

AUBURN COUNCIL

88-90 Water Street, AUBURN
JRPP Reference: 2010SYW093

Addendum Report to Joint Regional Planning Panel: DA-485/2010

SUMMARY

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 donations and gifts	Nil disclosure
Issues	<ul style="list-style-type: none">• 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 approved subject to the conditions of consent of the attached schedule (Attachment A).

Background

The application was referred to the Joint Regional Planning Panel – Sydney West meeting of 2 June 2010 for determination. The original report (*Attachment C*) recommended refusal due to the lack of parking to accommodate the proposed development.

At the meeting of 2 June 2010, the Panel resolved to defer the decision of the application to allow further discussion and evaluation of the parking issue as follows:

1. That the Panel defer determination of the item to allow further discussion and evaluation of the parking issue by the Council and the Applicant on the basis of the net added demand for parking generated by the development being satisfied under the following arrangements:
 - i) the required number of vehicles being allocated within the underutilised pay parking facility on the hospital site
 - ii) the required number of spaces being reserved for use by the occupants of the proposed development being clearly marked for that purpose and policed accordingly
 - iii) the University providing a 50% subsidy toward the cost of the use of these spaces by those involved in its programs
 - iv) the use of the spaces by occupants of the proposed development being guaranteed by a form of legal agreement between the Applicant and the hospital for the duration of this use of the proposed development
2. That Council in assessing the issue of Section 94 contribution have regard to and give weight to the significant public benefit the Panel considers the proposed use will bring.

Subsequent to the Panel's resolution, draft conditions were prepared and sent to the applicant on 9 June 2011. Further discussions held between the applicant and Council staff on 23 June 2011 up to the 8 August 2011 provided the following outcome:

A minimum of 17 parking spaces to be provided for the development (in addition to the proposed parking allocated for Ambulance Officers) within the adjacent Auburn Hospital Car Park, and; the allocation of those 17 spaces to be bound by a legal agreement with a minimum 20 year lease arrangement.

The above proposed parking arrangement was accepted by Council, and has thus been incorporated into the final draft conditions of consent. On the 11 August 2011, Council received concurrence from the UNDA with written confirmation of the above parking arrangement (*Attachment B*).

Crown Development (EP&A Act s89)

In accordance with Section 89 (1)(b) of the EP&A Act, a consent authority cannot impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.

Prior to the referral of the application to the Panel for determination, Council is required to seek written concurrence from the Crown Authority (University of Notre Dame) in relation to the proposed conditions of consent.

As previously discussed, draft conditions of consent was prepared and sent to the applicant on the 9 August 2011. Further discussions held between the applicant and Council resulted in the agreement by both parties for the provision of 17 parking spaces within the Auburn Hospital Car Park for the development, bounded by 20 year lease agreement.

Council received a formal letter of agreement from the applicant on the 11 August 2011.

Conclusion

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

In view of the above, the proposal is now considered to be acceptable having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and is recommended for approval subject imposition of the conditions of consent as outlined in the attached schedule (*Attachment A*).

Attachment A – Conditions of Consent

Attachment B – Letter of Agreement (UNDA)

Attachment C – Original Assessment Report