

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SWC100
DA Number	DA/643/2017
LGA	City of Parramatta Council
Proposed Development	Construction and operation of an overwater licensed rowing club and ancillary uses including cafe, restaurant, gym, boat launching ramp and pontoon.
Street Address	11 Burroway Road – Wentworth Point Lot 204 DP 1216628
Applicant Owner	Roads and Maritime Services Roads and Maritime Services
Date of Lodgement	28 July 2017
Number of Submissions	1
Recommendation	Approval subject to conditions
Regional Development Criteria	Crown Development >\$5 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act and Regulations • SEPP 55 – Remediation of Land • SEPP (Infrastructure) 2009 • SEPP 64 – Advertising and Signage • SREP 24 – Homebush Bay • SREP (Sydney Harbour Catchment) 2005 • Auburn LEP 2010 • Wentworth Point Precinct DCP 2014 • Sydney Harbour Foreshores and Waterways Area DCP 2005
List of Relevant Documents	As appearing in Condition 1 of Attachment B
Report Prepared By	Kate Lafferty – Executive Planner
Report Date	23 May 2018

Summary of S4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

1. Summary

A Stage 1 development consent (DA-301/2015) (Auburn Reference) was granted by the Sydney West Joint Regional Planning Panel on 21 April 2016 for the building envelopes and indicative uses of the Wentworth Point Rowing club.

This report considers the detailed application proposal for the construction and operation of an overwater licensed rowing club and ancillary uses including cafe, restaurant, gym, boat launching ramp and pontoon.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concern. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Approve the application, subject to conditions of consent.

Note: This application is dependent upon the marina application (DA/644/2017) being determined beforehand. This application cannot be determined before the approval of DA/644/2017 as the rowing club relies on the waste, loading and car parking facilities contained within that application.

2. Key Issues

- Minor variations to Concept Plan approval.

3. Site Context

The subject site relevant to this application relates to part of Homebush Bay and is located to the east of Burroway Road, and at the western edge of the foreshore on land both above and below the Mean High Water Mark (MHW).

The total area covered under this application for the purposes of a new rowing club facility comprises of approximately 2,953.3m² in area. The land above and below the MHW is identified as being Crown Land and is administered by RMS.

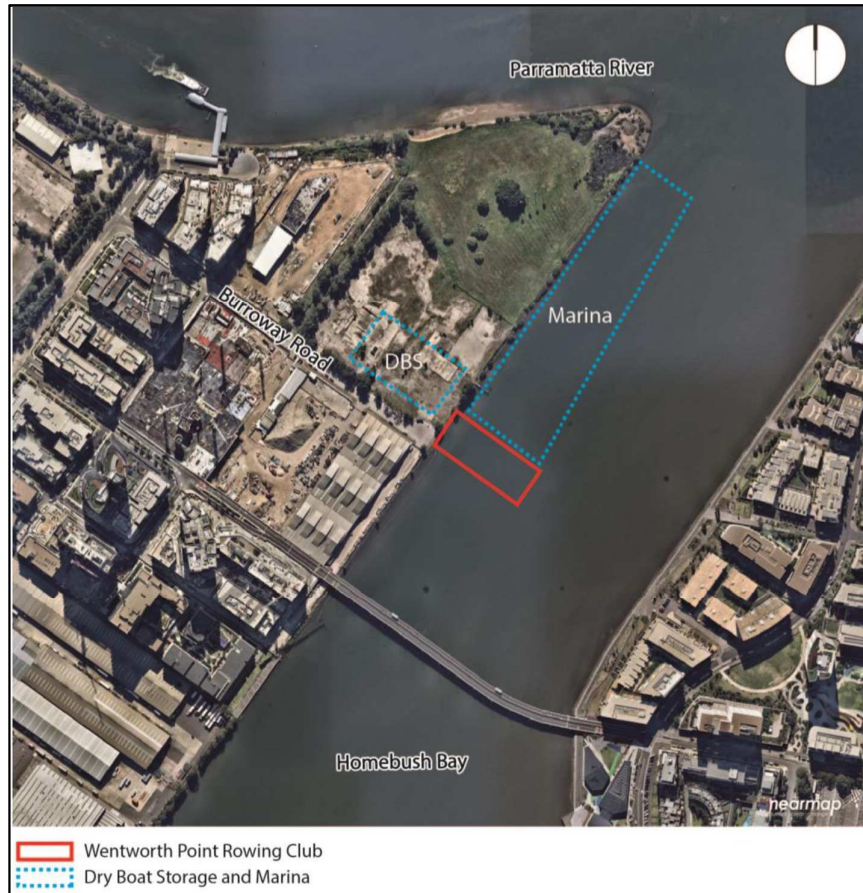
Lot 204 which forms the land based parcel of the proposal has a site area of 9159m².

The subject site adjoins the existing foreshore, partly adjoins the termination of Burroway Road and partly a vacant industrial site.

The subject site is part of the identified Maritime Precinct within the Wentworth Point Urban Activation Precinct (rezoned by DPI on 4 July 2014).

Whilst this current application only involves the rowing club, the RMS have lodged a separate application with Council for the adjoining marina and dry dock facilities (DA/644/2017).

An indicative location of the new maritime facilities (including the proposed rowing club facility, marina and dry boat storage) is identified in the following plan.



The Wentworth Point Precinct is currently undergoing transformation from an industrial suburb into a growing high density residential community.



Approximate location of the proposed rowing club at the end of Burroway Road

4. Background

The table below indicates the history of recent planning applications for this site.

Application	Description of Works	Approval Status
DA-273/2014 (Auburn)	Subdivision Subdivision of 1 lot into 4 Torrens Title allotments	Approved Auburn Council 27 November 2015
DA-40/2015 (Auburn)	Infrastructure DA Staged development proposal for distribution of gross floor area across lots 203 to 204 including demolition of existing buildings, tree removal, earthworks, site remediation, construction of roads, sea wall and public domain works and further subdivisions to create roads	Approved JRPP 17 February 2016
DA-301/2015 (Auburn)	Stage 1 concept application for the rowing club	Approved JRPP 21 April 2016
DA/643/2017 This subject application	Stage 2 detailed application for the rowing club Construction and operation of an overwater licensed rowing club and ancillary uses including cafe, restaurant, gym, boat launching ramp and pontoon.	Pending determination
DA/644/2017	Marina and Dry Boat Store Construction of a new marina consisting of wet berths (up to 63 vessels) and dry boat storage (up to 228 vessels) with ancillary parking, retail tenancies and a boat launching channel.	Pending determination

5. The Proposal

A Stage 1 development consent (DA-301/2015) (Auburn Reference) was granted by the Sydney West Joint Regional Planning Panel on 21 April 2016 for the building envelopes and indicative uses of the Wentworth Point Rowing club.

This Stage 2 DA seeks approval for the detailed design and operation of the Rowing club, comprising the following:

- Construction and operation of a Rowing club, including:
 - Boatshed
 - Boat launching ramp and pontoon
 - Gym
 - Club Room
 - Restaurant
 - Café
 - Amenities, office and storage.
- Public kayak launching ramp and pontoon
- Relocation, upgrade and augmentation of services as required.

Capital Investment Value = \$16,418,662

The proposed rowing club is predominantly located below the MHW, however the access is located above the MHW and adjoins the approved future promenade alongside Homebush Bay.

The building envelope of the rowing club comprises a 3 storey form, with a maximum height of 14.75m (RL 17.25m). The building structure footprint (excluding the decking and pontoon) measures 47.9 (L) x 32.7m (W). The proposed floor space is 2785m². The building has been designed as a simple and functional building. The core functions of the building are wrapped by outdoor decking on the first and second floor, with a large deck, ramp and pontoon structure extending from the ground floor boatshed for boat launching. The building's form is held within a light weight steel structure, which wraps up and over to provide shape and shading. White bands accentuate the horizontality of the building, while light grey anodized aluminium cladding panels offer a clean streamlined appearance. The building will use a combination of contemporary materials to provide a visually interesting façade that responds to the surrounding built form character of the proposed marina and dry boat store facility (DA/644/2017). Materials include clear glazing, natural finish concrete, aluminium cladding and powder-coated aluminium louvres.

The proposed rowing club will be operated as a registered 'club'. Associated uses are part of the club facility and have been approved via the concept approval as ancillary to the main development of the Rowing club. Use of these facilities (i.e. gym, club room, restaurant) will be by club members and their guests.

Details of the proposed uses as described within the Statement of Environmental Effects are outlined below:

Boat Shed	<p>The primary purpose of the rowing club is to accommodate rowing activities and the use of other passive watercraft. The ground floor contains one large boatshed. The boatshed will accommodate two local school rowing club programs within a shared area, with shared amenities. The boatshed provides 700 lineal metres of rowing boat storage for boats up to 20m in length across 8 racks, at 22m in length each, on 4 levels.</p> <p>Access is provided via the public promenade and Burroway Road through two entry points at the north (public entry) and south (boat entry) of the building. The boatshed contains male, female and ambulant amenities and change rooms. The boatshed opens onto the launching deck and pontoon via five doors.</p> <p>Access to boats is proposed between 5am to 7pm daily.</p>
Rigging Deck and Pontoon	<p>At the ground floor level on the eastern side of the Rowing club is a large rigging deck and pontoon accessible from the boatshed. The proposed pontoon measures 20m (L) x 8m (W). The pontoons will be held in place with vertical piles and will have gangway access.</p>
Public Kayak Launch Area	<p>A publicly accessible pontoon is proposed at the southern side of the Rowing club. The floating pontoon is accessible by a gangway. The pontoon would be publically accessible 24 hours a day and available for the local community to launch small, private watercraft such as kayaks. Management of the facility will come under the responsibility of the rowing club.</p>

Ancillary Café	<p>A 'hole in the wall' café, located on the western frontage of the building adjacent the foreshore promenade will serve club members and the local community. Detailed fit-out of the café will be subject to future approval.</p> <p>The café is proposed to operate between 6am to 10pm daily.</p>
Ancillary Club Room (Function Room)	<p>The proposed Club Room is located on the first floor of the Rowing club. This room would be available for the club, its patrons and guests to utilise as a catered venue for hire. Male, female and ambulant amenities are provided. A food preparation area will provide food service and is connected to the main kitchen above by a food lift. Access to the first floor is provided via the foyer from the public promenade and Burroway Road. Both lift and stair access is provided. The outdoor deck area provides views over the river and bay. Detailed fitout and operation of the Club Room will be subject to future approval.</p> <p>The club room is proposed to operate between 7am to midnight daily.</p>
Ancillary Gym	<p>A training gym is proposed for the first floor of the Rowing club. Male, female and ambulant amenities are provided. Access to the first floor is provided via the foyer from the public promenade and Burroway Road. Both lift and stair access is provided. Access between the gym and the adjacent Club Room is provided via the foyer or outdoor observation deck.</p> <p>The gymnasium is proposed to operate between 5am to 10pm daily.</p>
Ancillary Restaurant	<p>Located on the second floor is the proposed restaurant, with indoor and outdoor seating areas. Access is provided via the foyer and internal lifts and stairs, from the public promenade and Burroway Road. The restaurant is serviced by a commercial kitchen. Male, female and ambulant amenities are provided.</p> <p>The restaurant is proposed to operate between 7am to midnight daily.</p> <p>The BCA reports notes that a maximum of 200 people could be accommodated within the restaurant (due to available fire exits).</p> <p>Detailed fit-out of the restaurant will be subject to future approval.</p>

Car parking is proposed to be provided within the dry boat storage (DBS)/car parking building located to the west of the rowing club, with access via Burroway Road. A total of 198 car parking spaces are provided over six levels of parking located on the southern side of the DBS building. These parking spaces will be shared across all maritime uses (including the rowing club, marina, dry boat store and retail tenancies). Of this, a minimum of 100 car parking spaces have been allocated to accommodate the expected demand of the rowing club and its associated uses.



Photomontage of the proposed Wentworth Point Rowing Club

6. Permissibility

The site is subject to the permissibility provisions of 2 separate environmental planning instruments as the works are partially land based and partially water based. These are discussed below.

Auburn Local Environmental Plan 2010

Part of the proposed works are located on the land ie. above MHWL (pedestrian access ramp and entry canopy), and as such, part of the site is identified as being located within the area affected by the Auburn LEP. The site of these works is zoned B1 Neighbourhood Centre under this legislation.

The works would be defined as being ancillary to **boat launching ramps, boat sheds** and a **registered club**. These uses are permissible with consent within the zoning applying to the land. It is noted that the boating related uses are permissible under Clause 6.10 of the Auburn LEP.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Part of the proposed works are located in the water below MHWL and as such, part of the site is identified as being located within the area affected by the SREP (Sydney Harbour Catchment) 2005. The subject area is also identified in the relevant map as being 'land within the Foreshores and Waterways Area' and is located in zone W1 – Maritime Waters and zone W5 – Water Recreation in accordance with clause 16 under the relevant plan.

The proposed rowing club and uses were considered to be defined as a **recreational or club facility** for the assessment of the concept application. Recreational or club facilities are permissible in both the W1 and W5 zones applying to the site.

7. Public Notification

The application was advertised and notified between 30 August 2017 to 13 September 2017. The application was re-advertised between 27 September 2017 to 11 October 2017 due to an error in the description of the proposal.

One (1) individual submission was received in support of the application. This submission is discussed in further detail in **Attachment A**.

8. Referrals

Any matters arising from internal/external referrals not dealt with by conditions	No
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9. Environmental Planning and Assessment Act 1979

Does Section 1.7 (Significant effect on threatened species) apply?	No
Does Section 4.10 (Designated Development) apply?	No
Does Section 4.46 (Integrated Development) apply?	No
Are submission requirements within the Regulations satisfied?	Yes

10. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	No - A detailed assessment is provided at Attachment A .
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11. Sydney Regional Environmental Plan 24 – Homebush Bay

The following table is a summary assessment against the SREP. A detailed evaluation is provided at **Attachment A**.

SREP Section	Comment or Non-Compliances
Part 1 - Preliminary	<ul style="list-style-type: none">Consistent
Part 2 - General provisions relating to development	<ul style="list-style-type: none">Permissible in the zoneConsistent with zone objectives
Part 3 - Special provisions relating to development	<ul style="list-style-type: none">Consistent with Wentworth Point Precinct DCPAll relevant provisions satisfied
Part 4 - Protection of the natural environment and heritage items	<ul style="list-style-type: none">All relevant provisions satisfied

12. Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The following table is a summary assessment against this SREP. A detailed evaluation is provided at **Attachment A**.

SREP Section	Comment or Non-Compliances
Part 1 – Preliminary	<ul style="list-style-type: none">Consistent
Part 2 – Planning Principles	<ul style="list-style-type: none">Consistent with the planning principles
Part 3 – Foreshores and Waterways Area	<ul style="list-style-type: none">Permissible and consistent

	<ul style="list-style-type: none"> F&WPDA Committee consulted and satisfied
Part 4 – Strategic Foreshores Sites	<ul style="list-style-type: none"> Not Applicable
Part 5 – Heritage Provisions	<ul style="list-style-type: none"> All relevant provisions satisfied
Part 6 – Wetlands Protection	<ul style="list-style-type: none"> All relevant provisions satisfied

13. Auburn Local Environmental Plan 2010

LEP Section	Comment or Non-Compliances
Part 1 – Preliminary	<ul style="list-style-type: none"> Consistent
Part 2 – Permitted or Prohibited Development	<ul style="list-style-type: none"> Permissible in the zone Consistent with zone objectives
Part 3 – Exempt & Complying Development	<ul style="list-style-type: none"> Not Applicable
Part 4 – Principal Development Standards	<ul style="list-style-type: none"> Compliant
Part 5 – Miscellaneous Provisions	<ul style="list-style-type: none"> All relevant provisions satisfied
Part 6 – Additional Local Provisions	<ul style="list-style-type: none"> All relevant provisions satisfied

It is noted that the principal planning instrument that applies to the proposal is the SREP (Sydney Harbour Catchment) 2005 and thus the majority of the provisions contained within the ALEP 2010 are not relevant, or limited to the application.

14. Wentworth Point Precinct Development Control Plan 2014

The following table is a summary assessment against this DCP. A detailed evaluation is provided at **Attachment A**.

DCP Section	Comment or Non-Compliances
Part 1 – Introduction	<ul style="list-style-type: none"> Consistent
Part 2 – Vision, Principles & Indicative Structure	<ul style="list-style-type: none"> Consistent
Part 3 – Public Domain	<ul style="list-style-type: none"> Consistent
Part 4 – Private Domain	<ul style="list-style-type: none"> Consistent
Part 5 – Sustainability & Environmental Management	<ul style="list-style-type: none"> Consistent

15. Sydney Harbour Foreshores and Waterways Area DCP 2005

The following table is a summary assessment against this DCP. A detailed evaluation is provided at **Attachment A**.

DCP Section	Comment or Non-Compliances
Section 1 – Introduction	<ul style="list-style-type: none"> Consistent
Section 2 – Ecological Assessment	<ul style="list-style-type: none"> Consistent
Section 3 – Landscape Assessment	<ul style="list-style-type: none"> Consistent
Section 4 – Design Guidelines (Water & Land/Water Based)	<ul style="list-style-type: none"> Consistent
Section 5 – Design Guidelines (Land Based)	<ul style="list-style-type: none"> Consistent

16. Compliance with Concept Plan

A Stage 1 Development Consent (DA-301/2015) (Auburn Reference) was granted by the Sydney West Joint Regional Planning Panel on 21 April 2016 for the building envelopes and indicative uses of the Wentworth Point Rowing Club. It is considered that the proposal is consistent with the concept approval. A detailed evaluation is provided at **Attachment A**.

17. Response to Panel Briefing Minutes

The application was considered at a SCCPP Briefing Meeting held on 7 February 2018.

The key issues discussed at the Panel Briefing Meeting are as follows:

The following matters require attention in the assessment:

Matter Raised	Planning Comment
Loading and unloading activities of the rowing club and bus bay on Burroway Road	The loading and unloading facilities have been resolved. The applicant has amended the plans to provide a loading dock on Lot 204. This loading dock will accommodate loading facilities for the rowing club and dry dock building retail tenancies, as well as accommodating waste collection. Council officers raise no objection to the time restricted boat loading and bus setdown area being provided on Burroway Road.
Confirmation of location and impacts upon Ausgrid submarine cables	<p>Ausgrid have advised that there are 11KV submarine cables located in the vicinity of the proposed rowing club. Ausgrid previously advised Council that this feeder was live and will be required for future load transfer across to Rhodes. Ausgrid had agreed to the relocation of these cables.</p> <p>Ausgrid however have recently advised Council that the cables are not live and have been abandoned on the Rhodes side of Homebush Bay. Ausgrid now have no objections subject to the applicant disconnecting and sealing the cable from the network. A condition to this affect is incorporated within the recommendation at Attachment B.</p>
NSW EPA concerns with the recreational use of Homebush Bay (potential health risks).	The NSW EPA have concerns regarding the potential health and environmental risks associated with the recreational use of Homebush Bay due to the level of contaminants contained within the Bay. The NSW EPA have agreed to the imposition of appropriate conditions requiring the submission of more detailed information, particularly within the Construction Environmental Management Plan (CEMP) and Operational Environmental Management Plan (OEMP) and the approval of these documents by a site auditor.
Consistency with the concept approval discussed - changed location of loading, car parking and bus bays from the consent conditions. Despite the changes, the proposal is considered consistent with the concept approval as the facilities are still provided on, or adjoining the site.	<p>It is considered that the detailed application is consistent with the approved concept application for the rowing club.</p> <p>This matter has been discussed in detail within Section 2.3 of this report.</p>

18. Conclusion

On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. The application is recommended for approval subject to the imposition of appropriate conditions.

19. Recommendation

That the Sydney Central City Planning Panel approve the application DA/643/2017 subject to the conditions contained within **Attachment B** of the Assessment Report.

ATTACHMENT A - PLANNING ASSESSMENT

SCCPP Reference:	2017SWC100
DA No:	DA/643/2017
Address:	11 Burroway Road – Wentworth Point

1. Overview

This Attachment assesses the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, as noted in the table below:

Matters for consideration

Provision	Comment
Section 4.15 (1)(a)(i) - Environmental planning instruments	Refer to Section 3 below
Section 4.15 (1)(a)(ii) - Draft planning instruments	Refer Section 4 below
Section 4.15 (1)(a)(iii) - Development control plans	Refer to Section 5 below
Section 4.15 (1)(a)(iia) - Planning agreements	Refer to Section 6 below
Section 4.15 (1)(a)(iv) - The regulations	Refer to Section 7 below
Section 4.15 (1)(a)(v) - Coastal zone management plan	Not applicable
Section 4.15 (1)(b) - Likely impacts	Refer to Sections 3-7 below
Section 4.15 (1)(c) - Site suitability	Refer to Section 9 below
Section 4.15 (1)(d) - Submissions	Refer to Section 10 below
Section 4.15 (1)(e) - The public interest	Refer to Section 10 below

Referrals

The following external and internal referrals were undertaken:

External Referrals	
WaterNSW	<p>Whilst it is noted that the integrated provisions under the EP&A Act 1979 do not apply to development applications by the Crown, it is considered good practice to refer the subject application to the DPI Water for their information and comment as the subject land adjoins the river foreshore - Homebush Bay.</p> <p>DPI Water raised no objection to the proposal as the RMS (as a public authority) are exempt from requiring a controlled activity approval. Notwithstanding this, it was considered appropriate that the applicant consider the Riparian Corridor Guidelines released by the Department in 2012. The applicant has provided a satisfactory response to this matter, and acknowledges that although no riparian corridor has been established for the Wentworth Point Peninsula, consideration has been given to the guidelines and specifically, the development (including the broader precinct development):</p> <ul style="list-style-type: none"> • Provides bed and bank stability through the construction/repair of the existing sea wall • Protects water quality • Includes structures and a sea wall which will provide new habitat for aquatic fauna • Will not impact flooding

	<ul style="list-style-type: none"> • Provides an appropriate interface between the waterway and the built environment • Provides a range of passive and recreational uses for the public. <p>The applicant's response was forwarded to DPI Water who raised no further concerns with the application.</p>
NSW Fisheries	<p>Whilst it is noted that the integrated provisions under s.89 of the EP&A Act 1979 do not apply to development applications by the Crown, it is considered good practice to refer the subject application to the DPI Fisheries for their information and comment as the subject land adjoins fish habitats along the river foreshore.</p> <p>DPI Fisheries reviewed the proposal and raised no objection subject to the imposition of an appropriate condition requiring the use of environmental safeguards (such as silt curtains, booms etc) being used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms.</p>
NSW EPA	<p>The NSW EPA have raised concerns with the historical contamination of Homebush Bay sediments (dioxin and associated compounds) and the need for an appropriately conservative approach to limiting sediment disturbance and mobilisation of dioxins in the Bay and out to Sydney Harbour. The EPA will need to review a more detailed CEMP & OEMP for the proposal, and have agreed to the imposition of appropriate conditions to this effect. Appropriate conditions have been incorporated within Attachment B.</p>
Foreshores Committee	<p>The application was referred to the Foreshores and Waterways Planning and Development Advisory Committee in accordance with the requirements under SREP (SHF) 2005. Correspondence received states that the Committee reviewed the proposal and raises no specific issues in relation to the proposed development.</p>
RMS Boating Operations	<p>The application was referred to the Operations and Compliance section of RMS who raise no objections and are fully supportive of the proposal from a maritime perspective.</p>
OEH	<p>The application was referred to the Office of Environment and Heritage who advised that the matter does not contain biodiversity, natural hazards or Aboriginal cultural heritage issues that require a formal OEH response.</p>
NSW Police (Crime Prevention and Licensing)	<p>The application was referred to the NSW Police for comment in regard to crime prevention and licensing of the club premises. Correspondence from the Flemington LAC raises no concerns subject to the imposition of appropriate conditions regarding the installation and operation of CCTV and the submission of a plan of management prior to the commencement of trade of the liquor licence. Appropriate conditions have been incorporated within Attachment B.</p>
SOPA	<p>The application was referred to SOPA in accordance with the requirements contained within SREP 24 – Homebush Bay. SOPA have raised concerns and provided recommended conditions of consent with respect to construction impacts, operational impacts, noise, pollution incidents, marine pests, mangroves, transport and parking, European heritage and sea rise levels. The majority of these matters have been considered in detail by the NSW EPA.</p>

	Notwithstanding this, conditions have been included in Attachment B where appropriate.
Ausgrid	Ausgrid have advised that there are 11KV submarine cables located in the vicinity of the proposed rowing club. Ausgrid have advised Council that the cables are not live and have been abandoned on the Rhodes side of Homebush Bay. Ausgrid have no objections to the proposal subject to the applicant disconnecting and sealing the cable from the network. A condition to this affect is incorporated within the recommendation at Attachment B.
Sydney Water	Sydney Water submitted correspondence primarily advising that the water mains on Burroway Road will need to be upsized and wastewater services for the site will need to be established. Conditions regarding Sydney Water Tap in and Section 73 approvals are included within the recommendation section of this report.
Internal Referrals	
Development Engineer	Council's Development Engineer has reviewed the proposed development and raises no concerns subject to the imposition of standard conditions and non-standard conditions relating to flooding, marine loading, and coordination of foundation works.
Traffic	Council's Traffic Officer has reviewed the proposed development and raises no concerns on traffic or parking grounds. Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. Conditions including compliance with AS2890, the provision of a construction traffic management plan and loading/bus bays have been incorporated within the recommendation section of the report.
Environmental Health (Waste)	Council's Waste Officer has reviewed the application and advises that the applicant has submitted satisfactory waste management information for the development. The proposal satisfies the requirements of Council's controls and can be supported subject to standard conditions of consent.
Environmental Health (Contamination)	Council's Environmental Health Officer has reviewed the submitted contamination reports and supports the application subject to the imposition of standard conditions.
Environmental Health (Acoustic)	Council's Environmental Health Officer has reviewed the submitted acoustic report and supports the application subject to the imposition of conditions regarding implementation and certification of the recommended acoustic measures and standard conditions regarding the use of the premises.
Environmental Health (Food Premises)	Council's Environmental Health Officer has reviewed the application and supports the application subject to the imposition of standard conditions.
Building	Council's Building Certification Officer raises no objections to the proposed development subject to the imposition of standard conditions.
Urban Design	No objections are raised to the architectural design of the rowing club. Urban Design do however raise an issue with the location of the rowing club as the building interrupts the view corridor down Burroway Road and obstructs the visual connection across to Rhodes. It is noted that the location of the rowing club was approved in this position in the concept approval. The applicant is unable to relocate the building due to the proximity of the future adjoining wet berth marina. The location is considered acceptable in the circumstances.

Natural Resources	Council's Natural Resources Officer has reviewed the documentation and raises no objection subject to further environmental matters being incorporated into the Construction Environmental Plan and Operational Environmental Plan. Appropriate conditions have been incorporated within Attachment B.
Community Crime Prevention	No objections are raised given the comments received from the NSW Police and the submission of a CPTED report with appropriate recommendations.
ESD – Sustainability	Council's Sustainability Officer raised concerns with a lack of commitment to provide an ecological sustainable development. The applicant has responded positively by increasing the provision of measures to be incorporated into the design to improve the sustainability of the building. Appropriate conditions have been incorporated within Attachment B.

2. Environmental Planning & Assessment Act 1979 (EPA Act)

2.1 Crown Development

Clause 226(1) of the Environmental Planning and Assessment Regulation 2000 provides that a development carried out by a public authority (not being a council) is a Crown development. Roads and Maritime Services is a public authority and therefore the development is a Crown development for the purposes of Part 4 Division 4.6 of the EPA Act.

Section 4.33 of the EPA Act precludes a consent authority, including a regional panel, from refusing a Crown development application, except with the approval of the Minister, or from imposing a condition of consent to a Crown development application, except with the approval of the applicant or the Minister.

2.2 Integrated Development

The integrated development provisions of the EPA Act do not apply to development applications made by, or on behalf of the Crown, in accordance with Section 4.44(2) of the EPA Act.

2.3 Concept Development Application

A Stage 1 Development Consent (DA-301/2015) (Auburn Reference) was granted by the Sydney West Joint Regional Planning Panel on 21 April 2016 for the building envelopes and indicative uses of the Wentworth Point Rowing club.

Division 4.4 of the EPA Act relates to the special procedures concerning concept development applications. In this regard, Section 4.24(2) requires the following:

(2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.

Plans and Design

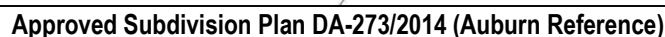
Although there are some minor alterations to the design (primarily relating to the building configuration, relocation of the pontoon, and the inclusion of a café), the proposed detailed design is considered to be consistent with the approved Concept Plan (DA-301/2015 – Auburn).

The proposed development is generally consistent with the conditions of the concept approval development consent. It is noted that certain conditions will need to be complied with in the detailed consent (for example, seawall maintenance and use of rowing club), and as such compliance with the concept conditions will be required as part of this application.

4. **Parking and Loading**

- a. *The above parking shall be in addition to the parking requirements related to the proposed developments within Lot 203.*
- b. *No shared parking arrangement (with any future development on lot 203) will be permitted.*
- c. *Auburn Council shall be nominated as the Authority to vary or modify the subject restriction.*
- d. *Loading bay and bus service bay related to the development shall take place within Lot 204.*
- e. *The instrument shall expire once the creation of parking allotments and R.O.W. are registered with respect to the subject development.*

This condition was imposed to ensure that required parking would be provided for the rowing club. The condition requires the parking to be provided on Lot 203 (refer to approved subdivision layout below).



At the time of the concept approval for the rowing club, it was envisaged that the dry dock on Lot 204 could not accommodate all of the required parking. As the design for the entire Maritime Precinct has developed since the concept approval, the RMS have been able to re-design the dry dock (on Lot 204) to accommodate all of the required parking for the Maritime Precinct uses, thereby not having to rely on the provision of parking on a separate lot (Lot 203).

It is also noted that the bus drop off cannot be provided on site and are to be provided on Burroway Road (with time restrictions). Council officers raise no objection to this arrangement.

An application for the dry dock and car park has been submitted to Council (DA/644/2017) and is currently pending determination.

Whilst the location of the car parking is not strictly in accordance with the Concept Plan conditions of consent, it is considered that the intent of the condition is met and a more improved situation is created, whereby the parking can be accommodated within the maritime uses rather than a future and separate mixed use development.

It is therefore considered that the proposed development is consistent with the approved concept plan. Modifications have been made in the detailed design of the proposed development, which is expected to occur from a concept to detailed design stage whereby some level of flexibility is anticipated.

3. Environmental Planning Instruments

Compliance with these instruments is addressed below.

3.1 State Environmental Planning Policy No. 55 – Remediation of land

Clause 7 of this Policy requires the consent authority to consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use. Council's Environmental Health Officer has reviewed the application and reports as follows:

The applicant has submitted a contamination assessment for the proposed operation of the rowing club to determine the extent of any contamination on the site.

The assessment was prepared by GHD Pty Ltd and dated September 2015 and involves a desktop contamination assessment for the proposed rowing club. The desktop review examined previous environmental investigations of the area dating back to 2009 and determined that as the proposed rowing club is to be located over water, there are no soil or groundwater contamination issues that would warrant remediation or management.

However it was also noted that the main concern found related to contaminated sediments in Homebush Bay which may be disturbed during construction activities. These do not pose an unacceptable risk to human health for the proposed operation of the rowing club but will need to be managed during construction.

As such a Contamination Management Plan has also been submitted to address this aspect of the proposal. The contamination management plan is titled Proposed Above Water Rowing club Development, Wentworth Point, Contamination Management Plan (CMP), prepared by GHD Pty Ltd, dated December 2015 (GHD 2015b).

The contamination management plan outlines activities that may potentially disturb the sediment and provides control measures to be used.

A Site Audit Report has also been submitted that states the site can be made suitable for the proposed use as a rowing club (over water) if the site is managed in accordance with the Contamination Management Plan.

Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

3.2 State Environmental Planning Policy (Infrastructure) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Development likely to affect electricity transmission or distribution networks

The application is subject to Clause 45 of the SEPP as the development does propose works within the vicinity of electricity infrastructure that would trigger a written referral to the energy authority. As previously discussed, Ausgrid have advised that there are 11KV submarine cables located in the vicinity of the proposed rowing club. Ausgrid have no objections subject to the applicant disconnecting and sealing the cable from the network. A condition to this affect is incorporated within the recommendation at Attachment B.

3.3 State Environmental Planning Policy (State and Regional Development) 2011

The development is a Crown Application which has a capital investment value greater than \$5 million. This application is captured by Part 4 of this policy which provides that the Sydney Central City Planning Panel is the determining authority for this application.

3.4 State Environmental Planning Policy (Coastal Management) 2018

This policy applies to land within the coastal zone. The subject site is within the coastal zone as it is affected by the *coastal environment area* as identified within the policy maps.

The savings and transitional provisions contained within Clause 21 of the SEPP provide that the policy does not apply in this instance as the application was lodged before commencement of the policy. Notwithstanding this, the following sections under the Coastal Management SEPP should be considered as good practice in the assessment of the application:

Coastal Environmental Area Map (Division 3)	Clause 13 provides for consideration of matters for development on land within the coastal environment area. Notwithstanding this, the subject site is exempt from this provision as Clause 13(3) reads: <i>(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</i>
General Provisions (Division 5).	Development within this coastal zone is not likely to cause increased risk of coastal hazards on that land or other land, is not affected by any coastal management program and is permissible under the relevant planning instruments applying to the land.

3.5 State Environmental Planning Policy 64 – Advertising and Signage

The application proposes the following signage zones:

Sign Number	Location	Area	Dimension
Sign 1	West	2m ²	4.8 x 0.4m
Sign 2	West	3m ²	3.2 x 1.0m
Sign 3	West	1.6m ²	3.2m x 0.5m
Sign 4	West	7m ²	3.2m x 2.2m
Sign 5	South	7m ²	3.2m x 2.2m

SEPP 64 aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

Aims and Objectives

The proposed signage zones are compatible with the desired amenity and visual character of the area and the signage zones are consistent with the objectives as they seek to facilitate signage in locations which complement the architectural design of the Rowing club and the location of club on the foreshore promenade. The proposal provides effective communication in suitable locations and is therefore consistent with the aims and objectives of Clause 3 of SEPP 64.

Assessment Criteria

The following table outlines the manner in which the proposed signage zones satisfies the assessment criteria of SEPP 64.

Consideration	Comment
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The proposed signage zones are generally consistent with the expectations of signage exhibited by a club facility.</p> <p>The signs are compatible with the existing and future character of the area. The Wentworth Point Maritime Precinct and wider area is evolving to become a vibrant mixed-use precinct. The signage zones will facilitate the establishment of a consistent language between the Rowing club and other maritime uses.</p>
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage zones will not detract from the amenity or visual quality of the surrounding foreshore or waterway area given they are located within the building envelope and on the façade of the proposed Rowing club building.
3 Views and vistas	
Does the proposal obscure or compromise important views?	All of the proposed signage is affixed to the approved building envelope and will not extend above or beyond this envelope in a manner that would compromise any surrounding view corridors / important vistas.
Does the proposal dominate the skyline and reduce the quality of vistas?	
Does the proposal respect the viewing rights of other advertisers?	

4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	<p>The proposed signage zones are of an appropriate scale in respect to the surrounding streetscape settings and the foreshore promenade.</p> <p>The proposed signage zones have been integrated with the design of the building facades. The detailed signs will contribute to the interest of the building when viewed from the public foreshore promenade. The proposed signage is compatible with the scale and proportion of the proposed building.</p> <p>The proposed signage will not protrude above any buildings, structures or tree canopies and will not require any ongoing vegetation management.</p>
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	
Does the proposal screen unsightliness?	
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	
Does the proposal require ongoing vegetation management?	
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	<p>The proposed signage zones are compatible with the scale and proportion of the proposed building and have been placed in a manner that respects and integrates with the building and its surrounds.</p>
Does the proposal respect important features of the site or building, or both?	
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	<p>No details of associated devices have been provided at this stage.</p>
7 Illumination	
Would illumination result in unacceptable glare?	<p>No details of illumination have been provided at this stage.</p>
Would illumination affect safety for pedestrians, vehicles or aircraft?	
Would illumination detract from the amenity of any residence or other form of accommodation?	
Can the intensity of the illumination be adjusted, if necessary?	
Is the illumination subject to a curfew?	
8 Safety	
Would the proposal reduce the safety for any public road?	<p>The proposed signage zones will not reduce the safety of the adjoining public road, domain areas or obstruct any critical sight lines of cyclists, pedestrians or motorists.</p>

The application only provides for signage zones with limited detail including size and certain wording proposed. No details of the sign materials or illumination have been provided. A condition is included within the Recommendation section of this report requiring further approval of the sign details to be obtained before the installation of the signage.

3.6 Sydney Regional Environmental Planning Policy No. 24 (Homebush Bay Area)

The relevant requirements and objectives of SREP24 have been considered in the following assessment table.

Requirement	Comment
Clause 10 Consent Authorities	As the development is a Crown Application and the cost of works exceeds \$5,000,000, the Sydney Central City Planning Panel is the determining authority.
Clause 11 Permissible Uses	The proposed development is considered to be permissible with consent as it satisfies the requirements of Clause 12 (See below).
Clause 12 Planning Objectives	<p>The proposal is considered to satisfy the objectives of the SREP for the following reasons:</p> <ul style="list-style-type: none"> • The proposed development will not have any significant detrimental impact upon wetlands and woodlands. • The development application will facilitate recreational development as per the desired future character of the area. • The development takes advantage of the proximity of the Homebush Bay Area to the Parramatta River and Homebush Bay by encouraging development that enhances public access to those waterways and waterfront areas, while protecting flora and fauna habitats • Does not impact upon heritage, archaeological or environmental conservation areas.
Clause 13 Matters for Consideration	The development is generally consistent with the Wentworth Point Precinct Development Control Plan. See separate comments below.
(a) any relevant master plan prepared for the Homebush Bay Area	
(b) any development control plans prepared for the land to which the application relates	The development application was referred to Sydney Olympic Park Authority for comment and concerns raised have been taken into consideration in the assessment of the application.
(b1) to the extent to which it applies to land within Sydney Olympic Park, the "Environmental Guidelines" within the meaning of the Sydney Olympic Park Authority Act 2001 and any plan of management referred to in Section 34 of that Act,	
(c) the appearance, from the waterway and the foreshores, of the development,	The proposed rowing club will be located within the waterway, being Homebush Bay. The building will provide a visual interest in the area.

Requirement	Comment
(c1) the impact of the development on significant views,	The proposed buildings do not impact upon any significant view lines.
(d) the effect of the development on drainage patterns, ground water, flood patterns and wetland viability	The development will have no adverse impacts in terms of drainage, flooding or wetland diversity.
(e) the extent to which the development encompasses the principles of ecologically sustainable development,	The development provides opportunities in this regard, as reflected within the submitted Energy Efficiency and Sustainability report. The proposal will incorporate a renewable energy photovoltaic and solar water system and rainwater tank.
(f) the impact of carrying out the development on environmental conservation areas and the natural environment, including flora and fauna and the habitats of the species identified in international agreements for the protection of migratory birds,	The proposed development will not impact on the natural environment, subject to compliance with management and mitigation measures contained within the various reports submitted with the application, including the CEMP and OEMP (and revised as required through consent conditions).
(g) the impact of carrying out the development on heritage items, heritage conservation areas and potential historical archaeological sites	The subject site is not a heritage item or within a heritage conservation area.
Clause 19 Flood Prone Land	The development is located on the water at Homebush Bay. Impacts of flooding and climate change have been assessed and are considered acceptable.
Clause 20 Contaminated land	Contamination has already been addressed as part of previous applications on the site. This issue has been discussed elsewhere within the report (SEPP55 assessment).
Clause 20A Acid sulphate soils	An acid sulfate soils management plan has been submitted. The management plan has been developed for the purpose of guiding construction activity and site management to mitigate the impacts of potential and actual acid sulfate soils (PASS and AASS) on the surrounding environment during the construction of the dry boat store, marina and rowing club. It contains the following management measures: <ul style="list-style-type: none"> - excavation procedures - spoil storage and treatment - dewatering and groundwater management - measures for protection of surrounding areas from the potential risk of acid contamination - contingency measures.
Part 4 Protection of the natural environment and heritage items	<ul style="list-style-type: none"> • The subject site is not located in the vicinity of an environmental conservation area. • The subject site does not contain any items of heritage and is not identified as a conservation area under Schedule 4.

Requirement	Comment
	<ul style="list-style-type: none"> The proposed development will not have any impact upon any identified places or potential places of aboriginal significance. The subject site is not identified as an archaeological or potential archaeological site.

3.7 Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005

The relevant requirements and objectives of this policy have been considered in the following assessment table.

Requirement	Comment
Part 1 Preliminary	<p>The proposed development is consistent with the aims of the plan, including:</p> <ul style="list-style-type: none"> ensures that the foreshores and waterway is recognised, protected, enhanced and maintained as an outstanding natural asset, and as a public asset for existing and future generations achieves a high quality and ecologically sustainable urban environment encourages a culturally rich and vibrant place for people ensures accessibility to and along Sydney Harbour and its foreshores.
Part 2 Planning principles	The proposed development is consistent with the planning principles of the plan.
Part 3 Foreshores and Waterways Area	<ul style="list-style-type: none"> The proposed development is permissible within the zoning applying to the water area The impacts upon biodiversity, ecology and environment protection have been taken into consideration in the assessment and found to be acceptable The development will improve public access to and from the waterways for recreational purposes (such as boating), without adversely impacting on the waterway and seeks to minimise disturbance of contaminated sediments Maritime activities are part of the proposal to facilitate the maintenance of a working harbour The application was referred to the Foreshores and Waterways Planning and Development Advisory Committee who raised no specific issues in relation to the proposed development.
Part 4 Strategic Foreshore Sites	The site is not identified as a Strategic Foreshore Site.
Part 5 Heritage Provisions	<ul style="list-style-type: none"> The subject site does not contain any items of heritage or is in the vicinity of any heritage items The proposed development will not have any impact upon any identified places or potential places of aboriginal significance. The subject site is not identified as an archaeological or potential archaeological site.

Requirement	Comment
Part 6 Wetlands Protection	There are no impacts upon wetlands.

3.8 Auburn Local Environmental Plan 2010

The provision of the Auburn Local Environmental Plan (ALEP 2010) is only applicable to a small portion of the development, being the entry and ground floor canopy from the promenade into the rowing club. This is due to the title boundary on the land extending to the MHWM which is located within the water at Homebush Bay.

The relevant requirements and objectives of this LEP have been considered in the following assessment table.

Requirement	Comment
Part 2 Permitted or Prohibited Development	The proposed development is permissible with consent.
Part 4 Principal Development Standards	These development standards are not relevant to this part of the proposal as there are no buildings or floor space located within the land affected by the LEP. There is no subdivision proposed as part of this application.
Part 5 Miscellaneous Provisions	The majority of these controls are not relevant to the application. There are no heritage related matters that require further consideration.
Part 6 Additional Local Provisions	<ul style="list-style-type: none"> • An acid sulfate soils management plan has been submitted • There are no earthworks proposed within this area of the proposal • There are no adverse flooding issues. • The site is not affected by a foreshore building line • Essential services can be provided to the site (water, electricity, sewage, drainage and road access). • Boat sheds and boat launching ramps are permissible within the Maritime Precinct.

4. Draft Environmental Planning Instruments

There are no specific draft environmental planning instruments that apply to the development site.

5. Development Control Plans

5.1 Wentworth Point Precinct Development Control Plan 2014

The relevant requirements and objectives of this DCP have been considered in the following assessment table.


Requirement	Comment
Section 1.0 Introduction	The provisions of the WPP DCP is only applicable to a small portion of the development, being the entry and ground floor canopy from the promenade into the rowing club. This is because the title boundary on the land goes to the MHWM which is located within the water at

Requirement	Comment
	Homebush Bay. The majority of the rowing club is located outside the boundaries of this DCP.
Section 2.0 Vision, Principles and Indicative Structure	The portion of the development relevant to this DCP complies with the vision, development principles and indicative structure. The access is located along the Homebush Bay foreshore path and integrates with the previous approval for the promenade establishment works. The structure is generally located in the identified location in the DCP.
Section 3.0 Public Domain	<ul style="list-style-type: none"> • The proposed rowing club is located adjacent to the pedestrian foreshore promenade. The club has been designed so to interface with the pedestrian/cycle path to avoid potential conflicts. • The development will not hinder the provision of a continuous shared pathway along the Homebush Bay foreshore.
Section 4.0 Private Domain	The proposal provides for an acceptable transitional space between the private and public domain.
Section 5.0 Sustainability and Environmental Management	Not relevant to this portion of the development.

5.2 Sydney Harbour Foreshores and Waterways Area DCP 2005

The relevant requirements and objectives of this DCP have been considered in the following assessment table.

Requirement	Comment
Section 1 Introduction	<p>This plan applies to all development proposals within the Foreshores and Waterways Area identified in SREP (Sydney Harbour Catchment) 2005 (within the Foreshores and Waterways Area map). The subject site is located within this map.</p> <p>The DCP maps identify areas of ecological and landscape value for assessment purposes. This area is indicated below and discussed further within this table.</p>

Requirement	Comment
	 <p style="text-align: center;">Extract from SEE – Original from SHF&WA DCP</p>
<p>Section 2 Ecological Assessment</p>	<p>The DCP map identifies the ecological community adjoining the rowing club as “grassland” with a low conservation status. Terrestrial ecological communities of low conservation value must be considered against the performance criteria below:</p> <p>Vegetation Protection – existing vegetation and natural features will be modified as a result of the previous infrastructure approval on the site. These works will improve the current environment with the construction and embellishment of a new public peninsula park.</p> <p>Reduce Predation Pressure – the application is for a commercial activity which will not necessitate fencing to contain domestic pets.</p> <p>Soil Conservation and Pollution Control – management plans have been submitted to address these issues. An appropriately detailed construction environmental management plan and operational environmental management plan will be further developed and approved by the NSW EPA.</p> <p>It is noted that the application was accompanied by a Marine Ecology Environmental Assessment which identifies potential risks and management/mitigation measures during construction and operation.</p>

Requirement	Comment
Section 3 Landscape Assessment	<p>The DCP map identifies that Landscape Character Type 15 applies to this site. This area is characterised by industrial and institutional uses in the foreground and residential development in the background. The following performance criteria are to be considered:</p> <ul style="list-style-type: none"> the industrial uses along the river are maintained and preserved. Pressure for these uses to relocate is minimised The character of Wentworth Point has transitioned from industrial to mixed use over recent years with the introduction of the Homebush Bay West DCP and the Wentworth Point Precinct DCP. With the introduction of these DCPs, the continuing industrial uses and development within the area was no longer deemed appropriate. Accordingly, the provisions within the SHF DCP in relation to the future character of Wentworth Point no longer reflect current planning policy and strategies. design and mitigation measures are provided between incompatible land uses to minimise noise and amenity impacts The rowing club will form part of the maritime precinct, which is envisaged for this section of Wentworth Point. Notwithstanding this, an acoustic report has been submitted to address the minimisation of the impacts of the club activities on future residential uses. Appropriate conditions are recommended in relation to minimising the impacts of the rowing club operations. remaining natural elements along the foreshore are preserved to maintain the natural screen along the foreshore Existing vegetation and natural features will be modified as a result of the previous infrastructure approval on the site. Works including the upgrading of the seawall and provision of pedestrian access along a new promenade will improve the existing environment. vegetation is integrated within the development to minimise the contrast between natural and built elements. Vegetation is included as part of the previous infrastructure approval on the site, and as part of the adjoining marina and dry boat store development application (DA/644/2017) and is deemed satisfactory.
Section 4 Design Guidelines (Water & Land/Water Based)	<p>The DCP provides detailed guidelines for development that is water-based or located at the land/water interface. The proposed Rowing club constitutes both. The proposal is consistent with the water-based interface design</p>

Requirement	Comment
	<p>controls of the DCP in that it:</p> <ul style="list-style-type: none"> • Maintains safe and equitable access to the foreshore through the considered interface with the pedestrian foreshore promenade • A crime prevention report has been submitted which outlines the measures to be incorporated to reduce the opportunity for crime to occur to assist in providing a safe public access. This includes appropriate lighting • Will not impact on navigation or other recreation activities on the foreshore • Is designed sympathetically to its surroundings • Addresses Homebush Bay through expansive decks • Is compatible with criteria of landscape character type 15 and surrounding existing and proposed built form.
Section 5 Design Guidelines (Land Based)	<p>Whilst being predominantly water-based the proposed Rowing club remains consistent with the land-based design controls of the DCP in that it:</p> <ul style="list-style-type: none"> • Maintains safe and equitable access to the foreshore through the considered interface with the pedestrian foreshore promenade • Has been designed to respond to the future built form of the area and uses materiality and façade treatments to avoid the appearance of a bulky and mundane building • Incorporates a café along the waterfront • Encourages maritime uses within Homebush Bay and improves community access to the water as a recreation resource • Adequately mitigates any environmental impacts on surrounding land uses (such as noise and traffic).

6. Planning Agreements

The proposed development is not subject to a planning agreement entered into under Section 7.4 of the EPAA.

7. Environmental Planning and Assessment Regulation 2000

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection are addressed as part of recommended conditions of consent.

8. Likely Impacts

Car Parking and Loading

The requirements for car parking and loading were established within the Stage 1 concept plan. Vehicular access to the dry boat storage (DBS) and the car park are proposed via a

combined bi-directional driveway off the northern side of Burroway Road. A total of 198 car parking spaces are provided over six split levels of parking located on the southern side of the DBS building. These parking spaces will be shared across all proposed maritime uses. Of this, a minimum of 100 car parking spaces have been allocated to accommodate the expected demand of the rowing club and its associated uses. Two trailer parking spaces accommodating 11m long trailers, 14 bicycle parking spaces and 4 motorcycle parking spaces are also proposed within the DBS.

A loading dock with a truck turntable is provided on the ground floor of the DBS building for use by all maritime facilities, including the rowing club.

An on street trailer loading and bus set down area is proposed on the northern side of Burroway Road.

Council's Traffic Officer has reviewed the application and the Transport and Parking Assessment submitted with the application and raises no concerns with the proposal. The on street loading/bus area is supported by Council officers and will be required to be endorsed by the Parramatta Traffic Committee, who will set the details of the approval including spatial area required, time restrictions and appropriate signposting.

Waste Management

A waste storage room and loading dock for waste collection has been provided on the ground floor of the DBS building for use by all maritime facilities, including the rowing club. Council's Waste Management Officer has reviewed the application and raises no concerns with the waste facility subject to standard conditions of consent.

Crime Prevention

A Crime Prevention Through Environmental Design (CPTED) Assessment was submitted with the application. This report identifies opportunities for crime and mitigation and management strategies to avoid situational crime. A list of recommendations is provided, including the following:

- Ensure all public areas have adequate CCTV coverage, and that the CCTV infrastructure is consistently maintained.
- CCTV monitoring should take place concurrent with security patrols.
- Provision of appropriate lighting within the area
- Ensure an appropriate level of way finding and warning signs are installed, reinforcing public and private space
- Ensure a prompt response to environmental maintenance is prioritised in maintenance procedures
- Ensure public access to the proposed development is in-line with tenant's operating hours.

Appropriate conditions requiring compliance with the recommendations of the CPTED report are included in Attachment B.

Visual Assessment

A Visual Impact Assessment prepared by JBA was submitted with the development application which considers the visual impact of all the proposed maritime activities (rowing club, dry boat store and marina). This report identifies the visual catchment to the rowing club is relatively confined. The catchment can be characterised as highly urbanised with altered foreshores on the eastern and western foreshores of Homebush Bay. Both foreshores have been altered

over time with the natural foreshore replaced with revetments. Some remnants of jetty structures associated with the former industrial uses remain in the vicinity of the marina site.



Extract from *Visual Impact Assessment*: Visual Catchment Area

Whilst the assessment primarily focussed on the impacts of the marina (as required under legislation), the visual impact of the rowing club was also considered and concluded the following:

- The maritime precinct will provide a point of interest in an otherwise urban environment that is characterised by a long linear revetment
- Views from the Peninsula Park and promenade across the open water of Homebush Bay to the Rhodes Peninsula will largely be preserved
- The Burroway Road corridor will be redeveloped for high density residential buildings and the DBS and rowing club will not result in any adverse impacts to this corridor
- The position of the rowing club has been approved as part of a previous Stage 1 application and its detailed design is consistent with this approval
- The design of the rowing club through its articulation and use of materials is appropriate to its use and respectful to its locality when viewed from the water and surrounding land.

In accordance with the above assessment, the visual impact of the proposed rowing club is acceptable and complements the vision of providing a maritime precinct for Wentworth Point.

Hours of Operation

The proposed hours of operation of the uses within the rowing club are as follows:

Activity	Proposed Hours	Comment
Boat Shed Rigging Deck and Pontoon	5am to 7pm daily	No concerns are raised with these hours. These are generally consistent with the standard CDC hours, however the early morning access is required for rowers.
Public Kayak Launch Area	24 hours daily	<p>24 hour uncontrolled access to the kayak launching facility is not deemed appropriate from a public safety aspect or from an amenity aspect for the future residential uses in close proximity. It is considered that access to this facility be restricted to the boat shed times.</p> <p>It is noted that this is consistent with the submitted CPTED report which recommends ensuring public access to the proposed development is in-line with tenant's operating hours.</p>
Ancillary Restaurant	7am to midnight daily	<p>Wentworth Point is emerging as a high density residential suburb. Council officers have considered that a general 10pm time restriction be imposed on non-residential uses until such time as appropriate monitoring of impacts on residential amenity can be determined. The 10pm time restriction is based upon the "ordinary" hours as per CDC requirements. Later trading for tenancies may be considered on a case by case basis and subject to a trial period (which has been permitted on various sites, including the Jewel development at 1 Burroway Road and the Marina development at 14 Burroway Road).</p> <p>It is considered that the restaurant and club be permitted to operate to 12 midnight on a 12 month trial only to allow the consent authority to consider any impacts created within a trial period.</p> <p>In addition, it is noted that any use of the terrace areas be restricted until 10pm only as the acoustic report identifies that noise from people on the terraces exceeds assessment criteria after 10pm.</p>
Ancillary Club Room (Function Room)	7am to midnight daily	
Ancillary Gym	5am to 10pm daily.	No concerns are raised with these hours. These are generally consistent with the standard CDC hours. It is noted that the rowers will make use of the gymnasium before partaking in their rowing activities.
Ancillary Café	6am to 10pm daily.	No concerns are raised with these hours. These are generally consistent with the standard CDC hours.

Conclusion

The likely impacts of the development have been discussed within this report and it is considered that the impacts are consistent with those that are to be expected given the applicable planning framework and previous approvals on the site. The impacts that arise are acceptable, subject to the imposition of appropriate conditions.

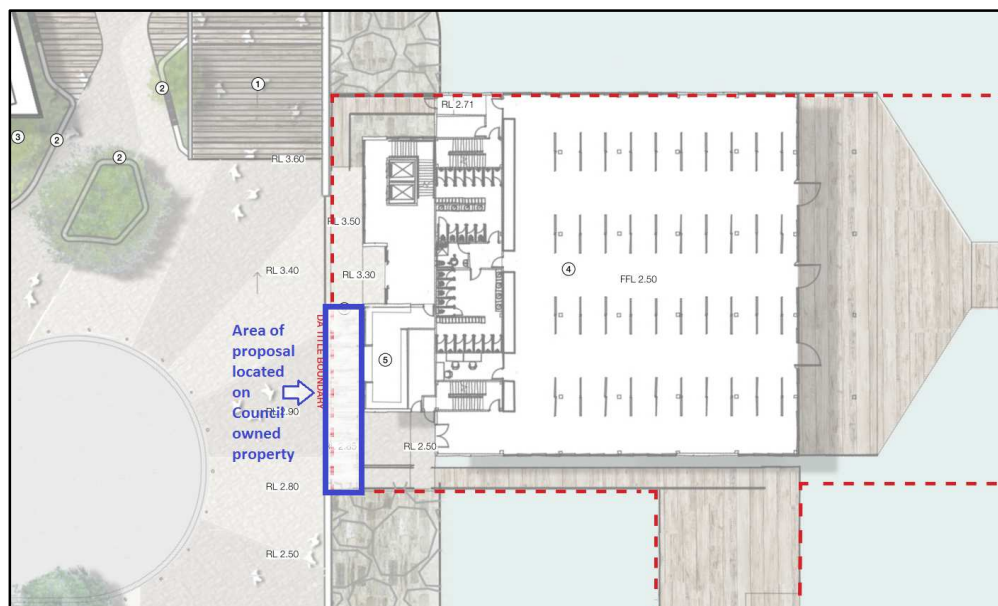
It is noted that the NSW EPA have raised a number of concerns that will need to be addressed before the issue of certification, or commencement, of the works. These have been included within the recommendations contained in Attachment B of this report.

9. Site Suitability

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

Development on Council Land

Part of the rowing club access will need to be constructed on Council owned land at the end of Burroway Road (being the area between the promenade/top of seawall and the MHWL).



Approximate location of Council owned land adjoining the rowing club

Council's Property Assets have been advised and raise no significant concerns with the proposal. Council's Legal Services have advised that an easement for the rowing club access and structural encroachments over Council owned property is to be created to the satisfaction of Council before the occupation of the premises. An appropriate condition to this effect has been included within Attachment B of this report.

Relationship with Other Approvals

The operation of the rowing club will be reliant upon 2 other related applications, being:

- DA-40/2015 (Auburn reference) which provides for the infrastructure works to be carried out including the Burroway Road cul-de-sac, earthworks, seawall and promenade works. This application has been approved.

- DA/644/2017 for the wet berth marina and dry boat storage which provides for the detailed design of the public domain and the provision of associated car parking for the rowing club. This application is pending determination.

Appropriate conditions have been included within Attachment B of this report that requires the above development to be completed and certified before the operation of the rowing club facility.

10. Public Interest

10.1 Draft District Plans – West Central District

The draft District Plan sets out opportunities, priorities and actions and provides the means by which the Greater Sydney Region Plan, *A Plan for Growing Sydney* can be put into action at a local level. Broadly, the priorities and actions within the draft plan for the West Central District are:

- Support and deliver GPOP
- Encourage employment growth
- Create a more connected District
- Improving housing design and diversity
- Design vibrant and activity centres
- Provide communities with better services
- Showcase the Western Sydney Parklands
- Improve access and health of waterways
- Manage growth with eco-friendly planning

This application is consistent with the specific controls introduced by the Department of Planning and Environment and therefore accords with the draft West Central District Plan.

10.2 Public Submissions

In accordance with the notification procedures contained in Section 3.0 of Auburn DCP 2010, the proposal was advertised in the local paper and a sign placed on the site with owners and occupiers of surrounding properties given notice of the application for a 14 day period between 30 August 2017 to 13 September 2017. The application was re-advertised and re-notified between 27 September 2017 to 11 October 2017 due to an error in the description of the proposal.

1 submission was received from the following:

- **Unit Owner/2 Waterways Street - Wentworth Point**
The submission supports the proposed development on the grounds that it will enhance the “resort style” residential area.

A map indicating the location of the submitter is provided below.



Submissions Map
(the red circle indicates the location of the submitter)

Planning Response: The proposed rowing club is consistent with the Maritime Precinct vision for the area. It will provide an activation of the waterfront and public promenade area, offering both recreational and social activities.

AMENDED PLANS

Yes

Summary of amendments

The plans were amended with minor modifications to address stormwater (downpipe locations) and sustainability comments.

Amended Plans re-advertised or re notified

No

Reason amendments not renotified

In accordance with clause 3.4.1 of the Auburn DCP 2010 notification procedures entitled "*Amended Applications*" the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

10.3 Conclusion

Having regard to the assessment within this report, the proposal is considered to be in the public interest for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under Auburn LEP 2010 and the Wentworth Point Precinct DCP 2014
- The proposal will contribute to the overall activation of the foreshore and provide social and recreational facilities for the area
- The proposal does not result in any unreasonable environmental impacts and provides for an acceptable architectural and urban design outcome.

11. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant or any organisation / persons that have made submissions in respect to the proposed development.

12. Development Contributions Plan

The development would require the payment of contributions in accordance with Part F (Employment Generating Development) under Auburn Development Contributions Plan 2007 (as amended). The Section 7.11 Contributions will be based upon the estimated cost of development.

The contributions payable will total **\$164,186.62**.

This figure is subject to the consumer price index as per the relevant plan and will be imposed under the subject application.

13. Conclusion

The application has been assessed relative to Section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

The proposed development is appropriately located within an area specifically earmarked for maritime facilities.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future users of the site and the environment. Hence the development, is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

This application is dependent upon the marina application (DA/644/2017) being determined beforehand. This application cannot be determined before the approval of DA/644/2017 as the rowing club relies on the waste, loading and car parking facilities contained within that application.

The application is recommended for approval subject to the imposition of appropriate conditions.

14. Recommendation

That the Sydney Central City Planning Panel, as the determining authority, grant consent to Development Application No. DA/643/2017 for the construction and operation of an overwater licensed rowing club and ancillary uses including cafe, restaurant, gym, boat launching ramp and pontoon on land at 11 Burroway Road, Wentworth Point for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions contained within **Attachment B**.

ATTACHMENT B - CONDITIONS OF CONSENT

SCCPP Reference:	2017SWC100
DA No:	DA/643/2017
Address:	11 Burroway Road – Wentworth Point

APPROVAL SUBJECT TO CONDITIONS

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act, 1979

That the Sydney Central City Planning Panel, as the determining authority, grant consent to Development Application No. DA/643/2017 for the construction and operation of an overwater licensed rowing club and ancillary uses including cafe, restaurant, gym, boat launching ramp and pontoon on land at 11 Burroway Road, Wentworth Point for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the following conditions:

General Matters

- The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Drawing No.	Drawing Name	Prepared By	Dated
Architectural Drawings – Project 14066			
DA00 – Rev 3	Project Cover	CM+	26.07.2017
DA02 – Rev 12	Site Analysis	CM+	26.07. 2017
DA03 – Rev 12	Site Plan	CM+	26.07. 2017
DA04 – Rev 16	Plan – Ground Floor	CM+	26.03.2018
DA05 – Rev 14	Plan – First Floor	CM+	12.12. 2017
DA06 – Rev 14	Plan – Second Floor	CM+	12.12. 2017
DA07 – Rev 13	Plan – Roof	CM+	12.12. 2017
DA08 – Rev 13	Elevations	CM+	12.12.2017
DA09 – Rev 13	Elevations	CM+	12.12. 2017
DA10 – Rev 12	Sections	CM+	26.07. 2017
DA12 – Rev 3	Perspectives		26.07. 2017
DA13 – Rev 4	Perspectives	CM+	12.12. 2017
DA14 – Rev 3	Perspectives	CM+	26.07.2017
DA15 – Rev 4	Perspectives	CM+	12.12. 2017
DA16 – Rev 2	External Materials Palette	CM+	26.07. 2017
DA17 – Rev 3	Area Schedule	CM+	26.07. 2017
DA18 – Rev 01	Stormwater Management	CM+	12.12.2017
DA19 – Rev 01	Promenade/Building Interface	CM+	01.05.2018
Landscape Drawings			
Project 17532 – Drawing SHT-10 – Issue C	Promenade Section Details	Context	29.01.2018
Project 17532 – 04.1 – Issue F	DA Landscape	Context	Feb 2018
Project 17532 – 04.1 – Issue F	Landscape Sections	Context	Feb 2018

Document Name	Document No.	Prepared By	Dated
Statement of Environmental Effects	17182	JBA	28.07.2017
Geotechnical Report	Project 84357 – Rev 0	Douglas Partners	23.09.2014
Contamination Management Plan	Reference 21/2310607 – Rev 2	GHD	12.12.2017
Site Audit Report & Site Audit Statement	0503-1709	JBS&G	18.12.2017
Risk Assessment (concept - to be revised)	RMS/17/001 – Rev A	Enrisks	31.05.2017
Rowing Club - Marine Ecology Environmental Assessment	301015-03538-005 – Rev 4	Worley Parsons	26.07.2017
Rowing Club – Marine Engineering Concept Report	301015-03538-MA-REP-006 – Rev 4	Worley Parsons	26.07.2017
Noise Assessment	47.7090.R1:GA/D T/2017 - Rev 02	Atkins Acoustics and Associates Pty Ltd	July 2017
Energy Efficiency & Sustainability Concept Report	Revision 2.1	Norman Disney & Young	26.07.2017
Crime Prevention Through Environmental Design (CPTED) Assessment	16789	JBA	25.07.2017
Construction Environmental Management Plan (CEMP) Preliminary Outline – Draft (concept - to be revised)	Rev 0	Worley Parsons	25.07.2017
Operational Environmental Management Plan (OEMP) Preliminary Outline – Draft (concept - to be revised)	Rev 0	Worley Parsons	25.07.2017
Acid Sulfate Soil Management Plan (concept - to be revised)	2270635A-CLM-REP-ASS Rev B	WSP	21.12.2017

Note: Some of the above approved documents will be in a concept form only as conditions of consent may require the submission of revised documents.

In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

- Physical commencement must occur in accordance with the requirements of Section 4.53(4) of the Environmental Planning and Assessment Act within 5 years of the date of the issue of the consent. In this regard should physical commencement not occur by (insert date 5 years from issue of consent) the consent will lapse.

Reason: To provide certainty to the community as to when physical commencement must occur.

- All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code) or relevant Australian Standard.

Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

4. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a construction certificate or certification under Section 6.28 of the Environmental Planning & Assessment Act, 1979. Plans, specifications and relevant documentation accompanying the construction certificate/certification must include any requirements imposed by conditions of this Development Consent.

Reason: To ensure compliance with legislative requirements.

5. A reference in this consent to “certification of the works” means the certification of the building works (approved under this consent) under Part 6 of the Environmental Planning and Assessment Act, 1979, being either the issuing of a Construction Certificate **or** certification under Section 6.28 of the Environmental Planning and Assessment Act, 1979. In addition, any reference to “the certifier” means a Principal Certifying Authority, or person authorised to certify the works.

Reason: To confirm the requirements of this consent to be satisfied before the certification of building works.

Prior to the Certification of Works

(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate/Certification drawings)

6. A site auditor is to be engaged for the duration of the remediation, construction and validation phases of the project. Details of the engagement of the site auditor are to be provided to the NSW EPA and Council before certification of the works. Any changes to the site auditor details are to be reported to the NSW EPA and Council as soon as practical.

Reason: To ensure mitigation of risks to human health and the environment are maximised during the construction phases of the development.

7. A detailed **Construction and Environmental Management Plan (CEMP)** is to be prepared and is to include, but not be limited to, the following:

- Outline measures for spill prevention and emergency response requirements
- Use of environmental safeguards, including full length silt curtains, being used during construction to ensure that there is minimal escape of turbid plumes (from the baseline) into the aquatic environment
- The inclusion of mitigation and management controls for all activities that have the potential to remobilise and transport sediment
- Management of use of boats and barges including:
 - restricting the number of boats/barges that can be in Homebush Bay during construction
 - restricting the draught of boats used during construction. Suitable boats that will result in minimal sediment disturbance must be used at all times
 - restricting the speed that the boats/barges can move while in Homebush Bay
 - restricting boat access at low tide to ensure less disturbance of sediments
 - restricting movement of barges/larger boats/floating plant (moved by propeller action) at low tide to ensure less disturbance of sediments
- Levels of turbidity outside of the controls to be measured continuously rather than solely visually observed

- A comprehensive monitoring plan that includes specific parameters to be monitored, sampling locations, frequency of data collection and data interpretation. Real-time feedback on turbidity should be incorporated into the monitoring plan to identify elevated turbidity levels early and trigger rapid management responses.

The detailed Construction and Environmental Management Plan (CEMP) is to be reviewed and endorsed by the site auditor. Once endorsed by the site auditor, the CEMP is to be submitted to Council and approved by the NSW EPA before the certification of the works.

Reason: To ensure mitigation of risks to human health and the environment from remobilisation of contaminated sediments.

8. A revised Risk Assessment is to be prepared to include the following:

- Consideration of all users of the facility, including general public use of the pontoon (both authorised and unauthorised activities)
- The screening component being revised to include criteria that are relevant to human health rather than ecological receptor guidelines
- The consideration of impacts from the adjacent marina which would increase risk to site users through increased turbidity.
- Consideration of sediment modelling and sediment geochemistry assessment (including depth profile analysis) results.

The revised Risk Assessment is to be reviewed and endorsed by the site auditor. Once endorsed by the site auditor, the Risk Assessment is to be submitted to Council and approved by the NSW EPA before the certification of the works.

Reason: To ensure mitigation of risks to human health from remobilisation of contaminated sediments.

9. The following reports are to be prepared before the certification of any works:

- (a) A revised acid sulfate soils management plan to incorporate estimate volumes of PASS which would be encountered at the site, and potential volumes to be treated or otherwise
- (b) An asbestos management plan
- (c) A construction quality and analysis plan
- (d) A materials tracking plan.

The above reports are to be reviewed and endorsed by the site auditor. Once endorsed by the site auditor, the reports are to be submitted to Council and the NSW EPA before the certification of the works.

Reason: To ensure mitigation of risks to human health and ecology from remobilisation of contaminated sediments and comply with the recommendations of the site auditor.

10. Before the certification of works, the applicant must receive written confirmation from Ausgrid, that the existing submarine cables within Homebush Bay adjoining the development have been disconnected from the network and sealed.

Note: Please contact Ausgrid's Contestable Project Coordinator on (02) 9585 5743 to facilitate the process of disconnection and completion of work requirements.

Reason: To minimise conflict with Ausgrid infrastructure.

11. Details of all structures and encroachment/s on Council land are to be submitted to the satisfaction of the Manager, Development and Traffic services before certification of the

works. This information must be submitted with a detailed survey indicating all works on Council land. The details are to be accompanied with a detailed survey plan.

Reason: To ensure the details of all encroachments are acceptable to Council.

12. With the exception of the approved access, kayak platform, ramp and canopy works as identified within Condition 11 above, the development shall be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations, shall encroach upon Council's footpath area or over adjoining properties.

Reason: To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

13. The following sustainability measures are to be incorporated into the building and indicated with the construction drawings before the certification of the works:

- (a) all recommended measures contained within the Energy Efficiency and Sustainability Concept Report (Revision 2.1) prepared by Norman Disney & Young dated 26 July 2017
- (b) The installation of advanced indoor and outdoor lighting controls such as occupancy sensors and daylight sensors
- (c) A photovoltaic system of a minimum 10-15kW being installed on the roof of the building
- (d) An electric boosted evacuated tube solar hot water system included in the hydraulic design to feed the showers
- (e) A rainwater system of approximately 20kL.

Reason: To confirm the details of the application.

14. Before the certification of the works, the person certifying the work must be satisfied that all the terms and conditions of the concept approval (DA-301/2015 – Auburn Reference) have been complied with in full unless amended by this application.

Reason: To ensure compliance with the concept plan approval.

Note: Should any discrepancies exist between the concept plan and the details approved within this consent, this consent shall prevail.

15. Access for people with disabilities from the public domain and all car parking areas to all tenancies within the building are to be provided. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted for the certification of the works. All details shall be prepared in consideration of, and construction completed to achieve compliance with the Building Code of Australia Part D3 "Access for People with Disabilities", provisions of the Disability Discrimination Act 1995, and the relevant provisions of AS1428.1 (2001) and AS1428.4.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

16. Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS1428.1 (2001) - Design for Access and Mobility - General Requirements for Access - New Building Work. This requirement shall be reflected on the plans submitted for the certification of the works.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

17. Signs incorporating the international symbol of access for disabled persons must be provided to identify each accessible:

- (a) entrance
- (b) lift or bank of lifts; and
- (c) sanitary facility

This requirement shall be reflected on the plans submitted for the certification of the works and supporting documentation.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

18. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans submitted for the certification of the works.

Reason: To ensure satisfactory stormwater disposal.

19. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having the benefit of this consent are required to forward the written confirmation from NDBYD to their certifier before the certification of the works.

Reason: To ensure Council's assets are not damaged.

20. An appropriately sized rainwater tank fitted with a first flush treatment device must be installed to manage roof runoff water to Parramatta River to satisfy section 5.2 of Wentworth Point Precinct Development Control Plan 2014. Details of the proposed devices and their location must be submitted with the plans for the certification of the works.

Reason: To ensure appropriate water quality treatment measures are in place.

21. Where work is likely to disturb or impact upon utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must be submitted before the certification of the works.

Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.

22. A construction phase site emergency response plan must be prepared, detailing evacuation procedure, storing of construction equipment and any procedures for the protection of the site on the occasion of a Fire, Flood or other Emergency event. Details must be submitted for Council approval prior to the certification of the works.

Reason: To ensure an effective site flood emergency plan is provided.

23. The structure, piling and foundations for the proposed rowing club and pontoons must be designed by a qualified and experienced marine/structural engineer to comply with AS4997 (2005) - Guidelines for the design of maritime structures. This includes design for the following actions:

- a) Permanent and imposed actions (dead and live loads) – vessel berthing, mooring loads.
- b) Effects of scour and siltation, including temporary or permanent changes in the seabed level due to sediment movement.

- c) Wave actions. Minimum 1/500 Annual probability of exceedance of design wave events, for function category 2 and 50-year design life. Consider reflected waves from the seawall interacting with incident waves.
- d) Wind actions.
- e) Boat wake/ propeller wash.
- f) Debris actions (flood and storm surge).
- g) Boat collision.
- h) Current actions.
- i) Hydrostatic actions – using the highest design water level.
- j) Natural ocean level variation (associated with El Nino etc).
- k) Sea level rise and changes in water levels due to climate change throughout the structures' design life.

The design must also consider combined loads, and possible superimposition of concurrent actions.

Reason: Structural safety.

24. A monetary contribution comprising **\$164,186.62** is payable to the City of Parramatta Council in accordance with Section 7.11 or 7.12 of the Environmental Planning and Assessment Act 1979 and the *Auburn Development Contributions Plan 2007 (Amendment 1)*. Payment must be by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council prior to the certification of the works.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

The *Auburn Development Contributions Plan 2007 (Amendment 1)* can be viewed on Council's website at:

<https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

Reason: To comply with legislative requirements and to provide for the increased demand for public amenities and services resulting from the development.

25. The certification of works is not to be issued unless the certifier is satisfied the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

Reason: To ensure that the levy is paid.

26. An Environmental Enforcement Service Charge must be paid to Council prior to the certification of works. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

27. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the certification of the works.

The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

28. In accordance with Section 4.17(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the certification of the works.

The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/643/2017;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows:

Bond Type	Amount
Development Site Bond	\$25,000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to City of Parramatta with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

29. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the certifying works, the certifier shall be satisfied that the operation on an individual piece of equipment or operation of equipment in combination will not exceed more than LAeq 15 min 5dB (A) above the background level during the day when measured at the most affected point on or within a residential property boundary site's boundaries and shall not exceed the background level at night (10.00pm – 6.00am) when measured at the most affected point on or within a residential property boundary.

Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the construction plans, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

Reason: To comply with best practice standards for residential acoustic amenity.

30. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for the certification of the works. The certifier must

be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- (a) Identification of nearby residences and other sensitive land uses.
- (b) Assessment of expected noise impacts.
- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts.
- (d) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.

Reason: To prevent loss of amenity to the area.

31. The recommendations of the following reports are to be incorporated within the documentation and design details submitted with the documents for the certification of the works:

Document Report	Date
Geotechnical Report - Project 84357 – Rev 0 - Douglas Partners	23.09.2014
Contamination Management Plan - Reference 21/2310607 – Rev 2 - GHD	12.12.2017
Site Audit Report & Site Audit Statement - 0503-1709 - JBS&G	18.12.2017
Rowing Club - Marine Ecology Environmental Assessment 301015-03538-005 – Rev 4 - Worley Parsons	26.07.2017
Noise Assessment - 47.7090.R1:GA/DT/2017 - Rev 02 - Atkins Acoustics and Associates Pty Ltd	July 2017
Energy Efficiency & Sustainability Concept Report - Revision 2.1 - Norman Disney & Young	26.07.2017
Energy Efficiency & Sustainability Concept Report Revision 2.1 - Norman Disney & Young	26.07.2017
Crime Prevention Through Environmental Design (CPTED) Assessment – 16789 - JBA	25.07.2017

Note: Approval is not granted for any recommendations requiring work on public land.

The certifier shall be satisfied that the recommendations have been incorporated into the plans before the certification of the works.

Reason: To protect the amenity of the area and confirm the details submitted with the application.

32. Prior to the certification of the works, a further report including accompanying plans shall be submitted to the satisfaction of the certifier that provides details of the private contractor that will be engaged to collect commercial waste from the site. If Council is not the certifier a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.

Reason: To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

33. Detailed plans of any food/beverage preparation facilities and waste storage areas shall be submitted to the certifier prior to the certification of the works.

The fit-out of the food premises shall comply with:

- (a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.
- (b) Food Safety Standards
 - Standard 3.2.2 Food Safety Practices and General Requirements
 - Standard 3.2.3 Food Premises and Equipment
- (c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.
- (d) No approval is granted for any remote storage area.
- (e) The business being registered with NSW Food Authority.
- (f) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).

If a certifier is to be used, the final inspection shall be carried out by a suitably qualified person to ensure that food standards are met. Council's Environmental Health Officer may be engaged to carry out the required inspection for a prescribed fee.

Note: Copies of AS 4764 may be obtained from Standards Australia. Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority.

Alternatively, you may obtain a copy of the 'Food premises design, construction and fit-out guide' from Council. This guide is based on the above standards and sets out minimum requirements to achieve compliance.

Reason: To ensure design of the premises meets relevant public health standards.

34. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the certifier upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

35. The applicant is to make a formal submission to Ausgrid by means of a duly completed Connection Application and/ or Preliminary Enquiry form to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (e.g. whether a substation is required on site) before the certification of works.

Note: Any work undertaken near Ausgrid assets needs to be done in accordance with various standards, rules and guidelines including:

- Ausgrid's Network Standards
- Ausgrid's Electrical Safety Rules.

The developer is to ensure that the proposed works do not contravene Ausgrid's Technical Standards and statutory requirements with regards to the safe and reliable operation and maintenance of its network.

Reason: To comply with the requirements of Ausgrid.

36. Documentary evidence to the satisfaction of the certifier is to accompany the construction documentation confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

If a substation is required of the energy provider, it must be located internally within a building/s.

Substations are not permitted within the front setback of the site or within the street elevation of the building; unless such a location has been outlined and approved on the Council stamped Development Application plans. Substations are not permitted within Council's road reserve. Nothing in this condition prevents a substation for the rowing club to be located within the dry boat store carpark in accordance with DA/644/2017.

Reason: To ensure adequate electricity supply to the development and to ensure appropriate streetscape amenity.

37. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany the construction documentation and be to the satisfaction of the certifier. A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

38. Prior to the commencement of any works on site, the applicant must submit a Construction and Traffic Management Plan to the satisfaction of the certifier. The following matters must be specifically addressed in the Plan:

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:

- (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
- (iii) The locations of proposed Work Zones in the egress frontage roadways,
- (iv) Location of any proposed crane standing areas,
- (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
- (viii) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.

- (a) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

- (b) Traffic Control Plan(s) for the site:
 - (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - (i) Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.
- (c) Where applicable, the plan must address the following:
 - (i) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - (i) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
 - (ii) Minimising construction related traffic movements during school peak periods.

The traffic management plan shall incorporate the provision of parking of worker's vehicles on the site, or other areas as agreed with Council.

The Construction and Traffic Management Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

Prior to Work Commencing

39. Prior to commencement of work, the person having the benefit of the Development Consent and certification of works approval must:

- (a) Appoint a certifier and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The certifier must determine and advise the person having the benefit of the certification of works when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

40. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site on land above mean high water mark to prevent unauthorised access. The fence must be installed to the satisfaction of the certifier prior to the commencement of any work on site.

Reason: To ensure public safety.

41. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
- (a) Unauthorised entry of the work site is prohibited;
 - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
 - (c) The name, address and telephone number of the certifier;
 - (d) The development consent approved construction hours;
 - (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
 - (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

42. Prior to work commencing, adequate toilet facilities are to be provided on the work site.

Reason: To ensure adequate toilet facilities are provided.

43. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:
- (a) Above;
 - (b) Below; or
 - (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works are being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

Note: Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

44. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

Reason: To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

45. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

In addition, no drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

Reason: To protect Council's assets throughout the development process.

46. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. This includes, but is not limited to, the following measures:

- i. A silt curtain
- ii. A minimum 500mm depth of pea gravel above the areas where piles are to be installed.
- iii. A water quality monitoring strategy within the river at the construction site.

In addition, the erosion and sediment control strategy must comply with the recommendations of the report 'Environmental management plan (Final), Homebush bay sediments, dated 06/11/2014, prepared by Thiess'. These measures are to be maintained throughout the entire works.

Reason: To ensure soil and water management controls are in place before site works commence.

47. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:

- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
- (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
- (d) the site is to be maintained clear of weeds; and
- (e) all grassed areas are to be mowed on a monthly basis.

Reason: To ensure public safety and maintenance of the amenity of the surrounding environment.

48. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.

(d) Kerbside restrictions - construction zones:

The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

The application is to be lodged with Council's Customer Service Centre.

Reason: Proper management of public land.

49. Seawall reconstruction works within the site frontage, approved under DA-40/2015 (Auburn Reference), must be completed prior to commencement of foundation works for this development. Notwithstanding, concurrent construction may occur at the interface of the rowing club if necessary for foundations, footings and services.

Reason: To protect the environment.

During Work

50. All work is to comply with the requirements contained within the approved Construction and Environmental Management Plan (CEMP) as approved through Condition 7 of this consent.

Reason: To minimise the impacts of construction on the environment.

51. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

Reason: To ensure compliance with this consent.

52. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

53. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

Reason: To ensure pedestrian access.

54. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Reason: To protect the amenity of the area.

55. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:
- (a) The date and time of the complaint;
 - (b) The means by which the complaint was made;
 - (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
 - (d) Nature of the complaints;
 - (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
 - (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.
- The complaints register must be made available to Council and/or the certifier upon request.
- Reason:** To allow the certifier/Council to respond to concerns raised by the public.
56. Noise emissions and vibration must be minimised, work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.
- Vibration levels resulting from demolition and excavation activities must not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.
- Reason:** To protect the amenity of the area.
57. Works are not to result in sedimentation and/or run-off from the approved works onto the adjoining properties, public lands or the receiving waterway. The person having the benefit of this consent must ensure that sediment within Homebush Bay is not mobilised as a result of construction works.
- Reason:** To ensure no adverse impacts on neighbouring properties or the environment.
58. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.
- Reason:** To protect public safety.
59. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.
- Reason:** To ensure proper management of Council assets.
60. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within the City of Parramatta LGA.
- Reason:** To ensure maintenance of Council's assets.
61. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.
- Reason:** To confirm waste minimisation objectives are met.

62. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
Reason: To prevent pollution of the environment.
63. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.
Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.
64. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.
Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.
65. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and ANZECC standards for water quality.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason: To prevent pollution of waterways.

Prior to the issue of an Occupation Certificate or Occupation whichever occurs first

66. Occupation or use of the building or part of the building is not permitted until an Occupation Certificate has been issued in accordance with Section 6.9 and 6.10 of the Environmental Planning and Assessment Act 1979, or until certification has been provided that all conditions of the consent have been complied with, including the completion of all certified works.
Reason: To comply with legislative requirements of the Environmental Planning and Assessment Act 1979.
67. A detailed **Operational and Environmental Management Plan (OEMP)** is to be prepared and include, but not be limited to, the following:
- The inclusion of management and mitigation measures to ensure risks to future users of the public pontoon are also considered and managed.
 - The undertaking of annual hydrographic surveys of the facility for the first five years following completion of the facility. The survey should also include a water quality and benthic sediment quality and a contamination assessment. The annual assessment must assess for dioxin and DDT contamination, and water quality parameters, to determine the effects of the development compared to baseline (pre-construction) levels. Increased levels of contamination in environmental media sampled or a decrease in water quality must prompt immediate reporting to the NSW EPA and reassessment of management controls. Annual reporting should be submitted to the NSW EPA.
 - Users of the rowing facility should be informed and educated about the contamination issues within Homebush Bay and the requirements to minimise the

remobilisation of sediments and their exposure to sediments. This should include adequately visible and clearly articulated signage visible from the pontoon to alert users before they enter the water.

- Any repairs to the facility undertaken that could disturb the sediment should be done in a manner that ensures minimal disturbance. In addition, the NSW EPA should be notified of any repairs or maintenance work that might disturb sediments.
- The inclusion of a long term environmental management plan.
- The provision of lighting to minimise light spill to waterways
- The development of provisions to ensure that watercraft does not encroach onto restricted “No Go Zones” including Haslams Creek (upstream of Bennelong Road Bridge) and the southern end of Homebush Bay (all waters to the east of Sydney Olympic Park Waterbird Refuge, including Powells Creek)
- Appropriate provision of litter bins

The detailed Operational and Environmental Management Plan (OEMP) is to be reviewed and endorsed by the site auditor. Once endorsed by the site auditor, the OEMP is to be submitted to Council and approved by the NSW EPA before the issue of the Occupation Certificate or occupation of the building, whichever occurs first.

Reason: To ensure mitigation of risks to human health and the environment from remobilisation of contaminated sediments.

68. An easement for the rowing club access and structural encroachments over Council owned property is to be created to the satisfaction of the Manger, Development and Traffic Services. The easement documentation is to be accompanied with a detailed survey indicating the area to be used and details of the structure encroachment/s into this land. The easement is to be registered at the NSW Land Registry Services, with evidence being provided to Council before the occupation of the premises.

Reason: To enable access and structures across Council owned property.

69. Subject to the approval of the Parramatta Traffic Committee under Delegated Authority, the applicant shall submit an application to Council's Service Manager - Traffic and Transport regarding the installation of the parking restrictions on Burroway Road at least 4 months prior to the final occupation of the building as works instruction will need to be forwarded to Council's Trades Supervisor for implementation. The cost of supply and installation of the appropriate signs are to be paid by the applicant at no cost to Council.

Reason: To ensure that appropriate parking is provided before the occupation of the site.

70. Prior to the commencement of trade of the liquor licence, the applicant must provide a Plan of Management for the day to day operations of the premises. The Plan of Management should include but not be limited to the following requirements:

- Hours of operation
- Amenity of neighbourhood
- Noise
- Behaviour of patrons and Responsible Service of Alcohol
- Live Entertainment/Functions management
- Deliveries and waste removal and complaint management
- Maintenance
- House policy
- Staff training
- Security management plan
- Capacity of premises
- Use of levels and courtyards.

The Plan of Management shall be submitted to the approval of the NSW Police and Council.

Reason: To comply with the licensing requirements of the NSW Police.

71. Before the commencement of any use within the premises, details of the proposed signage (in accordance with the relevant signage zones approved within this consent) shall be submitted to, and approved by the Manager, Development & Traffic Services. Details shall include the materials used, signage dimensions, wording and illumination.

Reason: To ensure the signage detail complies with the provisions of State Environmental Planning Policy 64 – Advertising and Signage.

72. The certifier shall be responsible for ensuring the recommendations of the following reports have been incorporated within the design and construction of the development:

Document Report	Date
Geotechnical Report - Project 84357 – Rev 0 - Douglas Partners	23.09.2014
Contamination Management Plan - Reference 21/2310607 – Rev 2 - GHD	12.12.2017
Site Audit Report & Site Audit Statement - 0503-1709 - JBS&G	18.12.2017
Rowing Club - Marine Ecology Environmental Assessment 301015-03538-005 – Rev 4 - Worley Parsons	26.07.2017
Noise Assessment - 47.7090.R1:GA/DT/2017 - Rev 02 - Atkins Acoustics and Associates Pty Ltd	July 2017
Energy Efficiency & Sustainability Concept Report - Revision 2.1 - Norman Disney & Young	26.07.2017
Energy Efficiency & Sustainability Concept Report Revision 2.1 - Norman Disney & Young	26.07.2017
Crime Prevention Through Environmental Design (CPTED) Assessment – 16789 - JBA	25.07.2017

Certification from appropriately qualified consultants shall be submitted to the certifier confirming that all relevant works have been carried out or complied with before the issue of an Occupation Certificate/occupation of the premises.

Reason: To ensure the recommendations of the reports have been implemented within the development.

73. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate or occupation of the premises.

Reason: To ensure appropriate electricity services are provided.

74. A written application to Council's Civil Assets Team for the release of a bond must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued, or occupation of the premises permitted until correspondence has been issued by Council detailing the bond has been released.

Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

75. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure.

The report is to be submitted to the certifier prior to the issue of the occupation certificate/occupation of the premises. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the certifier must compare the post-construction dilapidation report with the pre-construction dilapidation report, and

A copy of this report is to be forwarded to Council.

Reason: To establish any damage caused as a result of the building works.

76. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate/occupation of the premises. The 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 then the "e-developer" icon or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

77. An evacuation report and procedure shall be prepared by an appropriate consulting engineer. This report is to demonstrate how the occupants of the development will egress the site in the early stages of a storm event, together with how they will seek refuge in a peak stormwater event (i.e. first floor of the building etc.). It must also detail measures to be taken by rowing club /RMS staff in the lead-up to inclement weather to secure boats/pontoons, to prevent them from becoming pollutants in the event of a flood. The report shall be submitted to the certifier prior to the issue of the Occupation Certificate/occupation of the premises. A copy of the report shall be forwarded to Council.

Reason: To make property owners/residents aware of the procedure in the case of flood.

78. Prior to an Occupation Certificate being issued or occupation of the premises, Council must be notified that the premises is to be used for the preparation or manufacture of food for sale so that the premises can be registered on Council's food premises licensing database.

Reason: Compliance with the requirements of the Food Act.

79. Adequate ventilation to work areas and other occupied enclosures shall be provided in accordance with the requirements of the Building Code of Australia. Where any system of mechanical ventilation is installed, certification that the system functions in accordance with Australian Standard AS 1668 (Parts 1 & 2) is to be provided to the certifying authority prior to occupation of the premises.

Reason: To comply with the Building Code of Australia and the relevant Australian Standard.

80. Certification to be provided to the certifier, prior to occupation, that the fit-out of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004.

It is incumbent on the certifier to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.

Reason: To ensure construction and fit-out of the premises meets relevant public health standards.

The Use of the Site

81. The use of the building approved under this consent cannot operate until such time as the relevant works under DA-40/2015 (Auburn Reference) and DA/644/2017 associated with the use have been constructed and certified as complete (unless interim facilities are agreed to by Council and provided to support the rowing club). These works include (but are not limited to):

- (a) Remediation, earthworks, seawall construction, promenade construction along Homebush Bay (Lots 203 and 204)
- (b) Burroway Road cul-de-sac including promenade and public domain works
- (c) The construction of the dry boat store carpark and operational facilities for the rowing club.

Reason: To ensure the appropriate timing of works.

82. The following shall apply at all times to the use of the rowing club:

- (a) The use of the Club Restaurant can only be made available to club members and their guests;
- (b) The use of the Club Function Room shall be the subject of an authorisation under s23 of the Registered Clubs Act 1979.

Reason: To ensure compliance with the zoning requirements under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and the approved Concept Plan.

83. The operation of the premises is to comply with the requirements contained within the approved Operational and Environmental Management Plan (OEMP) as approved through Condition 67 of this consent.

Reason: To minimise the impacts of construction on the environment.

84. A closed-circuit television system (CCTV) must be maintained on the premises in accordance with the following requirements:

- (a) The system must record continuously
- (b) Recordings must be in digital format and at a minimum of 15 frames per second
- (c) Any recorded image must specify the time and date of the recorded image
- (d) The system's cameras must cover the following areas:
 - i) All entry and exit points on the premises
 - ii) All publicly accessible areas (other than toilets) on the premises.

The person acting upon this consent must also keep all recordings made by the CCTV system for at least 30 days, and ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.

Reason: To minimise the opportunity for crime to occur and comply with the requirements of the NSW Police.

85. The hours of operation are restricted to:

Activity	Hours of Operation
Boat Shed	5am to 7pm daily
Rigging Deck and Pontoon	A maximum of 2 motorised vessels are permitted on the water before 7am

Public Kayak Launch Area	5am to 10pm daily
Ancillary Restaurant	7am to 10pm daily
Ancillary Club Room (Function Room)	7am to 10pm daily
Ancillary Gym	6am to 10pm daily
Ancillary Café	6am to 10pm daily

Notwithstanding the above, the ancillary restaurant and club room may operate between 7:00am and 12:00 midnight on any day for a trial period of 12 months from the date of an Occupation Certificate/occupation of that part of the premises, whichever occurs first.

A further application may be lodged to continue the extended operating hours outlined above before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions and any substantiated complaints received.

Reason: To protect the amenity of the area.

86. The outdoor terraces shall not be accessed by patrons after 10pm and the doors to the terraces are to be closed from 10pm.

Reason: To protect the amenity of the surrounding neighbourhood.

87. The operation of the premises is to comply with the relevant provisions of the Food Act 2003, Food Regulation 2015 and the Australia New Zealand Food Authority Food Standards Code.

Reason: To ensure operation of the premises complies with the relevant legislation and standards.

88. The use of the premises not giving rise to:

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

89. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.

Reason: To reduce noise levels.

90. There are to be no external speakers at the premises.

Reason: To prevent loss of amenity to the area.

91. Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management/licensee must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the

vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.

Reason: To prevent loss of amenity to the area.

92. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

Reason: To ensure the removal of graffiti.

93. A waste storage room is to be provided on the site (as approved under DA/644/2017) and shall be constructed to comply with the following:

- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- (d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet;
- (e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Reason: To ensure provision of adequate waste storage arrangements.

94. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

Reason: To ensure provision of adequate waste disposal arrangements.

95. All waste storage areas are to be maintained in a clean and tidy condition at all times.

Reason: To ensure the ongoing management of waste storage areas.

96. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

Reason: To ensure waste is adequately stored within the premises.

97. All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.

Reason: To maintain the amenity of the area.

98. Separate waste bins are to be provided on site for recyclable waste.

Reason: To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

99. Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

Reason: To ensure compliance with Sydney Water's requirements and protect the environment.

100. All loading and unloading (excluding rowing boats associated with the rowing club) must take place within the designated loading area within the dry boat store located on the

subject property and wholly within the site at all times in accordance with the terms and conditions of DA/644/2017.

Reason: To protect the amenity of the neighbourhood.

102. The proprietors of the venue shall be responsible at all times for the orderly dispersal of patrons from the venue.

Reason: To protect the amenity of the surrounding neighbourhood.

103. No live music or entertainment shall be provided within the premises.

Reason: To protect the amenity of the surround neighbourhood.

104. Security personnel licensed under the Security Industry Act 1997 shall be engaged by the licensee to patrol the area to ensure that patrons do not cause nuisance, or annoyance to the quiet and good order of the neighbourhood.

Reason: To protect the amenity of the area.

105. Any air conditioner/s must not: (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

- (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
- (ii) before 7.00am and after 10.00pm on any other day.
- (iii) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and
- (iv) above, which exceeds the background (LA90, 15 minute) by more than 5dB(A).
The source noise level must be measured as a LAeq 15 minute.

Reason: To prevent loss of amenity to the area.

106. The supply and/or sale of alcohol is not permitted until consent has been obtained from Office of Liquor Gaming and Racing. Such consent must to be submitted to Council prior to occupation of the premises.

Note: Any licence obtained from the Office of Liquor Gaming and Racing is not to permit takeaway liquor sales or the provision of gaming prior to further approval being obtained from Council.

Reason: To protect the amenity of the area.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

NSW EPA Licensing

The applicant or person acting upon this consent may need to obtain the following licences from the NSW EPA:

- A Scheduled Development Works License under the provisions of the POEO before the commencement of any works in relation to this application
- An Environmental Protection Licence under the provisions of the POEO before the occupation of any building or structure in relation to this application.

It is recommended that you contact the NSW Environment Protection Authority to determine whether the above licences are required.

Sydney Water Requirements

Sydney Water have advised of the following requirements for this development:

Water

- *Our initial strategic investigation shows that there is sufficient capacity in the trunk water system to supply drinking water to the proposed development.*
- *However, the existing 150mm water main on Burroway Road fronting the development site will need to be upsized to a 250mm water main to service the proposed site.*

Wastewater

- *There is no existing wastewater available to service the proposed development.*
- *Servicing the site will depend on the construction and completion of the pressure sewers proposed under Sydney Water cases 145024WW and 152313WW in proximity of the proposed site. Sydney Water gives no assurance of the stratus or timeframe of these works. For more information about these cases, please contact Water Servicing Coordinators: Qalchek Pty Ltd and MGP Building & Infrastructure Service Pty Ltd.*
- *The developer will need to construct a low -pressure wastewater main in Burroway Road connecting abovementioned sewers to service the proposed development.*

This advice is not a formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 certificate.

More information about the Section 73 application process is available on the Sydney Water web page in the Land Development Manual.