Infrastructure) 2007	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
REP No. 24 – Homebush Bay Area	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Sydney REP (Sydney Harbour Catchment) 2005	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N		

**(c) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The site is located within the area within the Sydney Harbour Catchment and SREP (Sydney Harbour Catchment) 2005 is applicable to the development application. The development application raises no issues as consistency with the requirements and objectives of the DCP.

**(d) 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
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 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"/>	
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><b>1.9A Suspension of covenants, agreements and instruments</b></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> <ul style="list-style-type: none"> <li>(a) to a covenant imposed by the Council or that the Council requires to be imposed, or</li> <li>(b) to any prescribed instrument within the meaning of section 183A of the <i>Crown Lands Act 1989</i>, or</li> <li>(c) to any conservation agreement within the meaning of the <i>National Parks and Wildlife Act 1974</i>, or</li> <li>(d) to any Trust agreement within the meaning of the <i>Nature Conservation Trust Act 2001</i>, or</li> <li>(e) to any property vegetation plan within the meaning of the <i>Native Vegetation Act 2003</i>, or</li> <li>(f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995</i>, or</li> <li>(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.</li> </ul> <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><b>Part 2 Permitted or prohibited development</b> (note: the subject lot 2 is located within multiple land use zoning including: <b>R4, RE1 and B1</b>)</p>				
<p><b>2.6 Subdivision—consent requirements</b></p> <p>(1) Land to which this Plan applies may be subdivided, but only with development consent.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Application for proposed land subdivision is permissible under this clause.</p>

[illegible]

[illegible]



<b>Part 3 Exempt and complying development</b>				
This part is not relevant as the development is not exempt or complying development.				
<b>Part 4 Principal development standards</b>				
<b>4.1 Minimum subdivision lot size</b>				
(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"/>	<p>The proposed subdivision of Lot 2 for the creation of 4 Torrens title lots will consist of the following lot size:</p> <ul style="list-style-type: none"> <li>Proposed Lot 201 – 1.503 ha (School)</li> <li>Proposed Lot 202 – 4.16 ha (Peninsula Park)</li> <li>Proposed Lot 203 – 2.576 ha (Residential development &amp; maritime uses)</li> <li>Proposed Lot 204 – 8,645 sqm (Residential development &amp; maritime uses)</li> </ul>
(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"/>	<p>Under the ALEP 2010, the zoning identified for the Lot 2 site consist of R4 – High density residential, B1 – Neighbourhood centre and RE1 – Public recreation.</p>
(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"/>	
(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"/>	<p>The subject sites are not located within the Former Lidcombe Hospital Site.</p>
(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.				
(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"/>	
<b>4.2 Rural subdivision</b>				
Not Applicable.				
<b>4.3 Height of buildings</b>				
(1) The objectives of this clause are as follows:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The application relates to subdivision only and as no building works are proposed, these controls are limited in application.</p>
(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				



<p>to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>(2A) Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is:</p> <p>(a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres,</p> <p>(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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p><b>4.4 Floor space ratio</b></p> <p>(1) The objectives of this clause are as follows:</p> <p>(d) To establish a maximum floor space ratio to enable appropriate development density to be achieved, and</p> <p>(e) To ensure that development intensity reflects its locality.</p> <p>(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.</p> <p>(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:</p> <p>(a) for sites less than 1,300 square metres—0.75:1,</p> <p>(b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1,</p> <p>(c) for sites that are 1,800 square metres or greater—0.85:1.</p> <p>(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:</p> <p>(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and</p> <p>(b) 3:1 for office premises and hotel or motel accommodation.</p> <p>(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 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 checked="" type="checkbox"/>	The application relates to subdivision only and as no building works are proposed, these controls are limited in application.
<p><b>4.5 Calculation of floor space ratio and site area</b></p> <p><b>(1) Objectives</b></p> <p>The objectives of this clause are as follows:</p> <p>(a) to define <b>floor space ratio</b>,</p> <p>(b) to set out rules for the calculation of the site area of development for the purpose</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application relates to subdivision only and thus this requirement is not applicable.

<p>of applying permitted floor space ratios, including rules to:</p> <ul style="list-style-type: none"> <li>(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and</li> <li>(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</li> <li>(iii) require community land and public places to be dealt with separately.</li> </ul> <p><b>(2) Definition of “floor space ratio”</b>  The <b>floor space ratio</b> 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><b>(3) Site area</b>  In determining the site area of proposed development for the purpose of applying a floor space ratio, the <b>site area</b> is taken to be:</p> <ul style="list-style-type: none"> <li>(a) if the proposed development is to be carried out on only one lot, the area of that lot, or</li> <li>(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.</li> </ul> <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><b>(4) Exclusions from site area</b>  The following land must be excluded from the site area:</p> <ul style="list-style-type: none"> <li>(a) land on which the proposed development is prohibited, whether under this Plan or any other law,</li> <li>(b) community land or a public place (except as provided by subclause (7)).</li> </ul> <p><b>(5) Strata subdivisions</b>  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><b>(6) Only significant development to be included</b>  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><b>(7) Certain public land to be separately considered</b>  For the purpose of applying a floor space ratio to any proposed development on, above or 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><b>(8) Existing buildings</b>  The gross floor area of any existing or</p>				
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<p>element on the uppermost portion of a building, and</p> <p>(ii) is not an advertising structure, and</p> <p>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</p> <p>(iv) will cause minimal overshadowing, and</p> <p>(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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p><b>5.9 Preservation of trees or vegetation</b></p> <p>(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.</p> <p>(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.</p> <p><b>Note.</b> 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.</p> <p>(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:</p> <p>(a) development consent, or</p> <p>(b) a permit granted by the Council.</p> <p>(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 consent for the carrying out of the activity for which a permit was sought.</p> <p>(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.</p> <p>(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.</p> <p>(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:</p> <p>(a) that is or forms part of a heritage item, or that is within a heritage conservation area, or</p> <p>(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Subdivision application only. These requirements are not relevant.</p>

significance, unless the Council is satisfied that the proposed activity:				
(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"/>	
<b>Note.</b> 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"/>	
(e) plants declared to be noxious weeds under the <i>Noxious Weeds Act 1993</i> .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Note.</b> Permissibility may be a matter that is determined by or under any of these Acts.				
(9) Not adopted				

## 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.

### (1) Objectives

The objectives of this clause are:

- (a) to conserve the environmental heritage of Auburn, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- (c) to conserve archaeological sites, and
- (d) to conserve places of Aboriginal heritage significance.

## (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,
- (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,
- (c) altering a heritage item that is a building by making structural changes to its interior,
- (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,
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

### (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:
  - (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
  - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
- (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

The subject site is not identified as a heritage conservation area.

disturbance of land for the purpose of conserving or repairing monuments or grave markers, and			<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"/>	
<b>Note.</b> 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.				
<b>(4) Effect on heritage significance</b>			<input checked="" type="checkbox"/>	
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"/>	
<b>(5) Heritage impact assessment</b>			<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>(6) Heritage conservation management plans</b>			<input checked="" type="checkbox"/>	
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.				
<b>(7) Archaeological sites</b>				
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):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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"/>	
<b>(8) Places of Aboriginal heritage significance</b>				
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</p> <p>(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.</p>	<input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	
<p><b>(9) Demolition of item of State significance</b></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>				
<p>(a) notify the Heritage Council about the application, and</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p><b>(10) Conservation incentives</b></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>				
<p>(a) the conservation of the heritage item is facilitated by the granting of consent, and</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(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</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p><b>5.12 Infrastructure development and use of existing buildings of the Crown</b></p>				
<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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Not applicable to subdivision proposal.</p>
<p>(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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p><b>Part 6 Additional local provisions</b></p>				
<p><b>6.1 Acid sulfate soils</b></p>				
<p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>In accordance with the Acid Sulfate Soils Map ASS_009, the subject land is identified as Class 2. As the application relates to</p>

(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"/>	subdivision only, an acid sulphate soils management plan is not considered to be necessary at this stage. However, subsequent applications for any proposed works will be accompanied by an acid sulphate soils management plan.																									
	<table><tr><th>Class of land</th><th>Works</th></tr><tr><td>1</td><td>Any works.</td></tr><tr><td>2</td><td>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td></tr><tr><td>3</td><td>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.</td></tr><tr><td>4</td><td>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.</td></tr><tr><td>5</td><td>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.</td></tr></table>	Class of land	Works	1		Any works.	2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.	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.	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.	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.	<table><tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td></tr><tr><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td></tr><tr><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td></tr></table>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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(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"/>	Proposed subdivision only.																									
(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 (including ancillary work such as excavation, construction of access ways or the supply of power):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																										
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																										

	pose a risk to the environment or to public health and safety,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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),	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c)	minor work, being work that costs less than \$20,000 (other than drainage work).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6)	Despite subclause (2), development consent is not required under this clause to carry out any works if:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b)	the works are likely to lower the watertable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>6.2 Earthworks</b>					
(1)	The objectives of this clause are as follows:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not earthworks proposed. Subdivision only.
(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,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b)	to allow earthworks of a minor nature without separate development consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2)	Development consent is required for earthworks, unless:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a)	the work does not alter the ground level (existing) by more than 600 millimetres, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b)	the work is exempt development under this Plan or another applicable environmental planning instrument, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c)	the work is ancillary to other development for which development consent has been given.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3)	Before granting development consent for earthworks, the consent authority must consider the following matters:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a)	the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b)	the effect of the proposed development on the likely future use or redevelopment of the land,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c)	the quality of the fill or of the soil to be excavated, or both,	<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"/>	

<b>Note.</b> The <i>National Parks and Wildlife Act 1974</i> , particularly section 86, deals with disturbing or excavating land and Aboriginal objects.				
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<p><b>6.3 Flood planning</b></p> <p>(1) The objectives of this clause are:</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(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,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p> <p>(2) This clause applies to:</p> <p>(a) land that is shown as "Flood planning area" on the Flood Planning Map, and</p> <p>(b) other land at or below the flood planning level.</p> <p>(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:</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(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</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(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</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p> <p>(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.</p> <p>(5) In this clause:  <b>flood planning level</b> means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.  <b>Flood Planning Map</b> means the Auburn Local Environmental Plan 2010 Flood Planning Map.</p>				<p>In accordance with Flood Planning Map FLD_009, the subject site is not identified as being flood prone. Therefore this clause is not applicable.</p>
<p><b>6.5 Essential Services</b></p> <p>(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:</p> <p>a) the supply of water,</p> <p>b) the supply of electricity,</p> <p>c) the disposal and management of sewage.</p> <p>d) stormwater drainage or on-site conservation,</p> <p>e) suitable road access.</p>				<p>Recommended conditions of consent address this availability of services.</p>

<p>(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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>This clause applies to land at Wentworth Point, identified as "Wentworth Point Maritime Precinct" on the <a href="#">Key Sites Map</a>.</p> <p>(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:</p> <p>(a) boat building and repair facilities,</p> <p>(b) boat launching ramps,</p> <p>(c) boat sheds,</p> <p>(d) marinas.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

7. 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.

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

## Wentworth Point Precinct DCP 2014

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

<b>Requirement</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comment</b>
<b>1.0 Introduction</b> This Development Control Plan (DCP) provides a framework to guide development in the Wentworth Point Urban Activation Precinct (the precinct).				
<b>1.1 Name of this DCP</b> 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>1.2 Land to which this DCP Applies</b> This DCP applies to development within the precinct as shown in <b>Figure 1</b> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The DCP is applicable to the site the subject of this application.
<b>1.3 Purpose of the DCP</b> 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 type="checkbox"/>          <input type="checkbox"/>	<input type="checkbox"/>          <input type="checkbox"/>	The proposed subdivision is considered to be consistent with broader purpose of the DCP subject to the proposed conditions of consent recommended by Council.
<b>1.4 Relationship to other Plans</b> This plan supplements the Auburn Local				

<p>Environmental Plan 2010 (Auburn LEP) by 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"> <li>- Introduction</li> <li>- Definitions and terms</li> <li>- Residential flat buildings – ancillary site facilities</li> <li>- Residential flat buildings – adaptable housing</li> <li>- Child care centres</li> <li>- Advertising and signage</li> <li>- Parking and loading</li> <li>- Access and mobility</li> <li>- Stormwater drainage</li> <li>- Waste</li> <li>- Tree preservation</li> </ul> <p>In addition to this DCP and the Auburn DCP 2010, applicants and Council should refer to:</p> <ul style="list-style-type: none"> <li>- relevant State Planning Policies, including <i>Sydney Regional Environmental Plan 25 (Sydney Harbour Catchment) 2005</i> (a deemed SEPP), and</li> <li>- the relevant Section 94 Contributions Plan or any relevant infrastructure planning agreement.</li> </ul> <p><b>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).</b></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><b>1.5 Consent Authority</b></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><b>1.6 Application of this DCP</b></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><b>Role of the Indicative Structure Plan</b></p> <p>The Wentworth Point Precinct Indicative Structure Plan at <b>Figure 2</b> 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. 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed subdivision is considered to be consistent with the indicative structure plan subject to the inclusion of conditions of consent recommended by Council.
<p><b>Consistency with Objectives and Controls in this DCP</b></p> <p>Clauses in this DCP contain objectives and</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed subdivision is considered to be consistent with the objectives of the

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.				DCP subject to the inclusion of conditions of consent recommended by Council.
<b>1.7 Information to be Submitted with Development Applications</b> 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 subdivision application has been provided and considered satisfactory.
<b>1.8 Notification of Development Applications</b> 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.
<b>2.0 Vision, Principles and Indicative Structure</b>				
<b>2.1 Vision</b> 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"/>	The proposed subdivision is considered to be consistent with the vision of the DCP subject to the inclusion of conditions of consent recommended by Council.
<b>2.2 Development Principles</b> 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 b. create a network of unique, memorable and high quality places c. respond to and enhance its unique natural setting on the Parramatta River d. provide a peninsula park that maximises amenity for the local community e. create a compact, walkable urban community f. provide high density, medium to high rise housing to increase housing choice g. incorporate a network of publicly accessible open spaces h. incorporate a primary school that serves the wider Wentworth Point community i. provide public view corridors to and from the Millennium Marker, Parramatta River and Sydney Olympic Park, Parklands j. create a complete, largely self-contained community k. comprise a diverse and innovative built form that provides a high quality living environment l. be resilient to climate change and sea level rise, and m. incorporate sustainability measures that reduce its impact on the natural environment.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <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"/> <input 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"/> <input 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"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input 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.  The conditions of consent recommend by Council are necessary to ensure the vision for the precinct may be achieved.
<b>2.3 Indicative Structure Plan</b>				



<b>Objectives</b>				
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"/>	
<b>Controls</b>				
1. Development is to be generally consistent with the Indicative Structure Plan at <b>Figure 2</b> . 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"/>	Proposed subdivision plan for 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 being DA-274/2014 for Lot 3 and DA-273/2014 for Lot 2 (which is the subject of this application).
- 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. As described earlier, this application seeks to distribute Lot 2 into 4 Torrens title lots comprising of a School, Peninsula Park, Residential and Maritime uses.
- 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"/>	Proposed street, pedestrian and cycle network is generally in accordance with figure 3 and 8 of this plan.
- include a stormwater management strategy for the neighbourhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- identify the proposed changes to the landform	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Addressed under DA-274/2014.
- 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"/>	
- identify opportunities for deep soil planting within development lots, including front setbacks, (see Section 4.5) and within the public domain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed subdivision plan considered satisfactory. Deep soil planting will be addressed under subsequent applications. A draft strategy 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.
- a public art strategy (see section 3.5).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Refer to Table 1 - Key elements (pg. 5-6)</i>				
<b>3.0 Public Domain</b>				
<b>3.1 Street Network and Design</b>				
<b>Objectives</b>				
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

throughout the precinct.				
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"/>	
<b>Controls</b>				
1. The street network is to be generally consistent with <b>Figure 3</b> . 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 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 <b>Table 2</b> below and the typical street sections at <b>Figure 4</b> to <b>Figure 7</b> . 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"/>	Proposed new streets are consistent with the street dimensions of table 2 of this plan.
3. The extension of Burroway Road is to facilitate vehicular access to the block located to the west of the pocket park.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable to Lot 2. Refer to Lot 3 (DA-274/2014).
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Application relates to subdivision 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.
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 type="checkbox"/>	
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"/>	Not relevant to Lot 2. Refer to DA-274/2014.
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	To be addressed under separate DA at detailed design stage.
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"/>	Items 9-16 are to be addressed under separate DA at detailed design stage where compliance with be required.

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"/>	
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 for pedestrians - enhance the environmental performance of the precinct by increasing opportunities for energy efficiency, reducing the heat island effect and proving habitat for wildlife.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3.2 Pedestrian and Cycle Network</b>				
<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 <b>Figure 8</b> .	<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: - 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	To be addressed under separate DA at detailed design stage.



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 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"/>	
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"/>	
<b>Controls</b>				
1. Areas of publicly accessible open space are to be provided generally in accordance with <b>Figure 10</b> and <b>Figure 11</b> and the characteristics outlined in <b>Table 3</b> . 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"/>	Proposed subdivision incorporates designated public open space area that is consistent with figure 10 and 11 of this plan.
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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>- providing convenient and safe public pedestrian connections where possible</li> <li>- addressing level differences through human scale transitions avoiding large or abrupt level changes</li> <li>- screening all car parking and building services from view, and</li> <li>- providing view corridors in accordance with Figure 2.</li> </ul>				
<b>3.5 Public Art</b>				
<b>Objectives</b>				
a. To enhance the sense of place through the provision of public art.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A draft public art strategy has been submitted with the application and is considered to be satisfactory.
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"/>	
<b>Controls</b>				
1. A public art strategy is required to form part of the first subdivision development application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>for each of the two neighbourhoods to achieve the following principles:</p> <ul style="list-style-type: none"> <li>- provide public art at key focal points throughout the precinct in locations that maximise visibility;</li> <li>- enhance the precinct's identity and sense of place; and</li> <li>- ensure public art is high quality, durable and low maintenance.</li> </ul> <p>2. Development applications are to demonstrate consistency with the public art strategy for the relevant neighbourhood.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>4.0 Private domain</b>				
<b>4.1 Land use and floor space distribution</b>				
<i>Objectives</i>				
a. To reinforce the role of Wentworth Point as a major location for housing as part of the Sydney Olympic Park Specialised Precinct.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. To ensure the vision, development principles and key elements for the precinct are delivered.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
c. To encourage a range of non-residential uses that meet the needs of local residents.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
d. To ensure that floor space is appropriately distributed across the precinct.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Controls</i>				
1. The distribution of land uses within the precinct is to be consistent with the development principles and indicative structure plan in <b>Figure 2</b> .	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	As discussed previously, the distribution of land uses within the precinct is consistent with the structure plan of figure 2. Subdivision of Lot 2 into 4 Torrens title lots are proposed which will comprise of the following land uses including, a School, Public open space, Residential and Maritime uses.
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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Floor space distribution of the individual buildings will be considered under a separate DA at detailed design stage where consistency with the FSR provisions under ALEP 2010 will be required to be demonstrated by the applicant.
<b>4.2 Building Height and form</b>				
<i>Objectives</i>				
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 subdivision 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"/>	
<i>Controls</i>				

1. Maximum building height in storeys is to be consistent with <b>Figure 12</b> . 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 <b>Figure 14</b> and <b>Figure 15</b> ).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Buildings heights are to be consistent with the following principles: <ul style="list-style-type: none"> <li>- 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</li> <li>- a range of building heights (typically 4 - 7 storeys) with taller forms of up to 25 storeys balanced with lower rise perimeter block forms.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Lower rise building forms are to be consistent with the following principles: <ul style="list-style-type: none"> <li>- perimeter block building forms generally enclose a central communal open space</li> <li>- full height gaps between buildings for visual connections between streets and communal open spaces within blocks</li> <li>- 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</li> <li>- maximum building depth in accordance with the NSW Residential Flat Design Code.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Taller building forms are to be consistent with the following principles: <ul style="list-style-type: none"> <li>- a maximum of 6 x 25 storey buildings across the precinct (5 in the western neighbourhood and 1 in the eastern neighbourhood)</li> <li>- located generally in accordance with Figure 12 and distributed through the precinct</li> <li>- separated in accordance with the NSW Residential Flat Design Code</li> <li>- a maximum individual footprint of 750m2 GFA</li> <li>- oriented to take advantage of views and enable view corridors to be obtained between the Millennium Marker and Parramatta River</li> <li>- minimise overshadowing on public and communal open space</li> <li>- not overshadow the peninsula park or Parramatta River foreshore path from 9am and 3pm on 21 June</li> <li>- incorporate a semi-podium to soften street presence</li> <li>- have a strong vertical emphasis in facade articulation.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>4.3 Setbacks and Public Domain Interface</b>				
<i>Objectives</i>				
a. To provide strong definition to the public domain and create a coherent, urban street wall that encloses streets.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application relates to subdivision only and thus these controls are not relevant at this stage.
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Setbacks and public domain interface controls will be considered at detailed design stage under a subsequent application.

c.	For ground floor commercial uses, to build to the street alignment to maximise presence and activation of the street.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	To present a varied and visually attractive form when viewed from the Parramatta River foreshore.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Controls</i>				
1.	Minimum building setbacks are to be consistent with <b>Figure 13</b> .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Setbacks from the outermost projection of the building to the property boundary or for shareways, to the edge of the shareway corridor: <ul style="list-style-type: none"> <li>- are to be between 3-5m</li> <li>- may be reduced at key street corners where it can be demonstrated that it is to provide an urban design element, and</li> <li>- may be reduced by up to 600mm for elements that articulate the building facade such as balconies, party walls and eaves.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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: <ul style="list-style-type: none"> <li>- be highly modulated and articulated</li> <li>- avoid long building forms fronting the water / open space, and</li> <li>- incorporate generous landscaping within setbacks.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.	Building setbacks to Sydney Olympic Park, Parklands are to be generally in accordance with Figure 15 and: <ul style="list-style-type: none"> <li>- enable unrestricted emergency vehicle access to buildings in accordance with applicable building code requirements</li> <li>- incorporate landscaping to reduce the visual impact of buildings and the emergency vehicle access and visually integrate the precinct with the parklands, and</li> <li>- 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.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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: <ul style="list-style-type: none"> <li>- 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</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>





quality.				
<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"/>	Compliance with deep soil requirements will be required to be demonstrated at detailed design stage under a subsequent application.
<b>4.6 Building Design and Materials</b>				
<i>Objectives</i>				
a. To achieve diversity and interest in the architectural character of the development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application relates to subdivision only and thus these controls are not relevant at this stage.
b. To make a positive contribution to streetscape quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. To reduce the appearance of building bulk and scale.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Building design and materials controls will be considered at detailed design stage under a subsequent application.
<i>Controls</i>				
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"> <li>- variation in form and massing</li> <li>- recesses and projections</li> <li>- useable balconies and decks, and</li> <li>- elements of a finer scale than the main structural framing such as eaves and awnings.</li> </ul>	<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"> <li>- articulated to provide visual interest and contribute to a dynamic, modulated skyline, and</li> <li>- 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.</li> </ul>	<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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

private open spaces for at least 70% of apartments.																
<b>4.7 Wind effects</b> <i>Objectives</i> 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"/>	To be considered a detailed design stage under separate application. Subject application relates to subdivision only and as such wind effect requirements are not relevant.												
<i>Controls</i> 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"/>													
<b>4.8 Vehicular Access and Car Parking</b> <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 <b>Table 4</b> .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
<b>Table 4 – Minimum residential car parking requirements:</b> <table><tr><th>Dwelling Type</th><th>Minimum car parking rate</th></tr><tr><td>Studio</td><td>1.0</td></tr><tr><td>1 bedroom</td><td>1.0</td></tr><tr><td>2 bedroom</td><td>1.1</td></tr><tr><td>3 bedrooms or greater</td><td>2.0</td></tr><tr><td>Visitors</td><td>0.1</td></tr></table>	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			
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													

<p>Road or opposite a public park</p> <ul style="list-style-type: none"> <li>- limited to a maximum of 2 entrances per block</li> <li>- screened for the full height and width of the entrance to minimise views into the car park from the public domain, and</li> <li>- 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 loading, Section 3.3 - Sight distance and pedestrian safety.</li> </ul>				
<p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>6. Development is to incorporate on-site bicycle parking in accordance with Parking and loading, Section 3.1 - Bicycle parking of Auburn DCP 2010.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>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:</p> <ul style="list-style-type: none"> <li>- exclusive of visitor car parking</li> <li>- retained as common property by the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time</li> <li>- made available for use without a fee or charge by operators of car share schemes</li> <li>- grouped together in the most convenient locations relative to car parking area entrances and pedestrian lifts or access points</li> <li>- located in a well-lit places that allows for casual surveillance</li> <li>- where the space is external, located adjacent to a public road and integrated with the streetscape through appropriate landscaping</li> <li>- 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.</li> </ul> <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"/>	
<p>8. A Travel Access Guide approved by Council prior to occupation is to be made available to residents and non-residential tenants of development.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p><b>4.9 Safety and Security</b> <i>Objectives</i></p>				
<p>a. To provide high levels of property safety and</p>				Not relevant to current application for

<p>personal comfort and safety.</p> <p>b. To minimise opportunities for criminal and anti-social behaviour.</p> <p><i>Controls</i></p> <p>1. Development is to meet the principles of Crime Prevention through Environmental Design (CPTED), including:</p> <ul style="list-style-type: none"> <li>- maximising opportunities for casual surveillance of the public domain, including parks, from the main living area of dwellings</li> <li>- maximising legibility of the movement network, public domain and building entrances</li> <li>- maximising visibility and minimising concealed areas, particularly at building entrances</li> <li>- clearly demarcating the public and private domain, and</li> <li>- adequate lighting to all areas of the public domain.</li> </ul> <p>2. Building design is to maximise opportunities for casual surveillance of the streets and communal spaces within the site.</p> <p>3. Ground floor dwellings fronting the streets are to have an "address" or "front door" that is visible and directly accessible from the street.</p> <p>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.</p> <p>5. Building entries are to be clearly visible, unobstructed and easily identifiable from the street, other public areas and other development.</p> <p>6. Where practicable, lift lobbies, stairwells and corridors are to be visible from public areas by way of glass panels or openings.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	subdivision.
	<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><b>4.10 Adaptable housing</b></p> <p><i>Objectives</i></p> <p>a. To ensure a sufficient proportion of dwellings include accessible layouts and features to accommodate changing requirements of residents.</p> <p>b. To encourage flexibility in design to allow people to adapt their home as their needs change due to age or disability.</p> <p><i>Controls</i></p> <p>1. Residential development is to meet the requirements for adaptable housing within residential flat buildings set out in the Auburn DCP 2010.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not relevant to current application for subdivision.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p><b>5.0 Sustainability and Environmental Management</b></p> <p><b>5.1 Sustainability</b></p> <p><i>Objectives</i></p> <p>a. To increase energy efficiency.</p> <p>b. To reduce reliance on potable water.</p> <p>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.</p> <p>d. To reduce waste and increase the reuse and recycling of materials.</p> <p><i>Controls</i></p> <p>1. Residential development is to comply with</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A Basix Certificate is not required for subdivision applications.
	<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"/>	





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.

#### **12 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 14 days between 3 September 2014 to 17 September 2014. No submissions were received in during the notification period in respect of the proposed development.

#### **13. 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.

#### **14. 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".

#### **15. Recommendation**

Pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 (as amended):

***That the application be approved subject to the conditions in the attached schedule.***

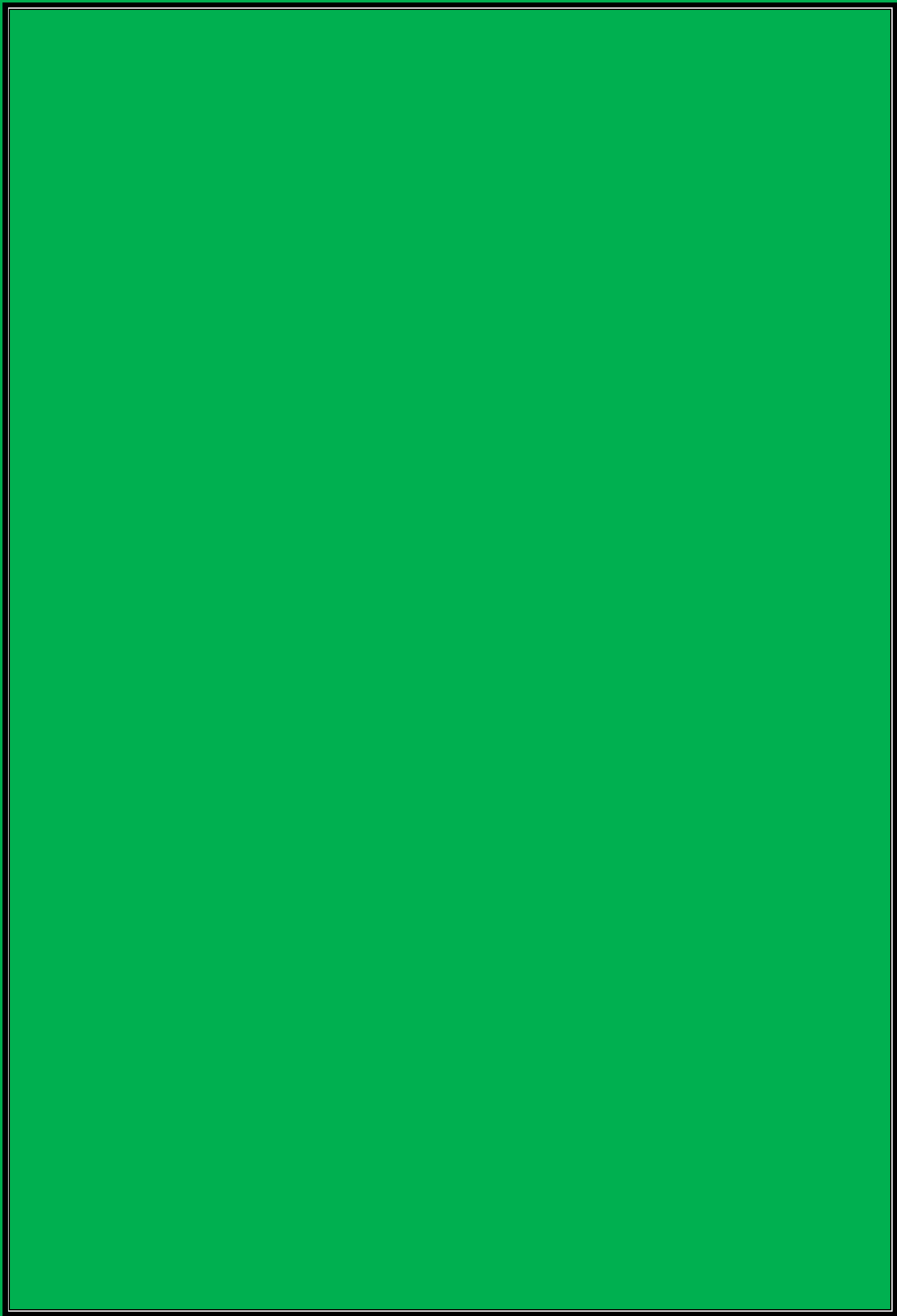


# **Planning Assessment Summary Report & Conditions**

**2015YW160 (DA273/2014)**

**Subdivision**

**Lot 2 Burroway Road, Wentworth Point**

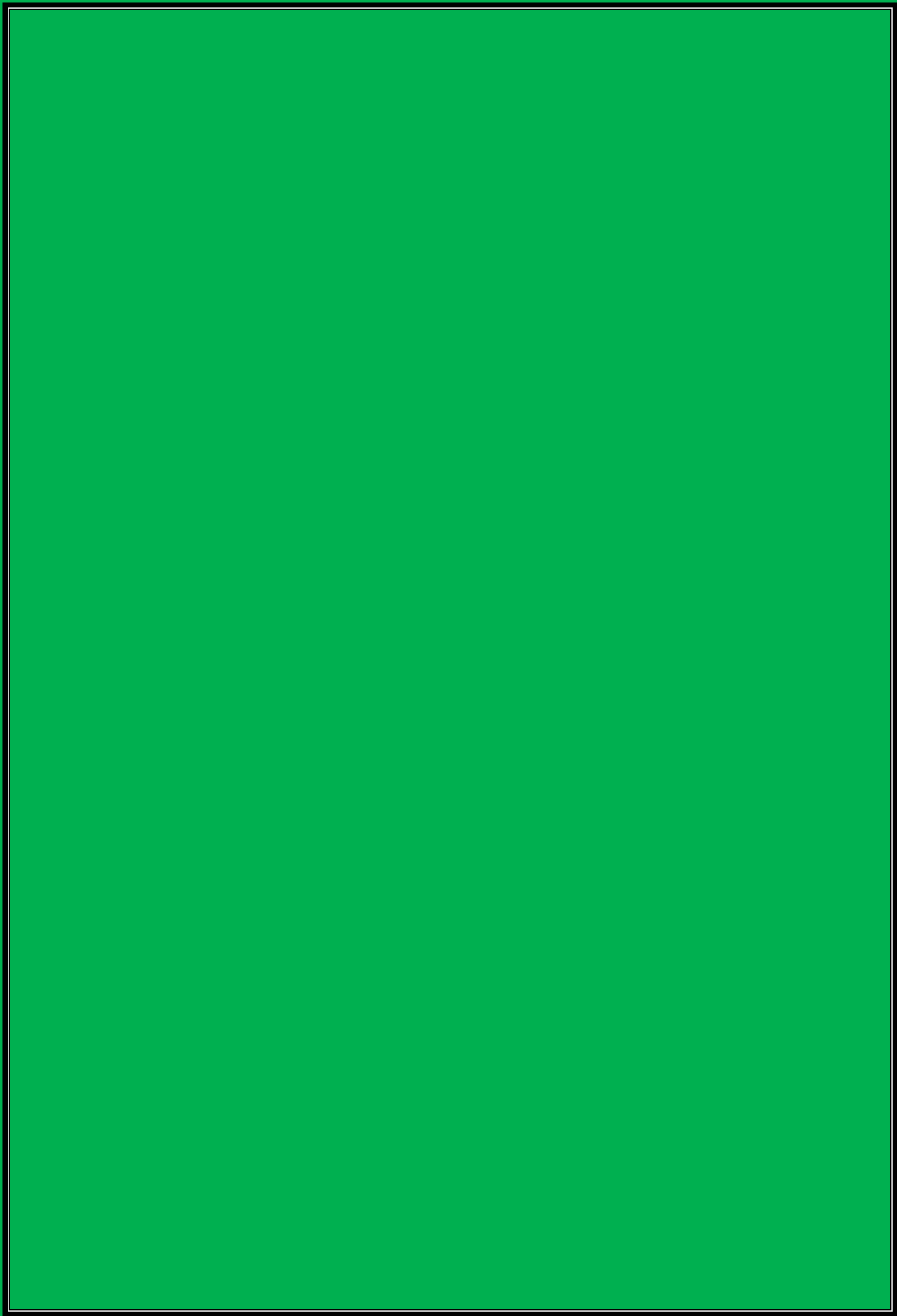


# **Council Meeting Assessment Report**

**2015YW007 (DA459/2014)**

Mixed Use Development

5-7 Northumberland Road, Auburn



PLANNING ASSESSMENT SUMMARY REPORT  
JOINT REGIONAL PLANNING PANEL

- SUBDIVISION APPLICATION DA-273/2014 AT LOT 2 BURROWAY ROAD, WENTWORTH POINT

### **Wentworth Point Urban Activation Precinct**

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The *Wentworth Point Urban Activation Precinct (WP-UAP)* was announced by the Minister for Planning and Infrastructure in 2013. The site was nominated as an Urban Activation Precinct based on its proximity to the Parramatta and Sydney CBD's as well as its potential to connect with public transport. The site's proximity to existing parkland, Sydney Olympic Park and the Parramatta River were also key considerations in nominating the site.

### **The Site**

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The *WP-UAP* comprises two substantial land parcels having a total combined area of approximately 18.6 hectares. The sites may be identified as the *Hill Road site* (9.46 ha) and the *Burroway Road site* (9.13 ha) as shown in the below.

**Wentworth Point Urban Activation Precinct sites**



An indicative overview of the pattern of development anticipated for the sites has also been included below. The development is to incorporate new roads and infrastructure, a series of residential towers, boating and maritime facilities together with substantial public open space as well as smaller pocket parks.

### Indicative structure plan



### Rezoning

The WP-UAP was rezoned by the *Department of Planning and Infrastructure* on 4 July 2014 by way of an amendment to the Auburn Local Environmental Plan 2010. The rezoning permits a range of land-uses including mixed-use residential and commercial developments, educational establishments, residential flat buildings, boating and maritime facilities and public recreation space. A range of heights and densities are permitted across these sites including residential towers up to 88 metres (25 storeys) with densities up to 2.6:1. It is estimated that the rezoning will provide up to 2300 new dwellings within the precinct.

The Auburn LEP 2010 zoning map for the precinct is shown below.



## Statutory context

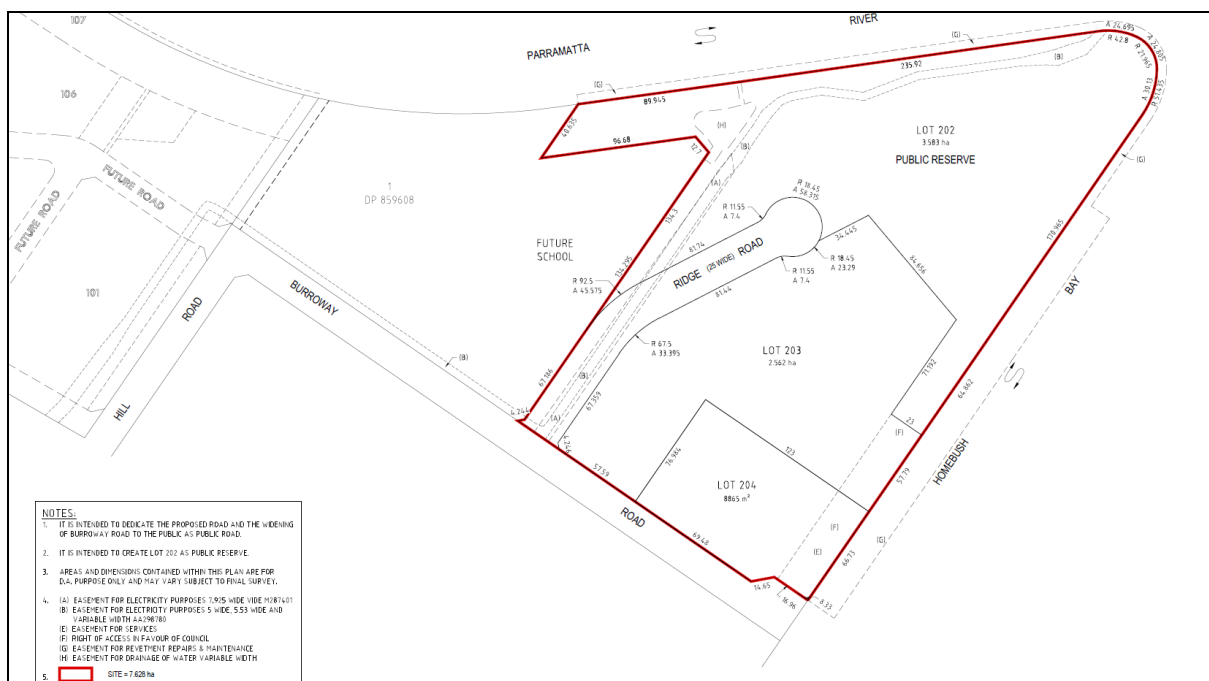
As a result of the rezoning of the WP-UAP in July 2014, the principal planning controls affecting the site are the Auburn LEP 2010 and the *Wentworth Point Precinct Development Control Plan 2014* (the “DCP”).

Development Application *DA-273/2014* (the subject application) and *DA-274/2014* were lodged with Council on 20 August 2014. The applications were lodged by *UrbanGrowth NSW* (UrbanGrowth) on behalf of the land owners, *Roads and Maritime Services* (RMS). The applications therefore constitute Crown development pursuant to Part 4, Division 4 of the Environmental Planning and Assessment Act. Accordingly, Council is not permitted to impose a condition on its consent except with the approval of the applicant or the Minister.

## Description of proposed development

Development application *DA-273/2014* seeks approval for the five (4) lot torrens title subdivision of the Burroway Road site. In broad terms, the subdivision proposal is intended to create a series of super-lots, which would then be subject to the lodgement of further separate development applications for building construction and further subdivision. The created allotments would be capable of being sold by the current land owners to a private developer once approved by Council.

The subdivision plan most recently submitted by UrbanGrowth for the site is shown below.



Council initially provided UrbanGrowth with a draft set of conditions on 8 December 2014. Since this time, Council has agreed to a series of amendments to the initial condition set in an effort to respond to the various issues raised by UrbanGrowth relating to the subdivision. As a result of on-going negotiations, “in-principle” agreement has been reached for the majority of the conditions to be included in the consent; however UrbanGrowth has not formally endorsed the full suite of conditions proposed by Council.

## **Community expectations and developer commitments**

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The rezoning of the site has been predicated on a series of commitments made by the land owners to ensure the delivery of a range of supporting infrastructure, works and facilities in conjunction with the new high density residential development approved for the precinct.

A “finalisation report” report was also prepared, which formed the basis of the recommendation to the Minister for Planning & Environment for the rezoning of the precinct together with the planning controls to support the development of the land. The finalisation report identifies the supporting infrastructure, works and facilities to be delivered in conjunction with the residential redevelopment of the site and includes the following:

- a) New primary school
- b) Substantial public open space
- c) Maritime facilities
- d) Site remediation works
- e) New community facility

The DCP appropriately incorporates all the above listed items to underpin the commitments made by the landowners and to ensure development of the precinct occurs in accordance with community expectations.

## **Recommended Conditions of Consent**

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The conditions proposed by Council for the subdivision are listed below together with a Council’s comments summarising the reasons for the inclusion of each of the conditions.

As indicated earlier in this report, extensive negotiations with the applicant have led to “in-principle” agreement being reached for most of the below listed conditions. Council’s proposed condition relating to the delivery of a community facility however, has been repeatedly rejected by UrbanGrowth. A detailed discussion has therefore been included in relation to this proposed condition.

### **Proposed Condition 1**

#### **1) Approved Plans**

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

<b>Plan Number</b>	<b>Prepared by</b>	<b>Revision No.</b>	<b>Dated</b>
<b>TBA</b>	<b>TBA</b>	<b>TBA</b>	<b>TBA</b>

**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.**



### **Council Comment**

This condition identifies the approved plan set for the subdivision.

Plan references are not currently included within this condition as Council considers that the plan set most recently submitted by the applicant should be subject to further amendments.

Council has previously prepared and tabled a design plan with the applicant during the course of negotiations to assist in the preparation of the final subdivision design. Whilst “in-principle” agreement was reached to incorporate Council’s suggested amendments, no formal endorsement has been issued by the applicant at the time of writing this report.

The plan most recently submitted by the applicant has been attached to this report together with the design amendments proposed by Council.

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### **Proposed Condition 2**

#### **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.**

### **Council comment**

This condition reflects the requirements of Section 95 of the Environmental Planning and Assessment Act.

It is understood by Council that the applicant raises no “in-principle” objection to the inclusion of this condition.

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### **Proposed Condition 3**

#### **3) Submission of Plan of Subdivision 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.

#### **Council comment**

This condition stipulates the submission requirements for a Subdivision Certificate application.

It is understood by Council that the applicant raises no “in-principle” objection to the inclusion of this condition.

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### **Proposed Condition 4**

#### **4) Arrangements for Electricity and Telephone Services**

Satisfactory arrangements are to be made with Energy Australia, Telstra and/or Optus for the provision of services to and within the subject land. Written evidence of such arrangements shall be submitted to Council prior to the issue of the subdivision certificate.

**Reason:-** to ensure these services are available to the site.

#### **Council comment**

This condition is included to ensure the appropriate utility services are available to service the newly created allotments resulting from the subdivision proposal.

It is understood by Council that the applicant raises no “in-principle” objection to the inclusion of this condition.

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### **Proposed Condition 5**

#### **5) Arrangements for Water and Sewer Services**

**A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.**

**Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 132 092.**

**Following application a “Notice of Requirements” will detail water and sewer extensions to be built or charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscaping design.**

**The Section 73 Certificate must be submitted to the Council prior to release of the final plan of subdivision.**

**Reason:- to ensure that adequate water and sewer services can be provided to the site.**

#### **Council comment**

This condition is included to ensure the availability of water and sewer services to support the subdivision of the site.

It is understood by Council that the applicant raises no “in-principle” objection to the inclusion of this condition.

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### **Proposed Condition 6**

#### **6) Remediation of land**

**a) Remediation and validation works shall be carried out in accordance with the remedial action plan: Wentworth Point Burroway Road Site, Homebush Bay West Conceptual Remedial Action Plan, GHD Pty Ltd, 12 September 2013 (GHD 2013e) and subject to compliance with conditions nominated in Section B of the Site Audit Statement no. 0503-1101 dated 9<sup>th</sup> October 2013.**

**b) Any development application(s) submitted for future works on the created allotments must demonstrate compliance with point a) above and must be supported by a detailed remedial action plan that has been reviewed and accepted by an accredited Site Auditor.**

**Reason:- to ensure appropriate remediation of land in accordance with State Environmental Planning Policy 55 – Remediation of Land.**

**Council comment**

This condition is included to ensure the compliance with Clause 7 of State Environmental Planning Policy 55 – Remediation of Land.

It is understood by Council that the applicant raises no “in-principle” objection to the inclusion of this condition.

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**Proposed Condition 7**

**7) 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. Full details shall be submitted as part of civil works/infrastructure development application to the satisfaction of Council.**

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

**Council comment**

This condition is included to ensure the subdivision and subsequent civil works/infrastructure works applications incorporate appropriate stormwater treatment measures.

It is understood by Council that the applicant raises no “in-principle” objection to the inclusion of this condition.

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**Proposed Condition 8**

**8) Construction and dedication of Peninsula Park**

**The developer is responsible for the construction, completion and subsequent dedication to Council of the Peninsula Park identified as Lot 202 on the approved plan of subdivision.**

**The Peninsula Park shall be constructed and completed in accordance with any relevant civil and infrastructure works development consent and the Wentworth Point Precinct Development Control Plan 2014 to the satisfaction of Council.**

**The Peninsula Park shall be constructed, completed and dedicated to Council prior to the issue of any residential Occupation Certificate that would authorise the occupancy of more than one hundred and fifty (150) residential units within Lot 203 and Lot 204. That is, no more than a cumulative total of 150 residential units are permitted to be occupied throughout Lots 203 and 204 (combined) prior to the construction, completion and dedication to Council of the Peninsula Park.**

**In this regard, a restriction under the Conveyancing Act shall be registered on the title of Lots 203 and 204 reflecting the above limitations on the issue of Occupation Certificates. The proposed wording of the restriction shall be to the satisfaction of Council and shall be submitted to Council for approval with the subdivision certificate application.**

**Reason:- to ensure that the Peninsula Park is provided to meet the needs of the future communities of the Wentworth Point locality and to ensure the development occurs in accordance with the Wentworth Point Development Control Plan.**

**Council comment**

This condition is included to ensure the Peninsula Park is delivered in accordance with the provisions of the DCP.

Council initially sought to incorporate a condition requiring the Peninsula Park to be constructed, completed and dedicated to Council prior to the issue of any residential Occupation Certificate for any development on the land the subject of the subdivision application.

The applicant however, requested the condition allow for a delayed delivery of the Peninsula Park to allow for greater flexibility in construction timing. In an effort to reach an agreed upon outcome for the development, Council has agreed “in-principle” to a condition permitting the deferred delivery of the Peninsula Park. The specific terms of the condition however have not been agreed upon.

UrbanGrowth has not endorsed this condition.

**Proposed Condition 9**

**9) Burroway Road cul-de-sac realignment and land dedication**

Any future development of Lot 204 is to incorporate the redesign of the Burroway Road cul-de-sac as shown on the approved plan of subdivision. In this regard, a restriction under the Conveyancing Act shall be registered on the title of Lot 204 specifying the following:

- a) The redesign of the Burroway Road cul-de-sac and associated land dedication shall be incorporated in any future development application submitted for Lot 204.
- b) The road widening shall be constructed and dedicated as public road at no cost to Council.
- c) For the purposes of calculating the Site Area, Gross Floor Area and Floor Space Ratio under the Auburn Local Environmental Plan 2010, the site area of Lot 204 shall include the area of land that is required to be dedicated to Council for road widening purposes.
- d) The final dedication of the road widening shall occur prior to the issue of any Occupation Certificate for any development within Lot 204.

The proposed wording of the restriction shall be to the satisfaction of Council and shall be submitted to Council for approval with the subdivision certificate application.

**Reason:-** to ensure adequate space is provided for the cul-de-sac to facilitate the redevelopment of the site.

**Council comment**

This condition has been proposed to ensure the adequate vehicular manoeuvring space is available on Burroway Road (including servicing the subject development site) and to ensure sufficient pedestrian access is provided to the foreshore promenade adjacent to Burroway Road.

It is understood by Council that the applicant raises no “in-principle” objection to the inclusion of this condition to the extent that the development yield for the site is not reduced as a result of the land dedication.

**Proposed Condition 10**

**10) Construction and dedication of Community Facility**

A restriction/covenant under the Conveyancing Act shall be registered on the title of Lot 203 on the approved plan of subdivision with respect to the Community Facility referred to in Section 2.0 of the Wentworth Point Precinct Development Control Plan 2014. The restriction/covenant shall specify the following:

- a) The developer of Lot 203 is required to construct a Community Facility together with ten (10) associated car parking spaces, within Lot 203, in conjunction with the development of Lot 203. The Community Facility and associated car parking spaces are to be dedicated to Council in stratum once completed, at no cost to Council,
- b) The design of the Community Facility and associated car parking shall be to the satisfaction of Council and shall be incorporated in any future development application submitted for Lot 203,
- c) The Community Facility building shall have a floor space of not less than one thousand square metres (1000sqm) (excluding the associated car parking), being a cold shell with capped services, capable of being fitted out by Council as a multi-purpose community centre,
- d) The completion and final dedication to Council of the Community Facility and associated car parking shall occur prior to the issue of any Occupation Certificate for any development within Lot 203,
- e) All associated costs shall be borne by the owner/developer of Lot 203,

The proposed wording of the restriction/covenant shall be to the satisfaction of Council and shall be submitted to Council for approval with the subdivision certificate application.

**Note:** Auburn City Council acknowledges that the requirement to register a restriction/covenant as prescribed by this condition, may be varied or extinguished, subject to Council's written consent, should Council enter into a section 93F Planning Agreement with the developer of Lot 203 for the delivery of a Community Facility within Lot 203.

**Reason:-** to ensure the provision of a Community Facility as part of the redevelopment of Wentworth Point as required by the Wentworth Point Precinct Development Control Plan 2014.

**Council comment**

The rationale for the inclusion of this condition is based on the following:

- a) The early commitments made by the RMS to deliver community facility in conjunction with the rezoning of the land following its nomination as an Urban Activation Precinct,
- b) The provisions of the Wentworth Point Precinct DCP, which identify the requirement to provide a community facility in conjunction with the redevelopment of the site,

- c) Community expectations for the provision of a community facility within the Urban Activation Precinct,
- d) The need for a multi-purpose community facility within the Wentworth Point locality as identified in the *Auburn City Community Facilities Strategy 2014 – 2024*.

Each of the above items is discussed in greater detail below, including background information which led to the development of the current planning controls.

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***a) RMS commitment to provide a community facility***

The WP-UAP finalisation report, which formed the basis of the recommendation to the Minister for the rezoning of the precinct, makes repeated reference to the delivery of a community facility as part of the precinct redevelopment and specifically states that “...*RMS is supportive of allocating 3,000sqm of floor space within the precinct for a larger community facility, including a library to service to wider Wentworth Point catchment* (see page 16 of the finalisation report).

The finalisation report suggests that the provision of a community facility could be undertaken by way of a Voluntary Planning Agreement (VPA).

A brief overview of the history and current status of VPA’s for the Wentworth Precinct is detailed below:

***RMS planning agreement proposal***

The finalisation report notes an intention by the RMS to enter into a VPA with Auburn City Council for the delivery of local infrastructure contributions, including a 3000sqm community facility incorporating a library. It may therefore be inferred that the early commitment made by RMS to deliver the community facilities was predicated on an assumption that Auburn City Council would accept the offer of a planning agreement made by the RMS.

Council did not however, receive any formal offer of a VPA from the RMS in conjunction with the rezoning of the land that occurred in July 2014 and accordingly was not in a position to either endorse or reject any such offer.

The RMS subsequently submitted two draft planning agreement proposals to Council on 15 August 2014, approximately one (1) month after the rezoning of the site had already occurred. These planning agreement proposals did not make provision for a library or any community facilities and sought to entirely exclude the payment of Section 94 contributions. Accordingly, Council formally advised the RMS that the draft VPA offers did “*not appear to offer a public benefit to Council and the community that would be equal to or beyond Council’s existing contributions plan. At this stage, Council considers there would be more public benefit achieved from levying contributions under its existing contributions plan*”

The current subdivision applications (DA-273/2014 and DA-274/2014) were lodged with Council on 20 August 2014 and also did not include any VPA offer.



Fairmead Business Pty Ltd planning agreement

Council received a planning agreement offer (lodged in conjunction with a development application) by *Fairmead Business Pty Ltd* in September 2014 for the delivery of a 3,200sqm library and community space as part of the Billbergia development (located to the south of the Burroway Road UAP site). Council endorsed this planning agreement at its Ordinary meeting on 3 December 2014 and the planning agreement was executed on 7 July 2015.

In view of the above, Council considers that the requirement to provide a dedicated library facility would no longer be applicable for the precinct. Accordingly, Council has not requested that the RMS provide the full 3,000sqm community space within the precinct, but instead has sought a significantly reduced space of 1,000sqm as detailed in proposed condition 10 above.

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**b) Wentworth Point Precinct DCP requirements**

The commitment made by the RMS to deliver a community facility has been appropriately incorporated within the Wentworth Point Precinct DCP. (A full assessment of all applicable planning controls is provided within the attached planning report, however, key controls of the DCP relating to the provision of a community facility are highlighted below for the purposes of this summary report).

The objectives of the DCP detailed at Section 2.3 (Indicative Structure Plan) include the following:

*“ 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”*

Key elements are identified by the DCP to include:

*“A community facility and library to be located within close proximity to the village centre”*

The DCP clearly anticipates and requires the provision of a community facility (including a library) to support the redevelopment of the WP-UAP. In this instance, Council has taken a flexible approach to the application of these planning controls and has not required the applicant to deliver a library facility as stipulated by the DCP. Council has however, identified the need to provide an appropriately sized community facility, albeit substantially reduced in size from the original commitment made by the RMS for these facilities overall.

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**c) Community Expectations**

The public exhibition of the Urban Activation Precinct was undertaken between 16 July 2013 and 16 August 2013. The results of the public exhibition identified consistent resident concerns for the provision of additional community facilities to support the precinct. Council also made a submission to the Department of Planning & Infrastructure indicating a need to provide additional community facilities.

As a consequence of the above, a commitment was made by the RMS to incorporate a community facility in conjunction with the redevelopment of the precinct. This is detailed in the finalisation report and has been incorporated within the applicable planning controls affecting the site as detailed above.

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**d) Auburn City Community Facilities Strategy 2014 – 2024**

Council has developed the *Auburn City Community Facilities Strategy 2014 – 2024*, which identifies current and future facility needs and outlines a Community Facility Development Options Plan for the next ten years (see p33). These plans have been incorporated into Council's corporate planning documents and are updated as required, particularly in relation to new developments.

At the time the Strategy was put together, the estimated population for Wentworth Point was around 22,785 based on a total of 10,850 dwellings (see page 13). The original Library and Community Centre facility size was conceived on this population size. Population projections for Wentworth Point have increased since this time and necessitate further community space in the suburb.

Due to size, limitation of layout and other priorities determined by Council, the Wentworth Point Library and Community Centre currently under construction (Billbergia site) will not accommodate all community needs/types of spaces required to service the Wentworth Point Community. A key type of space Council has tried to integrate within the facility is a large scale cultural facility with performance spaces integrated with other multipurpose facilities.

The additional facility required under the Wentworth Point Precinct DCP presents an opportunity to create a cultural/performance space that is currently not being met in Wentworth Point. Council's requirement for this facility type is a minimum floor space of 1000sqm as it would require multipurpose facilities in addition to purpose built performance space to meet Council operational requirements.

Overall, the current utilisation and demand for community space/facilities highlights a severe undersupply of facilities across Auburn City. In particular there is a severe undersupply of a broad range of spaces serving the northern part of Auburn City.

The below table outlines the current shortfall as well as projected shortfall based on population projections over the next ten years:

Facility Type	Benchmark	Current Provision (2014)	Current Shortfall (2014)	Projected Provision (2024)	Projected Shortfall (2024)*
<b>MULTIPURPOSE COMMUNITY CENTRE (District Facility)</b>	<b>1 : 20 - 30,000 people<sup>1</sup></b> Minimum floor space 1,000m <sup>2</sup>	2	2 additional centres required	7	Meets benchmark
<b>COMMUNITY HALL (Local Facility)</b>	<b>1 : 6,000 - 15,000 people</b> (caters to a local area where users predominantly walk or cycle to use the facility) <sup>+</sup> Minimum floor space 500m <sup>2</sup>	7	Meets benchmark	1	Meets benchmark (rationalisation of halls to be replaced by multipurpose community centres)
<b>ARTS &amp; CULTURAL FACILITY</b>	<b>1 : 30,000 people<sup>+</sup></b>	1	2 additional facilities required	1 (including expansion)	Does not meet benchmark (Council to expand existing site to create arts & cultural precinct in Auburn Botanic Gardens. Arts/performance spaces to be incorporated into multipurpose facilities)
<b>YOUTH FACILITY</b>	<b>1 : 20,000 young people<sup>xx</sup></b>	1	Meets benchmark	2	Meets benchmark
<b>LIBRARY (District Library)</b>	<b>1 : 30 - 50,000 people<sup>++</sup></b>	1	Meets benchmark, however size does not meet minimum gross floor area requirement (3,535m <sup>2</sup> )	2 (1 additional District library required in Wentworth Point (2,927m <sup>2</sup> ))	District library in Auburn needs to increase by 1,774m <sup>2</sup> to meet benchmark
<b>LIBRARY (Branch Library)</b>	<b>1 : 15,000 - 30,000 people<sup>++</sup></b>	2 + 1 library service	Does not meet benchmark	2	Meets benchmark

\* Based on current population forecast as at May 2014

+ Draft Development Contributions Guidelines, NSW Department of Planning (2009)

xx Growth Centre Development Code, Open Space Standards, Growth Centre Commission (2006)

++ PEOPLE PLACES - A guide for public library buildings in New South Wales - Third Edition (2012)

## Conclusion

In view of the history detailed above and having regard to the extensive timeframes associated with the current subdivision applications (being the result of UrbanGrowth's repeated rejection of Council's proposed conditions), Council considers it appropriate that these applications now be determined in current form.

Council has assessed the application having proper regard to the matters for consideration nominated under Section 79C of the Environmental Planning and Assessment Act (see attached detailed planning assessment report), including the Wentworth Point Precinct Development Control Plan. The DCP clearly stipulates the requirement to provide a community facility in conjunction with the redevelopment of the precinct and that these facilities are to be provided for at the initial subdivision stage of the development.

As detailed above, a library facility has been delivered as part of a separate VPA. Accordingly, Council would not require a further library facility to be provided as part of the Urban Activation Precinct, despite this being a requirement of the DCP. It is however, considered appropriate that a further dedicated multi-purpose community facility be provided, as required by the planning controls, to support the high volume of new residents in the locality.

The intent of proposed condition 10 is to ensure any potential purchaser and/or future developer of this allotment is informed at the outset of the requirement to deliver a community facility in conjunction with the redevelopment of the site as required by the DCP.

The DCP does not nominate the particular allotment upon which the community facility is to be provided. However, Council has been advised by UrbanGrowth through the course of negotiations that Lot 203 would be the most suitable site to accommodate the Community Facility and Council raises no objection in this regard.