

## Report to Sydney Central City Planning Panel

<b>SWCCP reference</b>	2018SWC047
<b>DA No.</b>	DA/875/2017
<b>Date of receipt</b>	09-Oct-2017
<b>Proposal</b>	Section 4.55(1A) modification to amend the approved sea wall design
<b>Street address</b>	7-11 Burroway Road – Wentworth Point
<b>Property Description</b>	Lot 204 in DP 1216628
<b>Applicant</b>	Roads and Maritime Services
<b>Owner</b>	Roads and Maritime Services
<b>Submissions</b>	Nil
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act and Regulations</li> <li>• State Environmental Planning Policy No. 55</li> <li>• NSW Coastal Management SEPP</li> <li>• State Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005</li> <li>• Sydney Regional Environmental Planning Policy No. 24 (Homebush Bay Area)</li> <li>• Auburn Local Environmental Plan 2010</li> <li>• Wentworth Point Precinct DCP 2014</li> </ul>

### 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? **Yes**  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

### 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 (S94EF)? **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* **RMS concurrence provided 17.04.2018**

<b>Recommendation</b>	Approval subject to conditions
<b>Report by</b>	Kate Lafferty, Executive Planner

# ASSESSMENT REPORT – SECTION 4.55 MODIFICATION

## Environmental Planning & Assessment Act 1979

### SUMMARY

#### Application details

DA No:	DA/875/2016
Assessment officer:	Kate Lafferty
Property:	7-11 Burroway Road – Wentworth Point Lots 202-204 in DP 1216628
Proposal:	Section 4.55(1A) modification to amend the approved sea wall design
Date of receipt:	09 October 2017
Applicant:	Roads and Maritime Services
Owner:	Roads and Maritime Services
Submissions received:	Nil
Is the property owned by a Council employee or Councillor:	No
Political donations disclosed:	No
Council application:	No
Issues:	None
Recommendation:	Approval

#### Legislative requirements

Zoning:	B1 Neighbourhood Centre (affected part)  <u>Remainder of Site:</u> R4 High Density Residential RE1 Public Recreation
Permissible under:	Auburn Local Environmental Plan 2010
Relevant legislation/policies:	SEPP No.55 - Remediation of Land SEPP (Infrastructure) 2007 SEPP Coastal Management SREP No. 24 - Homebush Bay Area SREP (Sydney Harbour Catchment) 2005 Auburn Local Environmental Plan 2010

Variations:	Nil
Integrated development:	No
Crown development:	Yes (Roads and Maritime Services)

### **The site**

Site Area:	9131m <sup>2</sup> (entire site)
Easements/rights of way:	There is a 20m wide public access easement along this section of the foreshore
Heritage item:	No
In the vicinity of a heritage item:	No
Heritage conservation area:	No
Site History:	Yes (see "Background" section of this report)

## **SECTION 96 ASSESSMENT**

### **SITE & SURROUNDS**

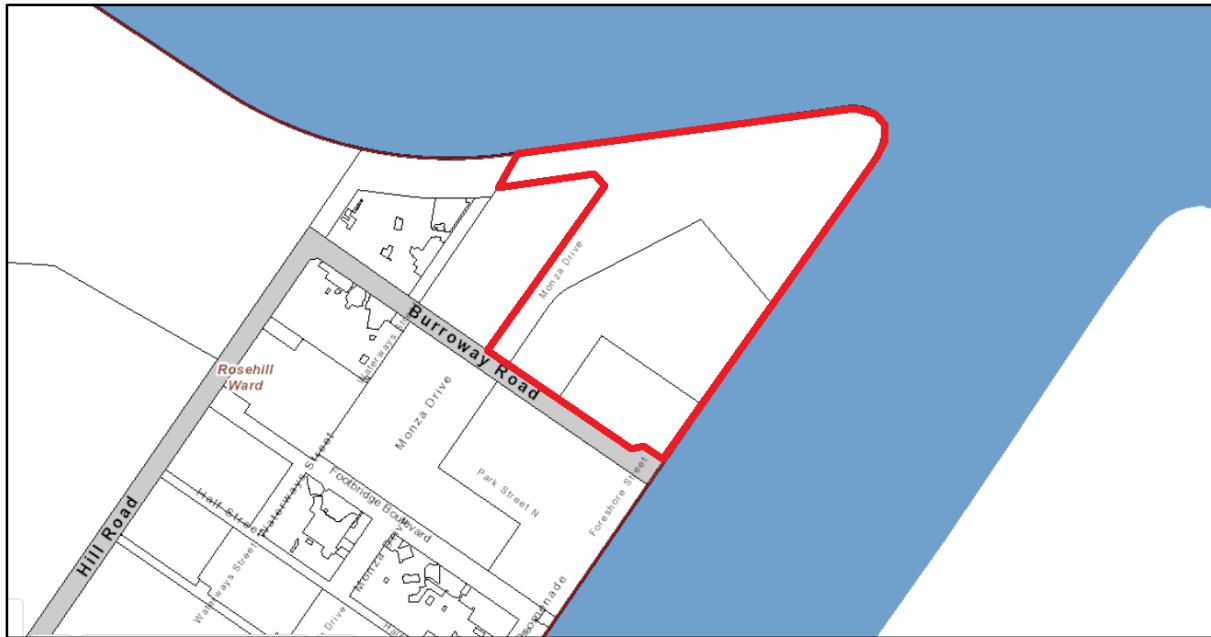
The subject site relevant to this application relates to an area located on the peninsula at Wentworth Point. The subject site adjoins the existing foreshore to the north and east, adjoins the Wentworth Point Primary School to the west and vacant industrial (future mixed use development) to the south along Burroway Road.

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

The site has been recently subdivided into 3 lots, being the following:

Lot 202	Site of future peninsula park to be dedicated to Council
Lot 203	Site of future mixed use development
Lot 204	Site for the future dry boat store and maritime car parking

The entire site remains vacant at this point in time and various applications are currently pending determination for the construction and operation of the rowing club and marina on these sites.



**Location Map**

The following aerial photo indicates the location of the subject site and its relationship to adjoining properties.



**Aerial Photograph**

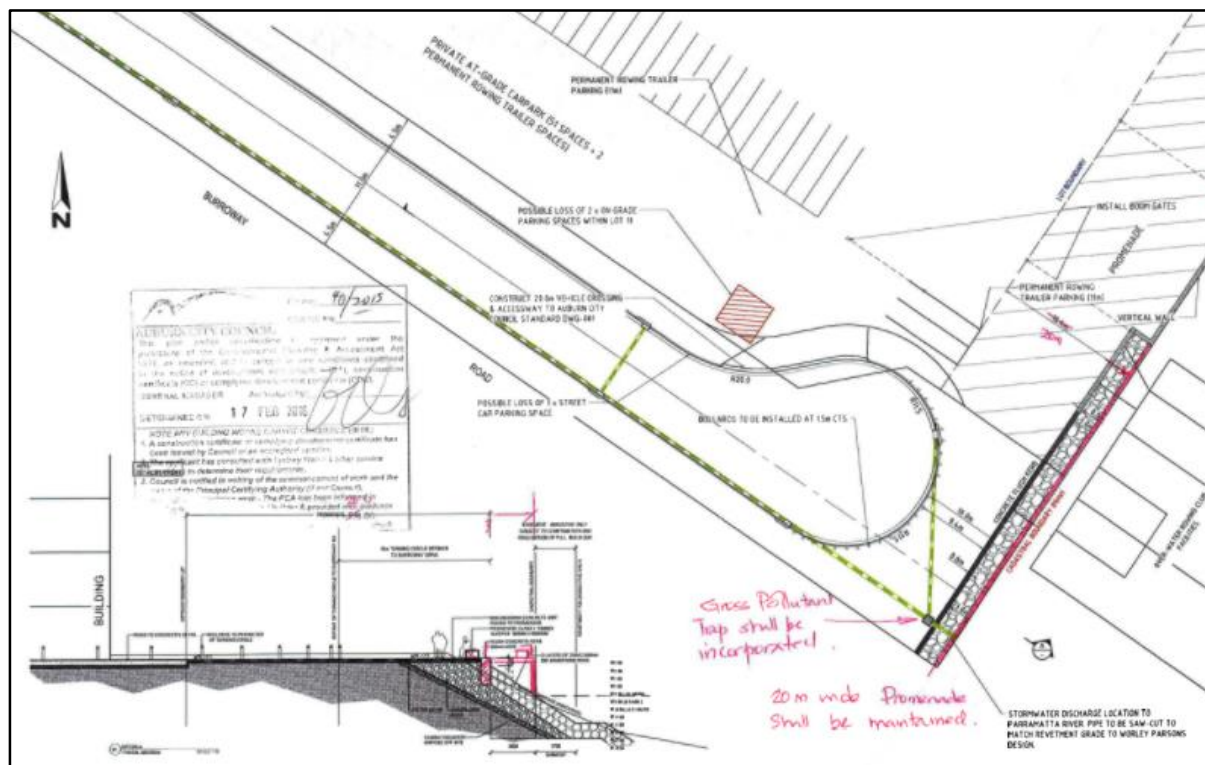
## **BACKGROUND**

### **DA-40/2015 (Auburn Reference)**

The Sydney West JRPP approved the following application on 17 February 2016:

An application for a 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.

As part of the above application, approval was granted for the construction of a new seawall around the site adjoining the foreshore. One of the stamped plans (SK90) contains red mark-up changes requiring the extension of the promenade up to the MHWL indicating the provision of a boardwalk over the water for a length of approximately 50m.



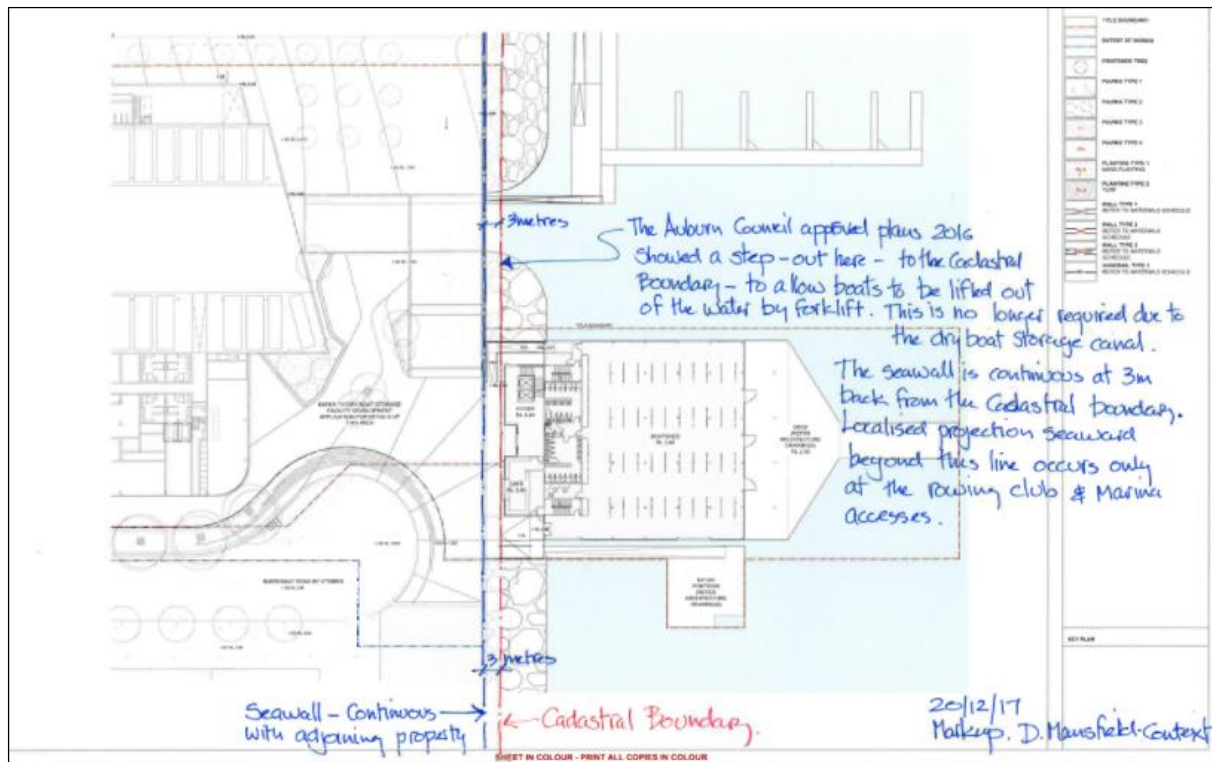
Extract from stamped approved plan (SK90) indicating mark-up boardwalk

## PROPOSED MODIFICATIONS

The application seeks to amend the seawall design in terms of adjusting part of the promenade alignment over the seawall. The proposed modifications to the development consent seek to reverse changes made to the design of the Wentworth Point revetment by the consent authority at the time of approval (Auburn Council). These changes included a requirement for the promenade to extend over the proposed sloping rock seawall which was marked on the Stormwater Discharge Plan (Drawing reference 13308-SK90).

It is also proposed to include the seawall section plan that was omitted from the consent notice.

It is proposed that the original plan be approved without the mark-up on it. It is noted that the plans will still indicate a slight stepping out from the promenade over the seawall in part. A condition of consent will be imposed that now requires the continuous alignment of the seawall along this eastern foreshore promenade. This is a result of much resolution of the seawall and the adjoining promenade along the peninsula since the time of original approval. This is reflected within the following plan provided by the applicant.



Extract of plan indicating proposed alignment of the seawall

## SYDNEY CENTRAL CITY PLANNING PANEL

The development will be determined by the Sydney Central City Planning Panel (SCCPP). The application is a Section 4.55(1A) modification to an original Crown Development with capital investment value exceeding \$5 million.

No briefing meeting was held for this application.

## PERMISSIBILITY

### Auburn Local Environmental Plan 2010

The proposal constitutes ancillary civil works to the maritime precinct activities which are permissible with development consent under Clause 6.10 of the Auburn Local Environmental Plan 2010.

## EXTERNAL REFERRALS

Nil.

## INTERNAL REFERRALS

Nil.

Discussions have been held with Council's Urban Design (Public Domain Team) regarding the consistency of the proposed modifications with the design of the remainder of the peninsula promenade. No objections are raised with the proposed modifications.



## PUBLIC CONSULTATION

In accordance with Auburn Council's notification procedures that are contained in Section 3.0 of Auburn DCP 2010, no notification is required for a Section 4.55(1A) application.

## SECTION 4.55 MATTERS OF CONSIDERATION

**Has the consent lapsed?** No – the consent is due to lapse on 17 February 2021 unless physical commencement has occurred.

### Section 4.55(1A) Modification

#### Minimal Environmental Impact

The proposed modification is of minimal environmental impact as the amendments relate to minor modifications to the alignment of part of a seawall and do not result in any changes to the overall design of the seawall or impacts upon the streetscape or adjoining properties.

#### Substantially the same development

The proposed development to be modified is considered to be substantially the same development as to that which the original development consent relates as the minor amendments do not change the nature, or radically transform the original approval, being civil works and subdivision.

#### Notification & Submissions

In accordance with Auburn Council's notification procedures that are contained in Section 3.0 of Auburn DCP 2010, no notification is required for a Section 4.55(1A) application.

#### Section 79C Assessment

The proposed modifications have been assessed in accordance with the relevant matters for consideration under Section 79C of the EP&A Act, 1979. This assessment includes the following matters.

Matter for Consideration	Comment
SEPP No.55 - Remediation of Land	The provisions of the SEPP have been considered in the assessment of the original development application. There are no further considerations required for this application.
SEPP (Infrastructure) 2007	The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application. The proposed modifications do not trigger any written referrals to external agencies.
SEPP Coastal Management	The proposed modifications are consistent with the requirements of the SEPP in that: <ul style="list-style-type: none"><li>the proposed development will not adversely impact upon the coastal environment</li><li>the proposed development maintains public access, minimises impacts to the public domain, and does not adversely impact on the visual and scenic qualities of the coast, Aboriginal places or surf zones</li><li>is not likely to cause increased risk of coastal hazards and is not currently subject to a coastal management program or coastal zone management plan</li></ul>

SREP No. 24 - Homebush Bay Area	The proposed development is consistent with the aims and objectives of this plan.
SREP (Sydney Harbour Catchment) 2005	The proposed development raises no issues as no impact on the catchment is envisaged.
Auburn Local Environmental Plan 2010	There are limited relevant matters to be considered under the LEP for the proposed modifications. All matters were addressed at the original assessment and the minor adjustment of the promenade alignment will have no significant impacts.
Wentworth Point Precinct DCP 2014	<p>Section 3.4 of the Wentworth Point DCP requires the provision of a continuous area of open space (typically 20m wide) along the eastern foreshore. Reverting back to the original design of the promenade width will result in this part of the eastern side of the promenade being reduced by approximately 3m, yet consistent with the remaining promenade along the foreshore.</p> <p>The overall width of the walkable, public area along the foreshore will remain consistent with the DCP control of providing a foreshore path of approximately 20m wide. This is due to the maritime plaza and Dry Boat Storage (subject to a concurrent DA) providing an increased eastern setback, comprising landscaped public open space which has been designed to integrate with the design of the promenade walkway. It is noted that the dimension of the south eastern corner of the proposed Dry Boat Storage to the edge of the promenade is approximately 25.7m which is its narrowest point. This dimension increases to approximately 35m at the north eastern corner of the building before further opening up to the maritime plaza. Accordingly, the amount of usable open space between the foreshore and built form is in excess of 20m and therefore the objective of the control is achieved.</p>

## **DEVELOPMENT CONTRIBUTIONS**

No development contributions were imposed on the approval of the original consent. The proposed modification does not trigger the requirement for the payment of any contributions under the Auburn Section 94 Contributions Plan.

## **Conclusion**

After consideration of the development against the relevant statutory and policy provisions, the proposed modification to the approved civil works is acceptable and is not contrary to the public interest. Therefore, it is recommended that the application be approved.

## **Recommendation**

## **Approval**

That the Sydney Central City Planning Panel as the consent authority, modify development consent to Development Application No. DA-40/2015 (Auburn Council Reference) for the modification of the approved infrastructure works at 7-11 Burroway Road, Wentworth Point as shown on the plans submitted with the modification of



determination, for a period of five (5) years from the date on the **original** Notice of Determination for physical commencement to occur subject to the following modifications:

**A. CONDITION 1 being modified to read as follows:**

**1. Approved Plans**

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

<b>Plan Number</b>	<b>Prepared By</b>	<b>Revision No.</b>	<b>Dated</b>
14082 SK012 GFA Allocation Burroway Road (including amendments in red)	Conybeare Morrison International P/L	03	Feb 2016
Plan of subdivision X13308SK91	Calibre Consulting	-	2.2.2016
DA 001 Standard notes & legend	Brown Smart Consulting	6	30.01.15
DA 002 General layout plan (extent of works)	Brown Smart Consulting	6	30.01.15
DA 003 Demolition plan	Brown Smart Consulting	6	30.01.15
DA 101 Road bulk earthworks plan Sheet 01/02	Brown Smart Consulting	6	30.01.15
DA 102 Road bulk earthworks plan Sheet 02/02	Brown Smart Consulting	6	30.01.15
DA 103 Vehicle turn paths	Brown Smart Consulting	6	30.01.15
DA 105 Bulk earthworks levels – Burroway Road parcel	Brown Smart Consulting	6	30.01.15
DA 201 Longitudinal sections – Burroway Rd extension/Circuit Rd North	Brown Smart Consulting	6	30.01.15
DA 202 Longitudinal sections – Ridge Road	Brown Smart Consulting	6	30.01.15
DA 203 Longitudinal sections – Circuit Road South	Brown Smart Consulting	6	30.01.15
DA 204 Typical Road Cross sections	Brown Smart Consulting	6	30.01.15
DA 502 Developed catchment plan	Brown Smart Consulting	6	30.01.15
DA 503 Preliminary drainage layout	Brown Smart Consulting	6	30.01.15
DA 601 Site sections – sheet 01/02	Brown Smart Consulting	6	30.01.15

DA 602 Site sections – sheet 02/02	Brown Smart Consulting	6	30.01.15
DA 702 Proposed potable water services	Brown Smart Consulting	6	30.01.15
DA 703 Proposed pressure sewer	Brown Smart Consulting	6	30.01.15
DA 704 Proposed communications	Brown Smart Consulting	6	30.01.15
DA 705 Proposed electricity	Brown Smart Consulting	6	30.01.15
DA 706 Proposed gas	Brown Smart Consulting	6	30.01.15
DA 707 Sediment & erosion control plan	Brown Smart Consulting	6	30.01.15
DA 708 Sediment & erosion control notes & details	Brown Smart Consulting	6	30.01.15
<b>SK70A</b>	<b>Calibre Consulting</b>	<b>5</b>	<b>12.10.15</b>
<b>SK90</b>	<b>Calibre Consulting</b>	<b>00</b>	<b>02.12.15</b>
13506_L_1000 Park master plan	Context	0	24.10.14
13506_L_1001 Tree removal plan	Context	1	03.11.14
13506_L_1001 Open space activities	Context	0	24.10.14
13506_L_1002 Lighting strategy	Context	0	24.10.14
13506_PD_L_1003 Street tree planting	Context	0	24.10.14
13506_PD_L_2000 Typical street plan/sections	Context	0	24.10.14
13506_L_2000 Indicative park cross sections	Context	0	24.10.14
13506_L_2001 Indicative park cross sections	Context	0	24.10.14
13506_L_2002 Indicative park cross sections	Context	0	24.10.14
13506_L_3000 Promenade section - 01	Context	0	24.10.14
13506_L_3000 Revetment type 1 section - 02	Context	0	24.10.14
13506_L_3001 Detailed sections 3	Context	0	24.10.14
Materials Palette	Context	0	24.10.14
Planting Palette	Context	0	24.10.14
<b>Wentworth Point Seawall General Layout Plan (005)</b>	<b>Worley Parsons</b>	<b>B</b>	<b>12.06.14</b>
<b>Wentworth Point Seawall Typical Sections (0010)</b>	<b>Worley Parsons</b>	<b>B</b>	<b>12.06.14</b>

<b>Public Domain Alignment Plan L-1001 (Seawall Alignment Only – Markup by D. Mansfield. Context dated 20.12.2017)</b>	<b>Context</b>	<b>B</b>	<b>24.10.17</b>
Detailed Remediation Action Plan – Infrastructure delivery 2207004B-ES-REP-001	Parsons Brinckerhoff	C	09.01.15

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

Reason:- to confirm and clarify the terms of Council's approval.  
**[Condition modified under DA/875/2017]**

**B. CONDITION 43 being amended to read as follows:**

**43. Sea wall construction**

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

- Prior to commencement of any works the detailed sea wall design shall be submitted to the City of Parramatta Council for approval.
  - **The seawall along the eastern boundary adjoining the promenade is to be designed in a continuous alignment in accordance with the Public Domain Alignment Plan L-1001 – Markup by D. Mansfield (Context) dated 20.12.2017 and is to align with the approved seawall on the adjoining southern property at 16 Burroway Road, Wentworth Point. The alignment is to match in terms of location and top of seawall levels as shown on development consent DA/674/2016, plan reference 20140163 Drawing DA102 Revision E dated 06.10.2017 prepared by Scott Carver.**
  - The sea wall design shall be 50 years life span.
  - The sea wall construction shall be completed in accordance with the approved plans and the terms of this consent prior to the dedication of the Peninsula Park to Council.
  - All associated inspections shall be carried out by Auburn City Council.
- All associated cost shall be borne by the applicant.

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

**[Condition modified under DA/875/2017]**