

## AUBURN COUNCIL

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

### Report to Joint Regional Planning Panel

#### SUMMARY

<b>Applicant</b>	The University of Notre Dame Australia C/-Townstaff Projects
<b>Owner</b>	Health Administration Corporation
<b>Application No.</b>	DA-485/2010
<b>Description of Land</b>	Lot D & E, DP 420405, 88-90 Water Street, AUBURN
<b>Proposed Development</b>	Construction of a four (4) storey building for use as a medical training and research facility with associated site works (Crown Development)
<b>Site Area</b>	923.00 sqm
<b>Zoning</b>	R3 - Medium Density Residential Zone
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Issues</b>	<ul style="list-style-type: none"><li>• Lack of parking to accommodate the proposed development.</li></ul>

#### 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.

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### **Site and Locality Description**

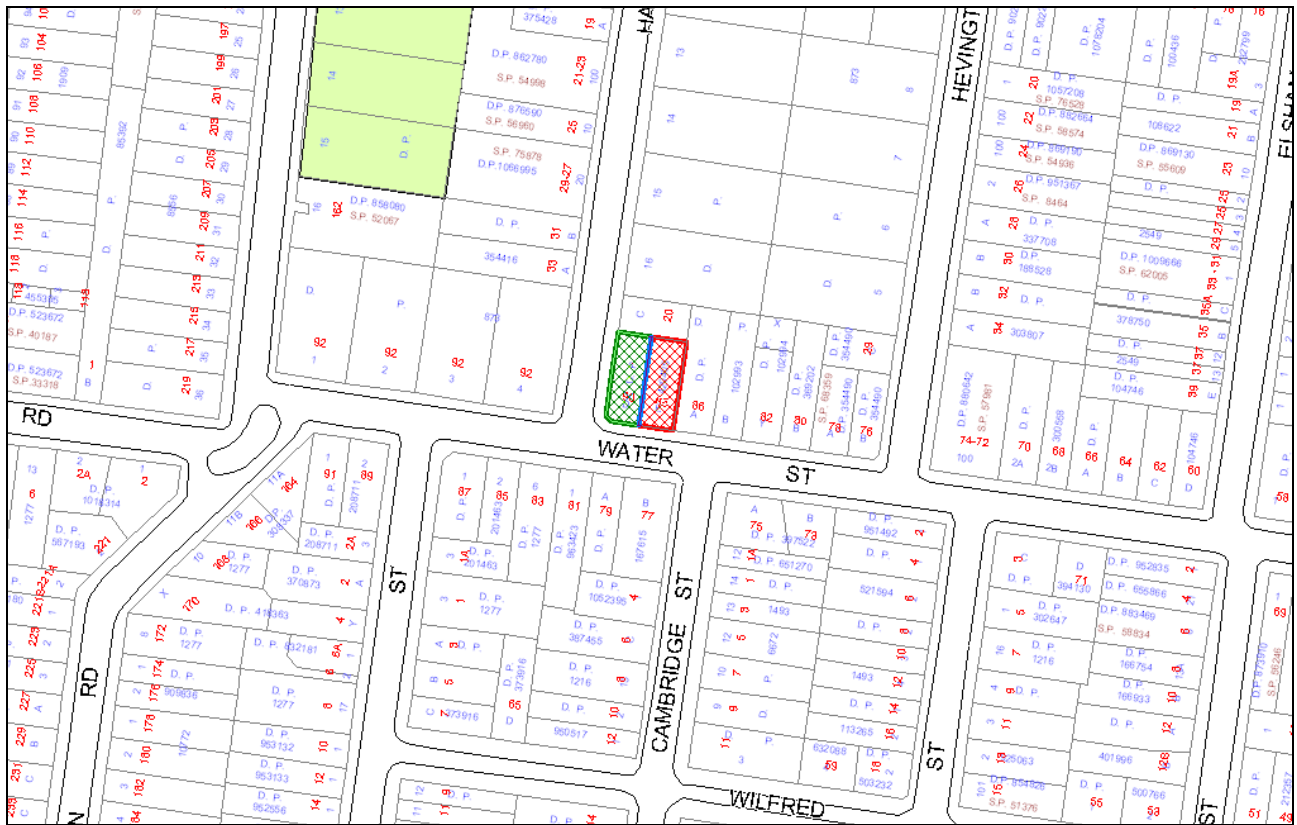
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The subject site is legally described as Lots D & E in DP 420405 and is known as no. 88-90 Water Street, Auburn. It is located on the eastern corner of Water Street and Hargrave Road. The lots are rectangular in shape and have dimensions of 25.03 metres 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.

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## Crown Development

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### 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.

### Determination of Crown development applications

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.

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## Referrals

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## ***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.

#### Transportation and Traffic Officer

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
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Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In the development going to be used for a sensitive land use (eg: residential, educational, recreational, childcare or hospital)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Details of contamination investigations carried out at the site:</p> <p><i>A Preliminary Environmental Site Assessment Report, Ref ES3353/2, prepared by Aargus Australia, dated May 2010 was submitted with the application.</i></p> <p><i>The report concluded that "based on the results of the investigation, it is considered that the risks to human health and the environment associated with soil contamination at the site are low in the context of the proposed use of the site as a research and educational facility. The site is therefore considered to be suitable for the proposed use."</i></p>	
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP 4 – Development Without Consent and Miscellaneous Complying Development	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP 6 – No. of Storeys in a Building	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
SEPP 19 – Bushland in Urban Areas	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP 33 – Hazardous & Offensive Development	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP 53 – Metro Res. Development	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
SEPP 55 – Remediation of Land	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	SEPP 64 – Advertising & Signage	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP 65 – Design Quality of Residential Flat Development	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
SEPP (Housing for Seniors & people with a Disability) 2004	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP (Building Sustainability Index: BASIX) 2004	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP (Major Projects) 2005	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Sydney REP (Sydney Harbour Catchment) 2005	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	SEPP (Temporary Structures & Places of Public Entertainment)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP (Infrastructure) 2007	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
SEPP (Affordable Rental Housing) 2009	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	SEPP (Exempt and Complying Development Codes) 2008	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	REP No. 24 – Homebush Bay Area	<input type="checkbox"/> Y <input checked="" type="checkbox"/> 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
<b>Part 1 Preliminary</b>				
<b>1.2 Aims of Plan</b>				
(1) This Plan aims to make local environmental planning provisions for land in Auburn in accordance with the relevant standard environmental planning instrument under section 33A of the Act.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>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.</b></p>
(2) The particular aims of this Plan are as follows:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(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.				
<b>1.9 Application of SEPPs and REPs</b>				
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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 by a submission addressing the variation to standards provisions under the Auburn LEP 2010.</p>
(2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>State Environmental Planning Policy No 1—Development Standards</i>				
<i>State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development</i> (clause 6, clause 10 and Parts 3 and 4)				
<i>State Environmental Planning Policy No 60—Exempt and Complying Development</i>				
<i>Sydney Regional Environmental Plan No 24—</i>				

Clause	Yes	No	N/A	Comment
<i>Homebush Bay Area</i>				
<b>1.9A Suspension of covenants, agreements and instruments</b>				
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) This clause does not apply:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) to a covenant imposed by the Council or that the Council requires to be imposed, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) to any prescribed instrument within the meaning of section 183A of the <i>Crown Lands Act 1989</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) to any conservation agreement within the meaning of the <i>National Parks and Wildlife Act 1974</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) to any Trust agreement within the meaning of the <i>Nature Conservation Trust Act 2001</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) to any property vegetation plan within the meaning of the <i>Native Vegetation Act 2003</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) This clause does not affect the rights or interests of any public authority under any registered instrument.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<b>Part 2 Permitted or prohibited development</b>				
<b>Zone R3 Medium Density Residential</b>				
<b>(e) Objectives of zone</b>				
• To provide for the housing needs of the community within a medium density residential environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• To provide a variety of housing types within a medium density residential environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2 Permitted without consent</b>				
Nil				
<b>3 Permitted with consent</b>				
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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.</p> <p>Health services facility means: <i>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 prevention of disease in or treatment of injury to persons, and includes the following:</i></p> <p>a) <i>day surgeries and medical centres,</i></p> <p>b) <i>community health service facilities,</i></p> <p>c) <i>health consulting rooms,</i></p> <p>d) <i>facilities for the transport of patients, including helipads and ambulance facilities,</i></p> <p>e) <i>hospitals</i></p> <p>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.</p> <p>A Hospital means: <i>a building or place used for the purpose of providing professional health care services (such as preventative convalescent care, diagnosis, medical or surgical treatment, psychiatric care or cared for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-</i></p>
<b>4 Prohibited</b>				
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 depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
				<p>patients (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:</p> <p>a) day surgery, day procedures or health consulting rooms,</p> <p>b) accommodation for nurses or other health care workers,</p> <p>c) accommodation for persons receiving health care of or for their visitors,</p> <p>d) shops and refreshment rooms,</p> <p>e) transport of patients, including helipads, ambulance facilities and car parking,</p> <p>f) educational purposes or any other related use,</p> <p>g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),</p> <p>h) chapels,</p> <p>i) hospices,</p> <p>j) mortuaries.</p>

### Part 3 Exempt and complying development

**This part is not relevant as the development is not exempt or complying development.**

### Part 4 Principal development standards

<b>4.1 Minimum subdivision lot size</b>				
(1) The objectives of this clause are as follows:				
(a) to ensure that lot sizes are able to accommodate development consistent with relevant development controls, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3A) Despite subclause (3), the minimum lot size for dwelling houses is 450 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) dwelling houses:				
(i) 350 square metres, or				
(ii) if a garage will be accessed from the rear of the property – 290 square metres, or				
(iii) if the dwelling house will be on a zero lot line – 270 square metres,				
(b) semi-detached dwellings – 270 square metres,				
© multi dwelling housing – 170 square metres for each dwelling,				
(d) attached dwellings – 170 square metres.				
(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<b>4.2 Rural subdivision</b> Not Applicable.				
<b>4.3 Height of buildings</b>				
(1) The objectives of this clause are as follows:  (a) to establish a maximum building height to enable appropriate development density to be achieved, and  (b) to ensure that the height of buildings is compatible with the character of the locality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	In accordance with the Height of Buildings Map HOB_003, the maximum building height permitted across the whole site is 9 metres.
(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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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 2010.
(a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>4.4 Floor space ratio</b>				
(1) The objectives of this clause are as follows:				In accordance with the Floor Space Ratio 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 development which the applicant claims is 1.57:1.
(g) To ensure that development intensity reflects its locality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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 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.
(2A) Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) for sites less than 1,300 square metres—0.75:1,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) for sites that are 1,800 square metres or greater—0.85:1.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2B) Despite subclause (2), the maximum	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) 3:1 for office premises and hotel or motel accommodation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) 2:1 for office premises and hotel or motel accommodation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<b>4.5 Calculation of floor space ratio and site area</b> <b>(1) Objectives</b> The objectives of this clause are as follows:				<p>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.</p> <p>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; as the existing hospital site which comprises of 18,573 sqm should be excluded from the site area when calculating FSR for the development.</p> <p>In this regard, the proposed FSR calculated in accordance with the rules of this clause should therefore be 2.31:1 as shown below:</p> <p>Gross Floor Area (GFA) of proposed facility = 2133 sqm</p> <p>Site Area (Development site) = 923 sqm</p> <p>FSR = 2133/923 = 2.31:1</p>
(a) to define <b>floor space ratio</b> ,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(b) 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:				
(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iii) require community land and public places to be dealt with separately.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>(2) Definition of "floor space ratio"</b> The <b>floor space ratio</b> of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>(3) Site area</b> In determining the site area of proposed development for the purpose of applying a floor space ratio, the <b>site area</b> is taken to be:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(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.				
In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>(4) Exclusions from site area</b> The following land must be excluded from the site area:				
(a) land on which the proposed development is prohibited, whether under this Plan or any other law,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) community land or a public place (except as provided by subclause (7)).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>(5) Strata subdivisions</b> The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	



Clause	Yes	No	N/A	Comment
another lot already included in the site area calculation.				
<b>(6) Only significant development to be included</b>				
The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>(7) Certain public land to be separately considered</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.				
<b>(8) Existing buildings</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.				
<b>(9) Covenants to prevent "double dipping"</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.				
<b>(10) Covenants affect consolidated sites</b>				
If:				
(a) a covenant of the kind referred to in subclause (9) applies to any land ( <b>affected land</b> ), and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>(11) Definition</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
In this clause, <b>public place</b> has the same meaning as it has in the <i>Local Government Act 1993</i> .				

Clause	Yes	No	N/A	Comment
<b>4.6 Exceptions to development standards</b>				
(1) The objectives of this clause are:				
(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Height = 18.45 metres which exceeds the max height limit of 9 metres by 9.45 metres.  The applicant's justification for the departure of these development standards are summarised as follows:
(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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li><i>"The proposal should be considered within the context of the main Auburn Hospital Building and the wider Auburn Hospital site. The redeveloped hospital building significantly exceeds Council's controls with respect to height and FSR.</i></li> <li><i>Council's controls have been prepared for medium density residential development, and do not take into account the unique nature of the Auburn Hospital site or the requirements of non-residential developments. It is considered unreasonable that these standards be applied to the proposed facility, particularly when the standards have already been exceeded by the hospital site.</i></li> <li><i>The proposal does not generate any adverse impacts on neighbouring properties in terms of overshadowing, privacy and noise.</i></li> <li><i>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 the hospital in terms of bulk, scale and height."</i></li> </ul>
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(4) Consent must not be granted for development that contravenes a development standard unless:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(a) the consent authority is satisfied that:				
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>In view of the above justification, Council Officer is in agreement that the planning provisions have been prepared 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.</p> <p>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.</p>
(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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Clause	Yes	No	N/A	Comment
				<b>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>
(b) the concurrence of the Director-General has been obtained.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The concurrence of the Director-General has been assumed in this instance in accordance with Planning Circular PS 08-003 issued on 9 May 2008.
(5) In deciding whether to grant concurrence, the Director-General must consider:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the public benefit of maintaining the development standard, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
© any other matters required to be taken into consideration by the Director-General before granting concurrence.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(8) This clause does not allow consent to be granted for development that would contravene any of the following:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) a development standard for complying development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> applies or for the land on which such a building is situated,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
© clause 5.4.				
Part 5 Miscellaneous provisions				
5.6 Architectural roof features				
(1) The objectives of this clause are:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Council raises no objection to the proposed design of the architectural roof form for the new facility.
(a) To ensure that any decorative roof element does not detract from the architectural design of the building, and				

Clause	Yes	No	N/A	Comment
(b) To ensure that prominent architectural roof features are contained within the height limit.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As discussed earlier, the proposed height of the building exceeds the maximum 9m height limit and a variation has been sought by the applicant for the departure which is discussed under clause 4.6 above.
(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:				
(a) the architectural roof feature:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(i) comprises a decorative element on the uppermost portion of a building, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) is not an advertising structure, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iv) will cause minimal overshadowing, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>5.10 Heritage conservation</b> <b>Note.</b> Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.  <b>(1) Objectives</b> 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.  <b>(2) Requirement for consent</b> Development consent is required for any of the following: (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item or a building, work, relic, tree or place within a heritage				<p>The subject lots are not listed as a heritage item of significance under the Auburn LEP 2010.</p> <p>This clause is not relevant as the subject site is not identified as being a heritage item or within a heritage conservation area.</p>

Clause	Yes	No	N/A	Comment
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,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(g) subdividing land on which a heritage item is located or that is within a heritage conservation area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>(3) When consent not required</b>				
However, consent under this clause is not required if:				
(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the development is in a cemetery or burial ground and the proposed development:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) the development is exempt development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p><b>Note.</b> For land known as Rookwood Cemetery zoned SP1 Cemetery, development consent from, and notification to, the consent authority is not required under this plan for the further use of an existing grave site or crypt within a graveyard that is a heritage item, provided the heritage significance of the item is not adversely affected.</p>				
<p><b>(4) Effect on heritage significance</b></p> <p>The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p><b>(5) Heritage impact assessment</b></p> <p>The consent authority may, before granting consent to any development on land:</p> <p>(a) on which a heritage item is situated, or</p> <p>(b) within a heritage conservation area, or</p> <p>(c) within the vicinity of land referred to in paragraph (a) or (b),</p> <p>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.</p>	<input type="checkbox"/>   <input type="checkbox"/>	<input type="checkbox"/>   <input type="checkbox"/>	<input checked="" type="checkbox"/>   <input checked="" type="checkbox"/>   <input checked="" type="checkbox"/>	
<p><b>(6) Heritage conservation management plans</b></p> <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p><b>(7) Archaeological sites</b></p> <p>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act 1977</i> applies):</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	<input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	
<p><b>(8) Places of Aboriginal heritage significance</b></p> <p>The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
				<p>The subject site is located in the vicinity of a heritage item of local significance known as the Horse Trough (item no. 113, 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.</p> <p>Subject site is not identified as being an archaeological site.</p>

Clause	Yes	No	N/A	Comment
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>(9) Demolition of item of State significance</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) notify the Heritage Council about the application, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>(10) Conservation incentives</b>				
The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:				
(a) the conservation of the heritage item is facilitated by the granting of consent, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>5.12 Infrastructure development and use of existing buildings of the Crown</b>				
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	





Clause	Yes	No	N/A	Comment
management plan is not required for the works, and				
(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) minor work, being work that costs less than \$20,000 (other than drainage work).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the works are likely to lower the watertable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>6.2 Earthworks</b>				
(1) The objectives of this clause are as follows:				No major earthworks are proposed as part of 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,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(b) to allow earthworks of a minor nature without separate development consent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) Development consent is required for earthworks, unless:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the work does not alter the ground level (existing) by more than 600 millimetres, or				

Clause	Yes	No	N/A	Comment
(b) the work is exempt development under this Plan or another applicable environmental planning instrument, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) the work is ancillary to other development for which development consent has been given.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Before granting development consent for earthworks, the consent authority must consider the following matters:				
(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(b) the effect of the proposed development on the likely future use or redevelopment of the land,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(c) the quality of the fill or of the soil to be excavated, or both,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(e) the source of any fill material and the destination of any excavated material,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(f) the likelihood of disturbing relics,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Note.</b> The <i>National Parks and Wildlife Act 1974</i> , particularly section 86, deals with disturbing or excavating land and Aboriginal objects.				

Clause	Yes	No	N/A	Comment
<p><b>6.3 Flood planning</b></p> <p>(1) The objectives of this clause are:</p> <ul style="list-style-type: none"> <li>(a) to minimise the flood risk to life and property associated with the use of land,</li> <li>(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</li> <li>(c) to avoid significant adverse impacts on flood behaviour and the environment.</li> </ul> <p>(2) This clause applies to:</p> <ul style="list-style-type: none"> <li>(a) land that is shown as "Flood planning area" on the Flood Planning Map, and</li> <li>(b) other land at or below the flood planning level.</li> </ul> <p>(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <ul style="list-style-type: none"> <li>(a) is compatible with the flood hazard of the land, and</li> <li>(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</li> <li>(c) incorporates appropriate measures to manage risk to life from flood, and</li> <li>(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</li> <li>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</li> </ul> <p>(4) A word or expression used in this clause has the same meaning as it has in the NSW Government's <i>Floodplain Development Manual</i> published in 2005, unless it is otherwise defined in this clause.</p> <p>(5) In this clause:</p> <p><b>flood planning level</b> means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.</p> <p><b>Flood Planning Map</b> means the Auburn Local Environmental Plan 2010 Flood Planning Map.</p>				In accordance with Flood Planning Map FLD_003, the subject site is not identified as being flood prone.
<p><b>6.5 Essential Services</b></p> <p>(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the</p>				If the application were to be supported, appropriate conditions could be imposed for the arrangement of such services to be made

Clause	Yes	No	N/A	Comment
<p>following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:</p> <p>a) the supply of water,</p> <p>b) the supply of electricity,</p> <p>c) the disposal and management of sewage.</p> <p>d) stormwater drainage or on-site conservation,</p> <p>e) suitable road access.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>  <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>  <input type="checkbox"/> <input type="checkbox"/>	<p>available on the site so as to facilitate the use of the development.</p>
<p><b>Schedule 1 Additional permitted uses</b></p>				
<p>Left Blank at time of gazettal</p>				

parking.				<p>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.</p> <p>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.</p>
<b>Performance criteria</b>  <b>P1</b> New development provides adequate off-street parking to service the likely parking demand of that development.  <b>P2</b> New development does not introduce unnecessary or excessive off-street parking.  <b>P3</b> Parking provided for development which is not defined in this Part on sound and detailed parking assessment.	<input type="checkbox"/>   <input type="checkbox"/>  <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input checked="" type="checkbox"/>  <input type="checkbox"/>	<p><b>There is no provision of parking proposed to accommodate proposed new facility as discussed above, other than four spaces designated for ambulances/paramedic vehicles only.</b></p> <p>A parking assessment has been submitted with the application.</p>   <p><b>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.</b></p> <p>Tertiary institutions require parking to be provided at the following rate:</p> <p style="text-align: center;"><i>1 parking space per six (6) students, plus 1 space per two (2) staff</i></p> <p>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 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).</p> <p>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:</p> <p><b>143 students @ 1 per six = 23.8 spaces, plus, 10 staff @ 1 per 2 = 5 spaces</b></p> <p><b>Total parking requirement = 29 spaces.</b></p>
<b>Development controls</b>  <b>D1</b> All new development shall provide off-street parking in accordance with the parking requirement tables of the respective developments in this Part.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<p><b>D2</b> 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:</p> <ul style="list-style-type: none"> <li>• A detailed parking survey of similar establishments located in areas that demonstrate similar traffic and parking demand characteristics;</li> <li>• Other transport facilities included in the development;</li> <li>• Anticipated traffic generation directional distribution and nature of impacts expected;</li> <li>• 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;</li> <li>• 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;</li> <li>• Possible demand for car parking space from adjoining localities;</li> <li>• Occasional need for overflow car parking; and</li> <li>• Requirements of people with a limited mobility, sensory impairment.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>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 issues raised include:</b></p> <ul style="list-style-type: none"> <li>• the potential for the facility to operate at a far higher capacity than stated by the applicant,</li> <li>• the inability of Council to regulate the future capacity of facility, should approval be given for the development in current form, and</li> <li>• the existing high parking demand in the surrounding road network.</li> </ul>
<p><b>3.0 Design of parking facilities</b></p> <p>This section applies to all development.</p> <p><b>Objectives</b></p> <p>a. To promote greater bicycle use, decrease the reliance on private vehicles and encourage alternative, more sustainable modes of transport.</p> <p>b. To provide convenient and safe access and parking to meet the needs of all residents and visitors.</p> <p>c. To provide access arrangements which do not impact on the efficient or safe operation of the surrounding road system.</p> <p>d. To encourage the integrated design of access and parking facilities to minimise visual and environmental impacts.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The applicant's Statement of Environmental Effects states that there is ample space within the Lower Ground Level for bicycle storage. If the application were to be approved, relevant conditions could be imposed on any consent requiring bicycle racks.</p>
<p><b>3.1 Bicycle parking</b></p> <p><b>Development controls</b></p> <p><b>D1</b> Bicycle racks in safe and convenient locations are provided throughout all developments with a total gross floor area exceeding 1,000sqm and shall be designed in accordance with AS2890.3 – Bicycle Parking Facilities.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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.</p>

<p><b>3.2 Access driveway and circulation roadway design</b></p> <p><b>Performance criteria</b></p> <p><b>P1</b> Vehicular movement to and from the site and within the site reduces potential conflict with other vehicles and pedestrians by creating minimal interference with vehicular and pedestrian movements on public roads, as well as within the site being developed.</p> <p><b>P2</b> Access driveways, circulation roadways and open parking areas are suitably landscaped to enhance amenity which providing for security and accessibility to all residents and visitors.</p> <p><b>P3</b> Access driveways and circulation roadways shall not be wider than prescribed for their particular use.</p> <p><b>Development controls</b></p> <p><b>D1</b> Circulation driveways are designed to:</p> <ul style="list-style-type: none"> <li>• Enable vehicles to enter the parking space in a single turning movement;</li> <li>• Enable vehicles to leave the parking space in no more than two turning movements;</li> <li>• Comply with AS2890 (all parts);</li> <li>• Comply with AS1429.1 – Design for Access and Mobility; and</li> <li>• Comply with Council's road design specifications and quality assurance requirements.</li> </ul> <p><b>D2</b> 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.</p> <p><b>D3</b> 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.</p> <p><b>D4</b> Access driveways shall be located and designed to minimise loss of on-street parking.</p> <p><b>D5</b> Access driveway shall have a minimum width of 3.0m unless elsewhere specified.</p> <p><b>D6</b> Access driveways shall be located a minimum of 1.2m clear from power poles and drainage pits.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Delivery vehicles entering and exiting through the “Entry” driveway will compromise pedestrian safety and access does not comply with the applicable provisions of Australian Standard AS2890.</p>          <p>The proposed access ramp grade is identified as not complying with Australian Standard AS2890.1. Councils Officers also note that ambulance access often requires emergency entry/exit access.</p> <p>There are no disabled parking spaces being provided for the development in accordance with AS2890.6.</p>          <p>The proposed driveway width is unacceptable as a minimum distance of 1.2m is required from the stormwater pit/intel.</p>
<p><b>3.3 Sight distance and pedestrian safety</b></p> <p><b>Performance criteria</b></p> <p><b>P1</b> Clear sight lines are provided to ensure pedestrian safety.</p> <p><b>Development controls</b></p> <p><b>D1</b> Access driveways and circulation roadways shall be design to comply with sight distance requirements specified in AS2890 – Parking</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Vehicles entering and exiting through the “Entry” driveway will compromise pedestrian safety and access does not comply with the applicable provisions of Australian Standard AS2890</p>

Facilities.				
<b>D2</b> Obstruction/fences shall be eliminated to provide adequate sight distances.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3.4 General parking design</b>				
Performance criteria				
<b>P1</b> Parking facilities are designed in a manner that enhances the visual amenity of the development and provides a safe and convenient parking facility for users and pedestrians.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>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 officer to demonstrate compliance with the parking requirements of Table 6 under clause 5.1.4.</b>
<b>P2</b> The site layout enables people with a disability to use one continuously accessible path of travel: <ul style="list-style-type: none"> <li>• To the site from the street frontage;</li> <li>• To individual or main car parking areas; and</li> <li>• To all buildings, site facilities and communal open space.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Development controls</b>				
<b>D1</b> Visual dominance of car parking areas and access driveways shall be reduced.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>D2</b> All basement/underground car parks shall be designed to enter and leave the site in a forward direction.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D3</b> Car parking modules and access paths shall be designed to comply with AS2890 – Parking Facilities (all parts).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Note 1: Disabled parking shall comply with AS2890 – Parking Facilities requirements. Parking bay envelope width shall be maintained for the length of the parking bay.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>There is no provision of disabled parking or any parking on site with the exception of ambulance/paramedic vehicles.</b>
Note 2: Visitor parking dimensions shall be a minimum 2.6 metres by 5.4 metres.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>There is no provision of parking proposed on site to accommodate the new development, notwithstanding that this issue has been raised by Council officers on many occasions.</b>
<b>D4</b> All pedestrian paths and ramps shall: <ul style="list-style-type: none"> <li>• Have a minimum width of 1000mm;</li> <li>• Have a non-slip finish;</li> <li>• Not be steep (ramp grades between 1:20 and 1:14 are preferred);</li> <li>• Comply with AS1428.1 – Design for Access and Mobility; and</li> <li>• Comply with AS1428.2 – Standards for blind people or people with vision impairment.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



<p><b>D6</b> where available.</p> <p><b>D7</b> 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.</p> <p><b>D8</b> 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.</p> <p><b>D9</b> 13 Parking and Loading Auburn Development Control Plan 2010.</p>	<div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div>	<div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div>	<div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div>					
<p><b>8.2 Miscellaneous development parking rates</b></p> <p><b>D1</b> Refer to the table below for parking rates for recreational, community and special use developments.</p> <p><b>Table 10 –</b> Miscellaneous development parking requirements:</p> <table><tr><th>Land use</th><th>Parking requirements</th></tr><tr><td><b>Educational establishments:</b> Tertiary institutions</td><td>1 space per 6 students + 1 space per 2 staff</td></tr></table>	Land use	Parking requirements	<b>Educational establishments:</b> Tertiary institutions	1 space per 6 students + 1 space per 2 staff	<div><input type="checkbox"/></div>	<div><input checked="" type="checkbox"/></div>	<div><input type="checkbox"/></div>	<p><b>As detailed above, it is estimated that the development will generate the following parking demand:</b></p> <p><b>143 students @ 1 per six = 23.8 spaces, plus,</b></p> <p><b>10 staff @ 1 per 2 = 5 spaces</b></p> <p><b>Total parking requirement = 29 spaces</b></p>
Land use	Parking requirements							
<b>Educational establishments:</b> Tertiary 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 create an 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.

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**Submissions made in accordance with the Act or Regulation (EP&A Act s79C(1)(d))**

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Advertised (newspaper) ☒

Mail ☒

Sign ☒

Not Required ☐

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

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

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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.

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**Conclusion**

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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.