Applicant	The University of Notre Dame Australia C/-Townstaff Projects
Owner	Health Administration Corporation
Application No.	DA-485/2010
Description of Land	Lot D & E, DP 420405, 88-90 Water Street, AUBURN
Proposed Development	Construction of a four (4) storey building for use as a medical training and research facility with associated site works (Crown Development)
Site Area	923.00 sqm
Zoning	R3 - Medium Density Residential Zone
Disclosure of political	Nil disclosure
donations and gifts	
Issues	Lack of parking to accommodate the proposed development.

Recommendation

1. That the application for the construction of a four (4) storey building for use as a medical training and research facility with associated site works by The University of Notre Dame (Crown DA) on land at 88-90 Water Street, Auburn be refused for the reasons attached to this report.

Consultations

25 June 2010

A Pre-lodgement application (PL-17/2010) was first lodged with Council on the 25 June 2010 proposing a four (4) storey medical training facility. A subsequent meeting was held with the applicant on 20 July 2010 to discuss the proposal. The minutes of the pre-lodgement advice raised various matters of concern, particularly in relation to the following:

- Parking, access arrangements, traffic
- Development categorisation and permissibility;
- Bulk, scale, height and sitting in respect of the residential context;
- Site contamination and remediation.
- Storage of potentially hazardous materials
- Referral requirements to other Government departments
- Stormwater drainage;
- Council's Development Contributions Plan 2007.

2 December 2010

The subject development application (DA-485/2010) was formally lodged with Council on 2 December 2010. Following a detailed assessment of the development proposal against relevant planning controls, a number of issues were identified as being of concern including a lack on site car-parking.

It is noted that the initial pre-lodgement application included that provisions of 12 parking spaces within the lower ground level of the building, whilst the current proposal the subject of this report, provides for no staff, student or visitor parking.

27 January 2011

Council advised the applicant of the above concerns by letter dated 27 January 2011.

2 February 2011

A meeting was held on the 2 February 2011 with Council officers at the request of the applicant, to discuss the issues associated with the proposal. Council received a formal response from the applicant with regard to the issues raised in Council's letter via email on the 9 February 2011.

10 February 2011

A briefing for the development application was held on the 10 February 2011 with representatives of the Joint Regional Planning Panel (JRPP) in relation the potential issues of the proposed development.

4 March 2011

A final assessment of the application including the additional information provided by the applicant was completed by Council staff. In view of the parking deficiency associated with the development proposal, Council advised the applicant by letter dated 4 April 2011 of the intention to report the application to the JRPP with a recommendation for refusal.

27 April 2011

Council Staff finalised the information report to Council. The report was subsequently scheduled for publishing in the Business Paper and was made available to the public on Council's website on 6 May 2011.

10 May 2011

Further information was submitted by the applicant in response to Council's Information report. Council's staff reviewed the additional information and this has been incorporated within the subejct report.

Site and Locality Description

The subject site is legally described as Lots D & E in DP 420405 and is known as no. 88-90 Water Street, Auburn. It is located on the eastern corner of Water Street and Hargrave Road. The lots are rectangular in shape and have dimensions of 25.03 metres to 26.60 metres in width by 33.26 metres to 34.74 metres in depth, thus creating a total combined area of 923 square metres.

The development site is currently vacant with sparse remnant vegetation located on the site's western boundary. The land has a gentle slope from the north western direction to the south eastern direction, with a level change of approximately 3.2 metres over the entire site.

Surrounding developments located in the immediate vicinity consists predominantly of low to medium density residential developments of varying scale, age and style. Directly to the north of the development site is the recently re-developed Auburn Hospital which dominates the local built form. To the east of the subject site is the ancillary medical uses which forms part of the Auburn Hospital. Directly to the west of the subject site is the Auburn School

Dental Clinic and other medical uses associated with Auburn Hospital and to the south of the site, sit three residential dwellings of varying size and scale.

The site is identified on the map below:



Description of Proposed Development

Council has received a development application seeking approval to develop:

- A four storey medical teaching and research facility (including lower ground level), with a total gross floor area of 2133 square metres for students of University of Notre Dame Australia (UNDA),
- Provision of student facilities including tutorial rooms, study area, a lecture theatre, common room, break out space and wet and dry laboratories;
- Consultation and examination rooms;
- Three bedrooms with ensuite bathrooms providing short stay, on-site accommodation for students and visiting lecturers;
- Provision of staff facilities including offices and tea rooms;
- Reception and waiting areas for patients;
- Parking for two ambulances and two paramedical vehicles in the basement parking area:
- Facilities for ambulance staff in the lower ground level which includes bicycle parking facilities:
- Zones for building identification signage;
- Landscaping and associated site infrastructure works

The proposed development is to function as a clinical training and medical research facility for students of the UNDA and is said to operate in partnership with the Auburn Hospital,

providing medical students from UNDA Medical School with the opportunity to work in the Hospital as interns.

The applicant states that the new facility is proposed to accommodate approximately 26 to 30 students and up to 10 staff members. Classes held within the facility will be held on weekdays during normal business hours. Clinical consultation rooms will provide practical training to students, enabling them to observe consultation and examination procedures being performed by qualified practitioners, on patients referred from the Hospital. The applicant states that consultations are proposed to be carried out on an appointment basis, with approximately 10 consults expected per month.

Patients will be able to access the building between the hours of 8:30am to 4:00pm Monday to Friday and the lifts will only enable public access to the first floor, with access to other parts to the building being restricted by swipe cards.

The application also seeks approval for signage zones for the purposes of building identification and signage directory/way finding signage. The details of the proposed signage including size, dimensions, wording, materials etc, are to form part of a separate Development Application to Council.

Four signage zones plus an additional zone for Ambulance signage are proposed to be located on the following elevations of the building:-

- One main sign is to be located on the southern elevation of the building facing Water Street:
- One smaller sign is to be located on the pedestrian ramp on the western elevation facing Hargrave Road;
- Two smaller signs are to be located in the entry lobby of the medical training facility, on the building's Hargrave Road frontage; and,
- Ambulance signage to be located in the south western corner of the site, on the stair case which leads up from the Ambulance area on the Lower Ground Floor to Hargrave Street.

Crown Development

Crown Development

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

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

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

and,

A reference in this Division to the Crown:

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

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

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

(c) an Australian university within the meaning of the Higher Education Act 2001

It is noted that Schedule 1 of the Higher Education Act 2001 specifically recognises the University of Notre Dame. As a consequence, the subject development application constitutes a "Crown" development proposal.

<u>Determination of Crown development applications</u>

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

Referrals

Internal Referrals

Development Engineer

The development application was referred Council's Development Engineer in relation to stormwater drainage, car parking and access arrangements.

In response to design plans and supporting information initially lodged with the development application, concern was raised as to the lack of on-site car parking proposed for the development. It was also advised that insufficient information regarding the current activities was submitted with the application to demonstrate that a concession for parking numbers could be considered for the development. Concerns were also raised with regard to the dependence on street parking, particularly in view of the very high parking demands in the immediate locality; especially within the existing restricted 2 hour time limited areas. It was therefore concluded that any proposal without the adequate parking facility for visitors within the premises would have an adverse impact on the surrounding residential areas.

Further concerns were raised with regard to the proposed facility being able to potentially accommodate a far greater number of students and staff than that indicated by the applicant. In this regard, it was noted that the proposed facility consists of a lecture theatre with a capacity of 73 seats, tutorial room with 48 seats, study carrels with 24 seats and a number of wet and dry laboratories.

The proposed vehicular access ramp and driveway grades were also identified as not complying with the Australian Standards AS2890.1.

The applicant submitted additional information on the 10 February 2011 in response to the above issues and also included supplementary Traffic advice.

In response to the further information provided by the applicant, Council's Development Engineer acknowledged that the proposed training facility would be substantially replacing activities which currently occur in a dispersed manner throughout Auburn Hospital. However, the lack of parking associated with the proposed facility was not acceptable due to the intensification of the land use, the substantial increase in floor area and the potential capacity of the facility to operate at a far higher capacity than that which had been indicated by the applicant.

Further additional information was submitted by the applicant on the 10 May 2011 following Council's recommendation for refusal to the JRPP. The information was reviewed by Council's Development Engineer with regard to the measures proposed to mitigate parking impacts; by way of leasing 7-12 parking spaces from the Auburn Hospital Carpark and providing a 50% public transport subsidy for students/staff. The following advice provided by Council's Development Engineer on the 16 May 2011 indicated that:

- a) The leasing of 7-12 parking spaces are inadequate for the development, as the proposal requires a minimum of 29 spaces; as outlined in the compliance table for the Parking and Loading chapter of the Auburn DCP 2010. Council's Officer is of the opinion that any compromise on parking spaces will have an adverse impact on available street parking in the surrounding residential area.
- b) As discussed previously and throughout the report, in accordance with Council's DCP requirements for Parking and Loading, if there is an increase in floor area or intensification of the use of the existing floor area, adequate parking shall be provided in order to minimise adverse impacts on surrounding streets. Also, the proposed development is a self contained educational facility that has the potential to operate as a separate entity on its own within the subject site and it is considered that approval of such a facility without the proper parking facility within the site will have adverse impact on the surrounding residence in terms of parking.
- c) Subsidies cannot be considered in lieu of shortfalls for parking spaces due to reasons including:
 - Council has no control over future subsidy arrangements within the development;
 - Use of the subsidy among the students and staff and the impact on parking cannot be quantified with certainty;
 - Any future change of use of the building will be severely restricted, if reduced parking for the facility is considered.

In view of the above, Council's Engineering Unit contends that the proposed development, even with the proposed measures to mitigate parking impacts; provides insufficient on-site car parking and the likely impacts on the local traffic network and adjoining residential areas are unacceptable in this instance.

<u>Transportation and Traffic Officer</u>

The development application was referred to Council's Transportation and Traffic Officer for comment. The advice provided indicated that Council has received several complaints pertaining to patient visitors parking in the residential streets even though hospital parking is available. Complaints received by residents in the area have advised that the hospital car park facility is underutilised due to the pay parking arrangement within the hospital parking facility.

Environmental Health

The development application was referred to Council's Environmental Health Officer and the comments provided in the referral generally raised no objections to the proposed development subject to recommended conditions of consent.

Fire Safety Officer

The development application was referred to Council's Fire Safety Officer and the comments provided in the referral generally raised no objections to the proposed development subject to recommended conditions of consent.

Building Surveyor

The development application was referred to Council's Building Officer and the comments provided in the referral generally raised no objections to the proposed development subject to recommended conditions of consent.

External Referrals

The development application was not required to be referred to any external bodies or approval agencies. (Refer to comments under SEPP (Infrastructure) 2007).

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

State Environmental Planning Policies

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

The requirement at clause 7 of SEPP No. 55 for Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development has been considered in the following table:

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	Yes No
In the development going to be used for a sensitive land use (eg: residential, educational, recreational, childcare or hospital)?	Yes No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	Yes No
Is the site listed on Council's Contaminated Land database?	Yes No
Is the site subject to EPA clean-up order or other EPA restrictions?	Yes No
Has the site been the subject of known pollution incidents or illegal dumping?	☐ Yes ☑ No
Does the site adjoin any contaminated land/previously contaminated land?	Yes No
Details of contamination investigations carried out at the site:	
A Preliminary Environmental Site Assessment Report, Ref ES3353/2, prepared by Aargus Australia, of submitted with the application	dated May 2010 was

Matter for Consideration	Yes/No
The report concluded that "based on the results of the investigation, it is considered that the risks to he environment associated with soil contamination at the site are low in the context of the proposed use research and educational facility. The site is therefore considered to be suitable for the proposed use.	of the site as a
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	∑ Yes ☐ No

In view of the above, the site is considered to be suitable to accommodate the proposed development from a land contamination perspective.

(b) State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2008, outlines a list of specific criteria for traffic generating developments requiring referral to be made to the Roads and Traffic Authority of NSW. It is noted that a "hospital" with 200 or more beds and "educational establishments" with 50 or more students, are both required to be referred to the RTA. The proposed use, although classified as a hospital under clause 57 of the SEPP (Infrastructure), does not contain any patient beds. The application was therefore not referred to RTA on these grounds.

The potential "educational establishment" trigger of the SEPP was specifically raised with the applicant. In response, the applicant indicated to Council that the development would not accommodate more than 50 students and as such referral to the RTA was not required. Accordingly, that applicant also did not submit a concurrence referral fee to Council in favour of the RTA and the application was not referred to the RTA for comment.

(c) State Environmental Planning Policy no. 64 (Advertising and Signage)

The proposal includes signage zones for the purposes of building identification and signage directory/way finding signage. The details of the proposed signage including size, dimensions, wording, materials etc, are to form part of a separate Development Application to Council.

(d) Other State Environmental Planning Policies and Regional Environmental Planning Policies

SEPP/REP	Applicable	SEPP/REP	Applicable	SEPP/REP	Applicable
SEPP 1 – Development Standards	□Y ⊠N	SEPP 4 — Development Without Consent and Miscellaneous Complying Development	□Y ⊠N	SEPP 6 – No. of Storeys in a Building	∏Y ⊠N
SEPP 19 – Bushland in Urban Areas	∏Y ⊠N	SEPP 33 – Hazardous & Offensive Development	□Y ⊠N	SEPP 53 – Metro Res. Development	□Y ⊠N
SEPP 55 – Remediation of Land	⊠Y □N	SEPP 64 – Advertising & Signage	□Y ⊠N	SEPP 65 – Design Quality of Residential Flat Development	□Y ⊠N
SEPP (Housing for Seniors & people with	□Y ⊠N	SEPP (Building Sustainability Index:	□Y ⊠N	SEPP (Major Projects) 2005	⊠Y □N

a Disability) 2004		BASIX) 2004			
Sydney REP (Sydney Harbour Catchment) 2005	⊠Y □N	SEPP (Temporary Structures & Places of Public Entertainment)	∏Y ⊠N	SEPP (Infrastructure) 2007	⊠Y □N
SEPP (Affordable Rental Housing) 2009	∏Y ⊠N	SEPP (Exempt and Complying Development Codes) 2008	∏Y ⊠N	REP No. 24 – Homebush Bay Area	∏Y ⊠N

Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the area within the Sydney Harbour Catchment and SREP (Sydney Harbour Catchment) 2005 is applicable to the development application. The development application raises no issues in terms of consistency with the requirements and objectives of this planning instrument or the associated Development Control Plan.

Local Environmental Plans

Auburn Local Environmental Plan 2010

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

Clause	Yes	No	N/A	Comment
Part 1 Preliminary				
1.2 Aims of Plan				
(1) This Plan aims to make local environmental planning provisions for land in Auburn in accordance with the relevant standard environmental planning instrument under section 33A of the Act.				
 (2) The particular aims of this Plan are as follows: (a) to establish planning standards that are clear, specific and flexible in their application, (b) to foster integrated, sustainable development that contributes to Auburn's environmental, social and physical well-being, (c) to protect areas from inappropriate development, (d) to minimise risk to the community by restricting development in sensitive areas, (e) to integrate principles of ecologically sustainable development into land use controls, (f) to protect, maintain and enhance the natural ecosystems, including watercourses, wetlands and riparian land, (g) to facilitate economic growth and employment opportunities within Auburn, (h) to identify and conserve the natural, built and cultural heritage, (i) to provide recreational land, community facilities and land for public purposes. 				Provision 1.2(2)(c) of the Auburn LEP 2010 aims to protect areas from inappropriate development. Whilst the subject development proposal is considered to be generally appropriate for the site and locality in terms of its operational nature and built form, the building incorporates insufficient on-site car parking. To this extent only, Council officers consider the development is inappropriate for the area and therefore contrary to this specific aim of the Auburn LEP 2010. Full details relating to car parking deficiencies are detailed later within this report.
1.9 Application of SEPPs and REPs				
(1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.				
(2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies:				It is noted that the Auburn LEP 2010 repeals State Environmental Planning Policy No 1, to the extent that it pertains to land to which the LEP applies. The development proposal seeks to vary a number of development standards and the application is appropriately supported
State Environmental Planning Policy No 1— Development Standards				by a submission addressing the variation to standards provisions under the Auburn LEP 2010.
State Environmental Planning Policy No 4— Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6, clause 10 and Parts 3 and 4)				

Cla	ause	Yes	No	N/A	Comment
	te Environmental Planning Policy No 60— mpt and Complying Development				
	Iney Regional Environmental Plan No -Homebush Bay Area				
1.9/	A Suspension of covenants, agreements and instruments				
(1)	For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.				
(2)	This clause does not apply: (a) to a covenant imposed by the Council or that the Council requires to be imposed, or				
	(b) to any prescribed instrument within the meaning of section 183A of the <i>Crown Lands Act 1989</i> , or			\boxtimes	
	(c) to any conservation agreement within the meaning of the <i>National Parks</i> and <i>Wildlife Act 1974</i> , or			\boxtimes	
	(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or			\boxtimes	
	(e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or			\boxtimes	
	(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or				
	(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.				
(3)	This clause does not affect the rights or interests of any public authority under any registered instrument.				
(4)	Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).				

Clause	Yes	No	N/A	Comment
Part 2 Permitted or prohibited de	velopr	nent	I	
Zone R3 Medium Density Residential				
Objectives of zone To provide for the housing needs of the community within a medium density residential environment.			\boxtimes	
To provide a variety of housing types within a medium density residential environment.				
To enable other land uses that provide facilities or services to meet the day to day needs of residents.				
2 Permitted without consent				
Nil				
3 Permitted with consent				
Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Roads; Semi-detached dwellings; Seniors housing; Any other development not specified in item 2 or 4				The proposed development is considered to fall within the definition of a health service facility, where SEPP (Infrastructure) 2007 establishes the permissibility within the subject R3 zone. Health services facility means: a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the
4 Prohibited				prevention of disease in or treatment of injury to persons, and includes the following:
Agriculture; Air transport facilities; Amusement centres; Boat repair facilities; Boat sheds; Bulky goods premises; Business premises; Canal estate developments; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Landscape and garden supplies; Marinas; Mining; Moorings; Mortuaries; Office premises; Passenger transport facilities; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Rural supplies; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport				a) day surgeries and medical centres, b) community health service facilities, c) health consulting rooms, d) facilities for the transport of patients, including helipads and ambulance facilities, e) hospitals More specifically, the applicant contends that the proposed development is defined as a hospital in relation to subclauses (a), (b), (e), (f) and (g) of the definition below, which stipulates that a hospital includes facilities that are used for educational or research purposes, and do not necessarily have to be for the purposes of hospital staff. This also includes the minor component of the proposed short stay accommodation for medical students/interns, hospital staff/visiting lecturers on site where it is ancillary to the proposed research and education development on the site. A Hospital means: a building or place used for
depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Waste or				the purpose of providing professional health care services (such as preventative convalescent care, diagnosis, medical or

Clause	Yes	No	N/A	Comment
resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies				surgical treatment, psychiatric care or cared for people with disabilities, or counselling services provided by health care professionals) to people admitted as inpatients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following: a) day surgery, day procedures or health consulting rooms, b) accommodation for nurses or other health care workers, c) accommodation for persons receiving health care of or for their visitors, d) shops and refreshment rooms, e) transport of patients, including helipads, ambulance facilities and car parking,
				f) educational purposes or any other related use,
				g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
				h) <i>chapels,</i>
				i) hospices,
				j) mortuaries.

Clau	use	Yes	No	N/A	Comment
Par	t 3 Exempt and complying develo	pment			
This	part is not relevant as the development	is not ex	empt or	complyi	ng development.
Par	t 4 Principal development stand	ards		Τ	
4.1 N	linimum subdivision lot size				
(1)	The objectives of this clause are as follows:				
	(a) to ensure that lot sizes are able to accommodate development consistent with relevant development controls, and				In accordance with the Lot Size Map LSZ_003, there is no minimum lot size that applies to the subject site.
	(b) to ensure that subdivision of land is capable of supporting a range of development types.				This is an existing lot and no subdivision is proposed.
(2)	This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.				
(3)	The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.				
(3A)	Despite subclause (3), the minimum lot size for dwelling houses is 450 square metres.				
(3B)	Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle.				
(3C)	Despite subclauses (3)–(3B), the minimum lot size for development on land within the Former Lidcombe Hospital Site, as shown edged blue on the Lot Size Map, is as follows in relation to development for the purpose of:				
	(a) dwelling houses:				
	(i) 350 square metres, or				
	(ii) if a garage will be accessed from the rear of the property – 290 square metres, or				
	(iii) if the dwelling house will be on a zero lot line – 270 square metres,				
	(b) semi-detached dwellings – 270 square metres,				
	© multi dwelling housing – 170 square metres for each dwelling,				

Cla	use	Yes	No	N/A	Comment
(4)	 (d) attached dwellings – 170 square metres. This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme. 			\boxtimes	
	Rural subdivision Applicable.				
4.3	Height of buildings				
(1)	The objectives of this clause are as follows: (a) to establish a maximum building height to enable appropriate				In accordance with the Height of Buildings Map HOB_003, the maximum building height permitted across the whole site is 9 metres.
	development density to be achieved, and (b) to ensure that the height of buildings is compatible with the character of the locality				
(2)	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.				The proposed facility has a maximum height of 18.45m, which exceeds the maximum height limit by 9.45m.
(2A)	Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is:				A detailed submission has been provided by the applicant seeking a variation to this development standard and is discussed in further detail under clause 4.6 of the ALEP
	(a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres,				2010.
	(b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map—14 metres.				
4.4	Floor space ratio				In accordance with the Floor Space Ratio
(1)	The objectives of this clause are as follows:				Map FSR_003, the maximum FSR permitted across the whole site is 0.75:1.
(f)	To establish a maximum floor space ratio to enable appropriate development density to be achieved, and				The applicant has taken the entire hospital site area plus the area of the subject lots to be developed (18,573 sqm + 923 sqm), to calculate the overall FSR for the
(g)	To ensure that development intensity reflects its locality.				development which the applicant claims is 1.57:1.
(2)	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.				A detailed submission has been provided by the applicant seeking a variation to this development standard and this is discussed in further detail under clause 4.6
(2A)	Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged				of the ALEP 2010. It should be noted however, that the applicant's method of calculating FSR is inconsistent with the rules of calculating FSR under clause 4.5 of the ALEP 2010. This is discussed in further detail below.

Clause	Yes	No	N/A	Comment
black on the Floor Space Ratio Map, is as follows:				
(a) for sites less than 1,300 square metres—0.75:1,				
(b) for sites that are 1,300 square metres or greater but less than 1,800 square				
metres—0.80:1, (c) for sites that are 1,800 square metres				
or greater—0.85:1. (2B) Despite subclause (2), the maximum				
floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows:]			
(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and				
(b) 3:1 for office premises and hotel or motel accommodation.				
(2C) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Floor Space Ratio Map, is as follows:				
(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and				
(b) 2:1 for office premises and hotel or motel accommodation.				

Cla	use	Yes	No	N/A	Comment
area (1)	Objectives Objectives Objectives of this clause are as follows: to define <i>floor space ratio</i> , to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:				According to the applicant's calculation, FSR is proposed at 1.57:1 across the whole hospital site including the subject lots. In accordance with the rules for calculating FSR under this clause, only the area of the subject lots for which the proposed development is to be carried out on those lots; can be included when calculating FSR. In this case, only the subject lots to be developed which comprise a combined area of 923 sqm can be used as site area.
	(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and				Therefore, as per the rules of subclauses (1),(2),(3) and (6), the applicant's method of calculation is inconsistent with the objectives and requirements of this clause;
	(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another				as the existing hospital site which comprises of 18,573 sqm should be excluded from the site area when calculating FSR for the development.
	building, and (iii) require community land and public places to be dealt with separately.				In this regard, the proposed FSR calculated in accordance with the rules of this clause should therefore be 2.31:1 as shown below:
(2)	Definition of "floor space ratio"				Gross Floor Area (GFA) of proposed facility = 2133 sqm
the	The <i>floor space ratio</i> of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.				Site Area (Development site) = 923 sqm
(3)	Site area				FSR = 2133/923 = 2.31:1
deve	determining the site area of proposed elopment for the purpose of applying a space ratio, the site area is taken to be:		\boxtimes		
(a)	if the proposed development is to be carried out on only one lot, the area of that lot, or				
(b)	if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.				
calc appl	In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.				
(4)	Exclusions from site area				
	following land must be excluded from the area:				
(a)	land on which the proposed development is prohibited, whether under this Plan or any other law,				
(b)	community land or a public place (except as provided by subclause (7)).				

Clause	Yes	No	N/A	Comment
(5) Strata subdivisions				
The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.				
(6) Only significant development to be included				
The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.				
(7) Certain public land to be separately considered				
For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.				
(8) Existing buildings				
The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.				
(9) Covenants to prevent "double dipping"				
When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.				
(10) Covenants affect consolidated sites				
If:				
(a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and			\boxtimes	
(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,				

Clause	Yes	No	N/A	Comment
the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.				
(11) Definition				
In this clause, <i>public place</i> has the same meaning as it has in the <i>Local Government Act</i> 1993.				
4.6 Exceptions to development standards				
(1) The objectives of this clause are:				
(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and				As discussed earlier, the applicant seeks to vary the development standards for height and FSR under clause 4.3 and clause 4.4 as follows:
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.				FSR = 2.31:1 which exceeds the max FSR limit of 0.75:1 by 1440.75 sqm
(2) Consent may, subject to this clause, be granted for development even though the				Height = 18.45 metres which exceeds the max height limit of 9 metres by 9.45 metres.
development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.				The applicant's justification for the departure of these development standards are summarised as follows: • "The proposal should be considered within the context of the main Auburn Hospital Building and the wider Auburn
(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:				Hospital site. The redeveloped hospital building significantly exceeds Council's controls with respect to height and FSR. Council's controls have been prepared for medium density residential development, and do not take into account the unique nature of the
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and				Auburn Hospital site or the requirements of non-residential developments. It is considered unreasonable that these standards be applied to the proposed facility,
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.				particularly when the standards have already been exceeded by the hospital site. The proposal does not generate any adverse impacts on neighbouring
(4) Consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that:				properties in terms of overshadowing, privacy and noise. The additional height and floor space does not manifest in an unreasonable bulk and scale impacts and the design of the proposal is compatible with surrounding development, particularly
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3),				the hospital in terms of bulk, scale and height." In view of the above justification, Council Officer is in agreement that the planning provisions have been prepared

Cla	use	Yes	No	N/A	Comment
	and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and				predominantly with medium density residential developments in mind and as such to apply these controls to the proposed development would be unreasonable given the nature of the proposal and the built form of the adjacent Auburn Hospital development. Therefore, despite exceeding the height and FSR controls of the Auburn LEP the development is considered to be consistent with the broader objectives of the development standards within the zone and accordingly there are sufficient environmental planning grounds to justify contravening the FSR and Building Height development standards in this instance.
					It should be noted however, that Council Officer's support of the above variation does not represent support for the building design in it's entirety. The development is considered to incorporate insufficient car parking and this matter is discussed in greater detail elsewhere in this report.
	(b) the concurrence of the Director- General has been obtained.			\boxtimes	The concurrence of the Director-General has been assumed in this instance in accordance with Planning Circular PS 08-003 issued on 9
(5)	In deciding whether to grant concurrence, the Director-General must consider:	_		_	May 2008.
	(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and				
	(b) the public benefit of maintaining the development standard, and				
	© any other matters required to be taken into consideration by the Director-General before granting concurrence.				
(6)	Not applicable				
(7)	After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).				
(8)	This clause does not allow consent to be granted for development that would contravene any of the following:				
	(a) a development standard for complying development,				
	(b) a development standard that arises, under the regulations under the Act,			\boxtimes	

Cla	use			Yes	No	N/A	Comment
	©	out build Envi (Bui BAS on w	onnection with a commitment set in a BASIX certificate for a ding to which State fronmental Planning Policy Iding Sustainability Index: (IX) 2004 applies or for the land which such a building is situated, e 5.4.				
Pai	t 5	Mis	scellaneous provisions	1			
5.6	Arch	itectu	ural roof features				
(1)	The	e obje	ctives of this clause are:				Council raises no objection to the proposed
	(a)	elen	ensure that any decorative roof nent does not detract from the itectural design of the building,				design of the architectural roof form for the new facility.
	(b)		ensure that prominent itectural roof features are ained within the height limit.				As discussed earlier, the proposed height of the building exceeds the maximum 9m height limit and a variation has been sought by the
(2)	arcl cau limi	ises a ts se	ment that includes an ural roof feature that exceeds, or a building to exceed, the height to by clause 4.3 may be carried only with consent.				applicant for the departure which is discussed under clause 4.6 above.
(3)	gra	nted t	ment consent must not be to any such development unless ent authority is satisfied that:				
	(a)	the a	architectural roof feature:				
		(i)	comprises a decorative element on the uppermost portion of a building, and				
		(ii)	is not an advertising structure, and				
		(iii)	does not include floor space area and is not reasonably capable of modification to include floor space area, and				
		(iv)	will cause minimal overshadowing, and				
	(b)	equi (suc stair supp	building identification signage or pment for servicing the building h as plant, lift motor rooms, fire s and the like) contained in or ported by the roof feature is fully grated into the design of the roof ure.				
5.10	Her	itage	conservation				The subject lots are not listed as a heritage
area	ıs ar	nd ar	e items, heritage conservation chaeological sites (if any) are Heritage Map. The location and				item of significance under the Auburn LEP 2010.

Cla	use	Yes	No	N/A	Comment
	re of any such item, area or site is also cribed in Schedule 5.				
(1)	Objectives				
The	objectives of this clause are:				
(a)	to conserve the environmental heritage of Auburn, and				
(b)	to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and				
(c)	to conserve archaeological sites, and				
(d)	to conserve places of Aboriginal heritage significance.				
(2)	Requirement for consent				
	elopment consent is required for any of ollowing:				
(a)	demolishing or moving a heritage item or				This clause is not relevant as the subject site
	a building, work, relic or tree within a heritage conservation area,				is not identified as being a heritage item or within a heritage conservation area.
(b)	altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,]]		
(c)	altering a heritage item that is a building by making structural changes to its interior,				
(d)	disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,				
(e)	disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,		П		
(f)	erecting a building on land on which a heritage item is located or that is within a heritage conservation area,				
(g)	subdividing land on which a heritage item is located or that is within a heritage conservation area.				
(3)	When consent not required				
	ever, consent under this clause is not ired if:				
(a)	the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the				

Cla	use	Yes	No	N/A	Comment
	proposed development:				
	(i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and				
	(ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or				
(b)	the development is in a cemetery or burial ground and the proposed development:			\boxtimes	
	(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and				
	(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage				
	significance, or				
(c)	the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or			\boxtimes	
(d)	the development is exempt development.				
zone from is ne use grav herit	e. For land known as Rookwood Cemetery ed SP1 Cemetery, development consent and notification to, the consent authority of required under this plan for the further of an existing grave site or crypt within a reyard that is a heritage item, provided the tage significance of the item is not ersely affected.				
(4)	Effect on heritage significance	<u></u>	<u></u>		
consoler of the sign consoler applications (5)	consent authority must, before granting sent under this clause, consider the effect ne proposed development on the heritage ificance of the heritage item or heritage servation area concerned. This subclause ies regardless of whether a heritage act statement is prepared under subclause or a heritage conservation management is submitted under subclause (6).				
(5)	Heritage impact assessment				
	consent authority may, before granting sent to any development on land:				
(a)	on which a heritage item is situated, or				
(b)	within a heritage conservation area, or				
(c)	within the vicinity of land referred to in paragraph (a) or (b),				

Clause	Yes	No	N/A	Comment
require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.				The subject site is located in the vicinity of a heritage item of local significance known as the Horse Trough (item no. I13, located on the corner of Water Street and Auburn Road). The heritage item is located more than 100m from the proposed new health service facility, and will therefore have no adverse impact on this item.
(6) Heritage conservation management plans				
The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.				
(7) Archaeological sites				Subject site is not identified as being an
The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage				archaeological site.
Register or to which an interim heritage order under the <i>Heritage Act 1977</i> applies):			\boxtimes	
(a) notify the Heritage Council of its intention to grant consent, and				
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.				
(8) Places of Aboriginal heritage significance				
The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:				
(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and				
(b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.				
(9) Demolition of item of State significance				
The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act 1977</i>				
applies):(a) notify the Heritage Council about the application, and				

Cla	use	Yes	No	N/A	Comment
(b)	take into consideration any response received from the Heritage Council within 28 days after the notice is sent.				
(10)	Conservation incentives				
deve is a a deve not	consent authority may grant consent to elopment for any purpose of a building that heritage item, or of the land on which such building is erected, even though elopment for that purpose would otherwise be allowed by this Plan, if the consent ority is satisfied that:				
(a)	the conservation of the heritage item is				
	facilitated by the granting of consent, and			\boxtimes	
(b)	the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and				
(c)	the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and				
(d)	the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and				
(e)	the proposed development would not have any significant adverse effect on the amenity of the surrounding area.				
	Infrastructure development and use of ting buildings of the Crown				
(1)	This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority that is permitted to be carried out without consent under the State Environmental Planning Policy (Infrastructure) 2007.				
(2)	This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.				
Pai	t 6 Additional local provisions		<u> </u>		
6.1	Acid sulfate soils		_	_	
(1)	The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.				In accordance with the Acid Sulfate Soils Map ASS_003, the subject land is identified as Class 5 and not located within 500 metres of a Class 1, 2, 3 or 4 areas. Therefore, an acid sulphate soils management plan is not
(2)	Development consent is required for the carrying out of works described in the Table to this subclause on land shown				considered to be necessary.

Claus	se	Yes	No	N/A	Comment
	on the Acid Sulfate Soils Map as being of the class specified for those works.				
Clas of la	nd				
1	Any works.				
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.				
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.				
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.				
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.				
1	Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.				
	Despite subclause (2) Development consent is not required under this clause for the carrying out of works if:				
(a)	a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and				
	the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.				
1	Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as				

Clause		Yes	No	N/A	Comment
	excavation, construction of access ways or the supply of power):				
(a)	emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,				
(b)	routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),				
(c)	minor work, being work that costs less than \$20,000 (other than drainage work).				
(6)	Despite subclause (2), development consent is not required under this clause to carry out any works if:				
(a)	the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or				
(b)	the works are likely to lower the watertable.				
6.2 I	Earthworks				No major earthworks are proposed as part of
(1)	The objectives of this clause are as follows:				this application.
	(a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land,				
	(b) to allow earthworks of a minor nature without separate development consent.				
(2)	Development consent is required for earthworks, unless:				
	(a) the work does not alter the ground level (existing) by more than 600 millimetres, or				
	(b) the work is exempt development under this Plan or another applicable environmental planning instrument, or				
	(c) the work is ancillary to other development for which development consent has been given.				

Cla	use	Yes	No	N/A	Comment
(3)	Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any				
	detrimental effect on, existing drainage patterns and soil stability in the locality,				
	(b) the effect of the proposed development on the likely future use or redevelopment of the land,				
	(c) the quality of the fill or of the soil to be excavated, or both,				
	(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,				
	(e) the source of any fill material and the destination of any excavated material,				
	(f) the likelihood of disturbing relics,				
	(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.				
1974	e. The National Parks and Wildlife Act 4, particularly section 86, deals with orbing or excavating land and Aboriginal cts.				

Clause		Yes	No	N/A	Comment	
6.3 Flood planning					In accordance with Flood Planning Map	
(1)	The	The objectives of this clause are:				FLD_003, the subject site is not identified as being flood prone.
	. ,	to minimise the flood risk to life and property associated with the use of land,				being nood prone.
		to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,				
		to avoid significant adverse impacts on flood behaviour and the environment.				
(2)	This	clause applies to:				
	, ,	land that is shown as "Flood planning area" on the Flood Planning Map, and				
		other land at or below the flood planning level.			\boxtimes	
(3)	gran this	elopment consent must not be ted for development on land to which clause applies unless the consent ority is satisfied that the development:				
		is compatible with the flood hazard of the land, and				
		is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and				
		incorporates appropriate measures to manage risk to life from flood, and				
		is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and				
		is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.				
(4)	claus the Deve	A word or expression used in this se has the same meaning as it has in NSW Government's <i>Floodplain elopment Manual</i> published in 2005, ss it is otherwise defined in this se.				
(5)	(5) In this clause:					
1:10	flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.					
		lanning Map means the Auburn Local nental Plan 2010 Flood Planning Map.				

Clause		No	N/A	Comment	
Clause 6.5 Essential Services (1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required: a) the supply of water, b) the supply of electricity, c) the disposal and management of sewage. d) stormwater drainage or on-site conservation, e) suitable road access.	Yes XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	No	N/A	If the application were to be supported, appropriate conditions could be imposed for the arrangement of such services to be made available on the site so as to facilitate the use of the development.	
for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.					
Schedule 1 Additional permitted uses					
Left Blank at time of gazettal					

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

Draft Auburn Local Environmental Plan (Amendment No. 22)

Draft LEP (Amendments no. 22) was on exhibition from 22 July 2009 until 21 August 2009 which seeks to encourage large scale retail premises and office premises on a section of Parramatta Road. The Draft Auburn LEP also aims to reclassify and rezone land owned by Council to enable its disposal.

The subject site is not identified as being located within the proposed retail precinct under the Draft ALEP (Amendment no. 22) and thus the provisions and requirements of the Draft LEP raise no concerns as to the proposed development.

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

Auburn Development Control Plan 2010

The proposed development is subject to the following relevant parts of Auburn Council's DCP 2010:

a) Parking and Loading

The relevant objectives and requirements of the Parking and Loading part have been considered in the following assessment table:

Requirement	Yes	No	N/A	Comment
2.0 Off-Street Parking Requirements				It is considered that insufficient parking is provided for the facility.
This section applies to all development.				provided for the facility.
a. To ensure that an acceptable level of parking is provided on-site to minimise adverse impacts on surrounding streets.				Council is of the opinion that although the proposed training facility may initially be largely replacing activities within Auburn
b. To provide for the reasonable parking needs of business and industry to support their viability, but discourage unnecessary or excessive parking.				Hospital, the lack of parking provided to service the facility is not acceptable due to the substantial increase in floor area and the potential for the facility to operate at a far higher capacity than that which has been indicated by the applicant. It should also be noted that the facility could simultaneously be used for various activities including seminars. Council Officers contend that there is an obligation to consider the potential future use of the facility at it's highest capacity which would generate a substantial need for additional parking.
				In view of the above Council Officers consider that the development in current form, being completely reliant on street parking and parking within the adjacent hospital, would have an adverse impact on the local road network, and the surrounding residential areas.
Performance criteria				
P1 New development provides adequate off- street parking to service the likely parking demand of that development.				There is no provision of parking proposed to accommodate proposed new facility as discussed above, other than four spaces
P2 New development does not introduce unnecessary or excessive off-street parking.				designated for ambulances/paramedic vehicles only.
P3 Parking provided for development which is not defined in this Part on sound and detailed parking assessment.				A parking assessment has been submitted with the application.
Development controls				
D1 All new development shall provide off-street parking in accordance with the parking requirement tables of the respective developments in this Part.				It is considered that the parking rate for "tertiary institutions" is the most appropriate parking rate prescribed for the subject development type in accordance with Council's DCP.
				Tertiary institutions require parking to be provided at the following rate:
				1 parking space per six (6) students, plus 1 space per two (2) staff
				Given that applicant's position that the facility will accommodate only students and staff already existing at the facility, being a maximum of 30 students and 10 staff, it is considered appropriate to estimate a maximum operating capacity based on seating numbers within principal

D2 That in circumstances where a land use is not defined by this plan; the application shall be accompanied by a detailed parking assessment prepared by a suitably qualified professional which includes: • A detailed parking survey of similar establishments located in areas that demonstrate similar traffic and parking demand characteristics; • Other transport facilities included in the development; • Anticipated traffic generation directional distribution and nature of impacts expected; • An assessment as to whether the precinct is experiencing traffic and on-street parking congestion and the implications that development will have on existing situation; • An assessment of existing public transport networks that service the site, particularly in the off-peak, night and weekend periods and initiatives to encourage its usage; • Possible demand for car parking space from adjoining localities; • Occasional need for overflow car parking; and • Requirements of people with a limited mobility, sensory impairment.		educational areas only. These areas would comprise the lecture theatre, tutorial rooms, study carrels and laboratories. (Seating provided within administration areas, common rooms, residential areas, meeting rooms, consultation rooms and offices have not been included). Applying the above parking rate for the development, and assuming a maximum of ten (10) staff as submitted by the application, the total parking demand for the development is calculated as follows: 143 students @ 1 per six = 23.8 spaces, plus, 10 staff @ 1 per 2 = 5 spaces Total parking requirement = 29 spaces. Council's Engineering Department is not satisfied that the justifications provided in the initial Traffic Report and Supplementary Traffic Advice for the non-provision of parking for the proposed development is acceptable. Specifically, the issued raised include: • the potential for the facility to operate at a far higher capacity than stated by the applicant, • the inability of Council to regulate the future capacity of facility, should approval be given for the development in current form, and • the existing high parking demand in the surrounding road network.
3.0 Design of parking facilities This section applies to all development		
This section applies to all development.		
Objectives		The applicantle Otatons and of Equipment
a. To promote greater bicycle use, decrease the reliance on private vehicles and encourage alternative, more sustainable modes of transport.		The applicant's Statement of Environmental Effects states that there is ample space within the Lower Ground Level for bicycle storage. If
b. To provide convenient and safe access and parking to meet the needs of all residents and visitors.		the application were to be approved, relevant conditions could be imposed on any consent requiring bicycle racks.
c. To provide access arrangements which do not impact on the efficient or safe operation of the surrounding road system.		

d. To encourage the integrated design of access and parking facilities to minimise visual and environmental impacts.					
3.1	Bicycle parking				
Dev	elopment controls				
loca deve exce acco	Bicycle racks in safe and convenient tions are provided throughout all elopments with a total gross floor area seding 1,000sqm and shall be designed in ordance with AS2890.3 – Bicycle Parking lities.				The total GFA of the building is 2133 sqm. As discussed above, there is ample space within the Lower Ground Level for the provision of bicycle racks.
	Access driveway and circulation roadway design				
Perf	ormance criteria				Delivery vehicles entering and exiting
and othe mini	Vehicular movement to and from the site within the site reduces potential conflict with r vehicles and pedestrians by creating mal interference with vehicular and estrian movements on public roads, as well				through the "Entry" driveway will compromise pedestrian safety and access does not comply with the applicable provisions of Australian Standard AS2890.
	rithin the site being developed.	\boxtimes			
oper	Access driveways, circulation roadways and a parking areas are suitably landscaped to ance amenity which providing for security				
	accessibility to all residents and visitors.	\boxtimes			
shal	Access driveways and circulation roadways not be wider than prescribed for their cular use.			_	
Dev	elopment controls				
D1	Circulation driveways are designed to:				
	Enable vehicles to enter the parking space in single turning movement;	\boxtimes			The proposed access ramp grade is
 Enable vehicles to leave the parking space in no more than two turning movements; 			\boxtimes		identified as not complying with Australian Standard AS2890.1. Councils Officers also note that ambulance access often requires
	Comply with AS2890 (all parts);		\boxtimes		emergency entry/exit access.
a	Comply with AS1429.1 – Design for Access and Mobility; and				There are no disabled parking spaces being provided for the development in accordance with AS2890.6.
S	Comply with Council's road design pecifications and quality assurance equirements.			\boxtimes	accordance with A32090.0.
	Internal circulation roadways shall be adequate for the largest vehicle anticipated to use the site, and in this regard, vehicle manoeuvring shall be designed and justified using 'Auto Turn' or the like.			\boxtimes	
	Landscaping along circular roadways and parking modules shall be provided as				
	required to a minimum standard. Parking areas which provide more than 20 spaces in a single component shall provide one broad canopy tree per 10 spaces.				
	Access driveways shall be located and designed to minimise loss of on-street parking.	\boxtimes			The proposed driveway width is unacceptable as a minimum distance of
D5	Access driveway shall have a minimum width of 3.0m unless elsewhere specified.		\boxtimes		1.2m is required from the stormwater pit/lintel.
	Access driveways shall be located a minimum of 1.2m clear from power poles and drainage pits.				

3.3 Sight distance	and pedestrian safety				
Performance criteria					
P1 Clear sight lin- pedestrian safet	es are provided to ensure y.				Vehicles entering and exiting through the "Entry" driveway will compromise
Development contr	ols				pedestrian safety and access does not comply with the applicable provisions of
shall be design	ys and circulation roadways to comply with sight distance pecified in AS2890 – Parking				Australian Standard AS2890
	ces shall be eliminated to the sight distances.				
3.4 General parkin	g design				
Performance criteria					
that enhances the development and pro-	s are designed in a manner e visual amenity of the ovides a safe and convenient sers and pedestrians.				Apart from the 2 ambulance and 2 paramedic emergency vehicles, no other provision of parking are proposed on site despite various requests from Council's
	ut enables people with a continuously accessible path				officer to demonstrate compliance with the parking requirements of Table 6 under clause 5.1.4.
To the site from to	he street frontage;				
 To individual or r 	nain car parking areas; and				
 To all buildings, open space. 	site facilities and communal				
Development contr	ols				
D1 Visual dominan access driveways sh	ce of car parking areas and nall be reduced.]		
	nderground car parks shall ter and leave the site in a				
be designed to con	dules and access paths shall nply with AS2890 - Parking	\boxtimes			
Facilities (all parts).	parking shall comply with				There is no provision of disabled parking or any parking on site with the exception of
	ng Facilities requirements.				ambulance/paramedic vehicles.
Parking bay envelor for the length of the	pe width shall be maintained		\boxtimes		
	king dimensions shall be a				There is no provision of parking proposed on site to accommodate the new
	aths and ramps shall:				development, notwithstanding that this issue has been raised by Council officers
Have a minimum	·				on many occasions.
Have a non-slip f	inish;		\boxtimes	Ш	
Not be steep (rail 1:14 are preferre	mp grades between 1:20 and d);				
Comply with AS and Mobility; and	1428.1 – Design for Access				
	1428.2 – Standards for blind with vision impairment.				

D6	where available.			
D7 Driveways servicing car parking shall comply with AS 2890 – Parking Facilities or similar designs for car turning paths unless otherwise advised by Council's Engineering Department.				
D8 The maximum gradient for a driveway shall be 20% (with appropriate transitions). However, in extreme circumstances, gradients up to 25% (with appropriate transitions) will be considered.				
D9 13 Parking and Loading Auburn Development Control Plan 2010.				
8.2 Miscellaneous development parking rates D1 Refer to the table below for parking rates for recreational, community and special use developments. Table 10 – Miscellaneous development parking requirements:				As detailed above, it is estimated that the development will generate the following parking demand: 143 students @ 1 per six = 23.8 spaces, plus, 10 staff @ 1 per 2 = 5 spaces
Li	and use	Parking requirements		Total parking requirement = 29 spaces
es	ducational stablishments: ertiary institutions	1 space per 6 students + 1 space per 2 staff		

b) Multiple Dwellings

The subject site is located within the zone R3 – Medium Density Residential and under clause 57 of the State Environmental Planning Policy (Infrastructure) 2007, health service facilities which includes 'hospital' is permissible subject to approval from a consent authority. To this extent, the Multiple Dwellings part of the Auburn DCP 2010 is technically applicable. However, given the nature of the proposal, the design objectives, performance criteria and development standards of this policy have limited application in this instance.

The proposed development is considered to be appropriate for the site in terms of its relationship with the adjoining Auburn Hospital and will crate and appropriate interface with the adjacent residential areas. The development will not impact on adjoining properties in terms of noise, overshadowing and has a suitable bulk and scale for the site.

c) Access and Mobility

The relevant requirements and objectives of the Access and Mobility part of the Auburn DCP 2010 have been considered in the assessment of the development application. Council Officer is satisfied that the proposal satisfies the requirements of the DCP in general as pedestrian access ramp is provided to the main entrance of the building and suitable accessible facilities such as communal staff areas, disabled toilet facilities and lifts are provided within the building. In this regard the application is considered to be consistent with the objectives and relevant requirements of the DCP.

d) Stormwater Drainage

The relevant requirements and objectives of the Stormwater Drainage part of the Auburn DCP 2010 have been considered in the assessment of the development application. Suitable stormwater plans and specifications have been submitted to accompany the development application. Council's Engineers have raised no objection to the proposed stormwater design and appropriate conditions have been provided to be imposed on any development consent. Therefore the application is considered to be consistent with the objectives and relevant requirements of the DCP.

Auburn Development Contributions Plan 2007

Exemption from the payment of Section 94 contributions has been sought by the applicant in this instance. A submission addressing Section 3.6 of the Council's Section 94 Contributions Plan supports the application and requests exemption to the payment of contributions on the grounds that the UNDA will operate in conjunction with the Auburn Hospital and will provide a community benefit.

Comment

The facility is a medical teaching and research facility and would therefore be used for a wide range of activities with staff, students and patients likely to be living and working outside the LGA and coming from a wide range of localities – even from outside of Sydney and NSW.

As such the proposed facility will not really provide a direct community benefit, nor be directly available on a day to day basis to the Auburn community in the same way that a local ambulance service or police or fire service would provide emergency assistance to the local community. The benefit to the community of this facility is principally for the wider NSW community.

This type of facility therefore does not qualify for an exemption on the basis of providing a local community benefit, even though it is located in the Auburn LGA.

Furthermore the proposed facility will generate additional traffic and increase visitation and employee activity within the LGA

Council officers therefore contend that S94 levy should apply to any tertiary teaching facility of this type. The application for exemption under the Section 94 Contributions plan is therefore not supported by Council officers.

Disclosure of Political Donations and Gifts

The NSW Government introduced The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (NSW). This disclosure requirement is for all members of the public relating to political donations and gifts. The law introduces disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

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

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

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

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

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

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. However, the locality is known to be affected by high traffic demands as advised by Council's Engineering Department.

It is considered that the lack of parking provided for the proposed medical facility and the reliance of street parking and parking within Auburn Hospital will exacerbate the problems in the area. There are also concerns that the future use of the building, which could potentially operate independently and/or at a significantly higher increased capacity, will further escalate future problems associated with increased traffic generation and parking demands in the locality.

Accordingly, it is considered that the lack of parking being provided for the development renders the site unsuitable to accommodate the development in current form.

Submissions made in accordance	with the Act or Regu	lation (EP&A Act s79	9C(1)(d
Advertised (newspaper) Required	Mail 🖂	Sign 🔀	Not

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited for a period of 21 days between 21.12.10 and 11.01.11. No submissions were received in respect of the proposed development.

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

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users.

In view of the foregoing analysis it is considered that the proposed development would not be consistent with the public interest as the insufficient provision of on-site car parking will further exacerbate problems in the area due to the high parking demand in the locality.

Conclusion

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

The non-provision of any parking to accommodate the proposed new four storey medical training facility is likely to have a significant and detrimental impact upon the surrounding local traffic network and the immediate residential area.

Having regard to the relevant matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is unacceptable for the reasons outlined in this report. It is recommended that the development application be refused.