JRPP No:	2011SYW091
DA No:	116/2011
Applicant	Zhinar Architects
Owner	Moses Investment Company Pty Limited and Park Auburn Pty Limited and Parkregents Pty Limited
Application No.	DA-116/2011
Description of Land	Lot 9 Sec 4 DP 982836, Lot 1 DP 1041051, Lot 10 Sec 4 DP 982836, Lot 11 Sec 4 DP 982836, Lot 12 Sec 4 DP 982836, 6 Park Road, AUBURN
Proposed Development	Demolition of existing structures and construction of 4 storey commercial building over 3 levels of basement car parking and assocoiated landscaping and stormwater works
Site Area	1749.04m ²
Zoning	B4 – Mixed Use Zone
Disclosure of political donations and gifts	Nil disclosure
Issues	JRPP Consent Authority
	Site isolation
	Privacy
	Overshadowing
	Access, loading and parking
	Stormwater drainage
	Public submission

Recommendation

- A. That Council receive and note the information report for Development Application No. DA-116/2011 for the demolition of existing structures and construction of 4 storey commercial building over 3 levels of basement car parking and assocoiated landscaping and stormwater works on land at 6 – 12 Park Road, AUBURN that recommends deferred commencement approval to the Joint Regional Planning Panel subject to the following 'deferred commencement' conditions which must be satisfied before consent can operate:
- 1. Detailed plan and number of the proposed toilet facilities on each floor including disabled toilet facilities shall be provided for council's consideration.
- 2. Car parking spaces nos. 1 13 on basement levels 2 and 3 shall be redesigned with a view to providing access to the proposed storage areas on basement levels 2 and 3. In this regard, the required number of car parking spaces shall be complied with.
- 3. Justification for the need to provide 3 lifts given the size and potential use of the proposed development for commercial purposes.

4. Creation of Drainage Easement

The applicant shall create a stormwater drainage easement to drain water, in favour of the subject development as subject property over downstream property known as 1-5 harrow Road Auburn with respect to the disposal of stormwater runoff from the proposed development to harrow Road.

Such easements and appropriate 88B instrument shall be submitted to Council for approval and then registered with the land titles Office. A copy of the registered documents of the drainage easement shall be submitted to Council. Auburn City Council shall be nominated as the Authority to vary or modify the easement.

- 5. Amended drainage plan shall be submitted to Council for assessment and approval. In this regard
 - The registered easement details shall be shown on the plan.
 - The conditions provided in the General Conditions shall be addressed in the proposed stormwater drainage plan.
 - Any approved amendments to the architectural plan shall be incorporated in the proposed drainage plan.
 - The pipe within the proposed easement shall be catered uncontrolled 100 year ARI storm event. Therefore the existing capacity shall be checked with submerged condition. Any required amplification of the pipe details shall be incorporated on the plan.

Please note that the property known as 14 Park Road also drains through the subject easement and the 100year ARI uncontrolled runoff shall be included in the above design.

6. Loading bays and garbage collection

Amended architectural plans incorporating the following items shall be submitted to Council for assessment.

- A minimum of three (3.0) loading bays shall be provided within the basement and the dimension shall comply with AS 2890.2
- The Garbage collection shall be carried out within the basement area.
- The provided storage area on ground level shall be deleted.
- All required swept paths and parking bay dimension shall be shown on the plan.
- Vehicles shall enter and leave the site in forward direction.
- The proposed column positions shall be clear from turning and parking area.
- All design shall incorporate the maximum size vehicle intended to be used on the premises.
 Please note that the development shall provide 156 parking bays within the

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- 7. Parking Design
 - Dimensions of parking bays, aisle width, and blind aisle extension shall be shown the plans. This dimension shall exclude the columns.
 - Column position shall be clear from parking bay envelope shown on AS 2890.1

- All visitors parking bays shall be a minimum of 2600mm wide and accessible parking bays shall comply with As 2890.6 requirements.
- The intersection of ramp and the parking isle shall be designed for a B85 and B99 to pass one another. Both swept paths shall be shown on the plans with different scenario. Please note that the development shall provide 156 parking bays within the basement area.
- 8. Circulation ramp design

The circulation ramp to the basement shall comply with the AS2890.2 and AS 2890.1 requirements. In this regard,

- A detailed long section of the ramps shall be submitted to Council showing spot levels and lengths and grades.
- The head room clearance shall comply with AS2890.1, 2890.2 and 2890.6 requirements.
- The proposed centre median within the ramp shall be widened to 600mm minimum.
- The headroom clearance shall comply with the 2890.1 and 2890.2 requirements.
- 9. Headroom clearance within the Basement:

The headroom clearance within the basement shall comply with the usage. In this regard, Loading bay, Waste collection area and associated turning area shall comply with the AS2890.2 requirements. Other areas shall comply with AS 2890.1 and 2890.6 requirements. A detailed sectional plan showing slab thickness, beam thickness, service area shall be submitted to ensure the required headroom clearance.

10. Drop off area design.

The proposed drop off zone shall be designed to access by only cars. In this regard a separate plan only showing this area shall be submitted to Council incorporating the following.

- The internal circulation driveway shall be limited to maximum 4.0 m wide.
- This area shall be designed to accommodate an accessible drop off bay by incorporating adjacent footpath area.
- Exit from the drop off zone shall be designed to incorporate left turn into basement and exit to Street. All required swept path and sight distance requirement and line marking shall be incorporated on the plan. It shall be ensured that the main access to the basement has the priority.
- The headroom within this area shall be minimised to maximum 3.0 meters. In this regard, the headroom clearance shall be reduced to 3.0 meter by introducing some architectural features to the satisfaction of Council.
- 11. Access Driveway

Access driveway shall be designed to comply with the AS 2890.1 requirements. The following shall be incorporated in the design. Grade

• The access driveway shall be aligned to be aligned with the internal circulation road way.

- Internal entry and exit circulation road way within the property shall be separated by a median to ensure the safety of the pedestrians.
- All sight distance requirements shall be addressed.
- 12. Relocation of Power pole:

The existing power pole adjacent to the proposed access driveway shall be relocated to be to provide minimum clearance of 1200mm. In this regard, the approval from relevant Authority with an estimated cost shall be submitted to Council.

13. A detailed public domain plan shall be submitted to Council. In this regard,

- Detailed footpath design to comply with Council's "Town centre Infrastructure Manual" shall be submitted to Council.
- Existing power line within the Street frontage including the existing portion on northern side of the property shall be laid underground. Details shall be incorporated.
- Boundary line level of 130mm above the adjacent kerb level shall be adopted.
- The footpath design shall incorporate the street furniture's.
- Proposed relocation of power pole shall be incorporated in this design.
- Footpath design shall be carried out in consultation with Council and shall be extended outside of the frontage as requested by council.
- All existing services shall be raised to the design finished level.

In accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of 365 days, sufficient enough for Council to be able to be satisfied of the above matters.

If evidence is produced within the specified period, in accordance with Clause 95(5) of the Regulation, Council will notify you whether or not it is satisfied as to the above matters and whether or not the consent will operate.

History/Consultations

Prior to the lodgement of the subject development application, a pre-lodgement application (PL-5/2010) was submitted to Council for construction of a nine storey mixed-use (commercial and residential) building above three levels of basement parking in respect of the subject site (and including 14 Park Road). Council raised concerns in respect of a number of issues and non compliances associated with the proposal and advised the applicant the proposal could not be supported. It is noted that the current proposal is for commercial use only and excludes the property known as 14 Park Road.

DA-420/2010 for demolition of existing dwellings and construction of a 3 storey retail/commercial building over 3 levels of basement car parking was withdrawn by the applicant on 17 December 2010. The applicant was advised to withdraw the application as a result of insufficient information submitted in order for Council to carry out a proper assessment of the proposal.

The current development application DA-116/2011 was lodged on 6 April 2010. Following a detailed assessment of the proposal a number of issues were identified especially as they relate to the isolation of No. 14 Park Road; stormwater drainage; access, parking & loading; location of waste storage area; and solar access. The applicant was therefore requested by letter dated 17 May 2011 to provide further information including evidence that amalgamation of 14 Park Road with the sites is not feasible and evidence of agreement for an inter-allotment drainage easement obtained from the adjoining downstream property owner(s).

To date the applicant has provided 4 lots of additional information to address the issues raised in Council's letter dated 17 May 2011. The information provided include:-

- 3 June 2011: Amended stormwater drainage plan, architectural plans and development options for the isolated site.
- 6 June 2011: Statement addressing site isolation concerns and Quantity Surveyors report on capital investment value of work. It is noted that the original estimated cost of works being \$9,371,000 quoted by the applicant was required to be reviewed and an amended capital investment value of \$11,463,000 was provided. (See further discussion on consent authority below). In relation to site isolation, the applicant and owner of 14 Park Road have failed to come to an agreement regarding the purchase of the isolated property and as such Council cannot support the application (as discussed later in the report).
- 14 June 2011: Additional shadow diagram, amended landscape plan and justification for non compliance with solar access requirements provided.
- 25 July 2011: Amended architectural plans to address privacy concerns and relocating waste storage room to basement as well as a letter from the adjoining property owner regarding stormwater easement permission was submitted.

Consent Authority

The original cost estimate of \$9,371,000 provided by the applicant was less than \$10m. The proposal was subject to Council's jurisdiction as the consent authority. Following a review the applicant provided Council with a revised capital investment value estimate of \$11,463,000, the proposal pursuant to clause 13(b) of SEPP (Major Development) 2005 has been referred to the JRPP as the relevant consent authority.

Further to the above, it is also recognised that there is a recent bill by the NSW Government to amend and update the arrangements relating to Joint Regional Planning Panels by JRPP (Sydney West Region) Business Paper – (Item 1) (06 October 2011) – (JRPP 2011SYW091) 5

increasing the capital investment threshold of developments to be referred to the JRPP from \$10m to \$20m. As at the time of this report, the amendment has not been gazetted and saving/transitional provisions for development applications currently with Council cannot be determined at this stage.

The proposal is therefore being considered under existing legislation with a view to it being determined by the Joint Regional Planning Panel as the consent authority.

Site and Locality Description

The subject site is identified as Lot 1 DP1041051 and Lots 9-12 Sec 4 DP 982836 and is known as 6 - 12 Park Road, Auburn. The site is located on the eastern side of Park Road, between intersections with Queen Street to the north and Mary Street to the south. The site has an area of 2349sqm and a frontage of 50.74m to Park Road. The site slopes from the front to the rear boundary.

The site is located within the Auburn Town Centre and existing on site are 4 single storey dwellings of fibro, cement rendered and weatherboard claddings. The site contain a number of trees that are proposed to removed.

Directly adjoining the site to the north is a 6 storey mixed use development; to the south is a single storey weatherboard dwelling (the isolated site) beyond which lies a 3 storey residential flat building; to the east (rear) are commercial development and mixed use development (Auburn Central); and to the west (front) is the existing Trinity Catholic College educational establishment.



The site is identified on the map below.

Site Isolation

The proposed development seeks to amalgamate Lot 1 of DP 1041051 and Lots 9 - 12 Sec 4 of DP 982836, which will leave one residual site being Lot 13 Sec 4 of DP 982836 to the south of the subject site. The residual Lot has an area of approximately 615sqm and a frontage of 12.3m to Park Road. The lot is under the one ownership, and accommodate one single storey detached dwelling house. Further to the south is a relatively new 3 storey residential flat building under various ownership and not likely to be redeveloped in the near future. The site known as 14 Park Road will therefore be isolated and is discussed below.

Given that there was no pre-lodgement application lodged by the applicant regarding the subject proposal, Council advised the applicant early on in the assessment of this application that efforts were to be made to acquire the residual lots and incorporate them into the development site. The applicant was also advised that the principles established by the NSW Land and Environment Court in proceedings of *Melissa Grech vs. Auburn Council* [2004] *NSWLEC 40* were to be satisfied. These three court principles are:

- 1. Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.
- 2. Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.
- 3. Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s79C of the Environmental Planning and Assessment Act 1979.

The applicant has advised that all attempts to acquire the site had proved futile. The applicant submitted evidence including a valuation report and letters to demonstrate that the appropriate steps had been taken to attempt to acquire the site. The information included:

In the case of principle 1 above, Council has been provided with documentary evidence from the applicant to suggest that negotiations may have commenced between the applicant and owner of 14 Park Road since 2010. This includes:-

- 'option to purchase' correspondence from the applicant's solicitor to the solicitor of the owner of No. 14 Park Road dated 24 February 2010;
- letter dated 29 April 2010 from the applicant's solicitor to the applicant indicating that the offer was rejected by the owner of 14 Park Road.
- The applicant obtained a valuation for the property at 14 Park Road dated 6 February 2011 prepared by Karvon FT Property Consultants and Valuers.
- the applicant's solicitor made an offer to buy the property for an amount at the valuation price of \$850,000 plus \$25,000 to cover expenses. The applicant's solicitor indicated in the offer letter that a counter offer could be made with regards to the quoted price. (letter dated 2 May 2011)
- the applicant provided a letter dated 16 May 2011 to Council indicating that the owner of 14 Park Road solicitor has declined the offer and has made a counter offer of \$1.2m for the property. The letter also indicated that the offer \$1.2m was rejected by the applicant.

On 25th July 2011, the applicant provided a letter dated 10 May 2011 from the solicitor to the owner of 14 Park Road which indicated that the offer of \$850,000.00 plus \$25,000.00 to cover expenses was unacceptable. The letter also indicated that the owner of 14 Park Road is willing to accept \$1.2m for the property.

In the case of principle 1 above, Council has been provided with documentary evidence from the applicant to suggest that negotiations commenced between the applicant and owner of 14 Park Road since February 2010.

In the case of principle 2 above, documentary evidence provided by the applicant includes the following:

- The applicant obtained a valuation for the property at 14 Park Road dated 6 February 2011 prepared by Karvon FT Property Consultants and Valuers.
- The applicant indicated in a letter dated 2 May 2011 that an offer to buy the property for an amount at the valuation price of \$850,000 plus \$25,000 to cover expenses was made to the owner of 14 Park Road.
- On 16 May 2011, the applicant provided a letter to Council indicating that the owner of 14 Park Road has declined the offer and has made a counter offer of \$1.2m for the property. The letter also indicated that the offer \$1.2m was rejected by the applicant.
- On 25 July 2011, the applicant provided a letter to Council from the solicitor to the owner of 14 Park Road which indicated that the offer of \$850,000.00 plus \$25,000.00 to cover expenses was unacceptable. The letter also indicated that the owner of 14 Park Road is willing to accept \$1.2m for the property.

Whilst the parties have failed to come to an agreement regarding the purchase of the isolated property, it is noted that the '*Court Principle*' require at least 1 independent valuation to be provided and by so doing, the applicant has met the minimum requirement under this principle. No valuation has been provided by the owner of 14 Park Road to justify the \$1.2m asking price.

In regard to principle 2 therefore, it is considered that this evidence technically satisfies the court requirements that an offer be based on at least 1 recent independent valuation of the isolated property.

In the case of principle 3 above, there is evidence to suggest that negotiations were undertaken to resolve the site isolation issue with the owner of the isolated site including an offer made based on a valuation of the isolated site. The owner of the isolated site has made a counter offer, but no valuation was provided to justify the offer made.

In regard to principle 3 therefore, it is considered that the court requirements have been satisfied.

Given the evidence provided, the applicant can be considered to have made attempts to purchase the isolated property at a reasonable value and that this offer was not accepted by the isolated property owner. While Council does not favour the isolation of the site, it must be accepted that the applicant has "technically" acted in accordance with the Land and Environment Court Principles relating to site isolation and that these attempts were fruitless in this instance. Therefore, a refusal of the proposal based on site isolation is not warranted.

It should also be stated that the Land and Environment Court in *Cornerstone Property Group Pty Ltd vs. Warringah Council* [2004] *NSWLEC 189* added another principle to site isolation issues that must be considered. That is:-

4. Can orderly and economic use and development of the separate site be achieved if amalgamation is not feasible?

In this regard, the applicant has provided an envelope for the isolated site including possible height, setbacks and basement level.

Description of Proposed Development

Council has received a development application for demolition of existing structures and construction of a 4 storey commercial building over 3 levels of basement car parking and associated landscaping and stormwater works.

Details of the development comprise of the following:

Basement level 3

- 58 car parking spaces
- 2 x fire stairs/air shaft
- Lift core/Exhaust shaft
- electrical switch room
- 1 x car burning bay
- Storage area adjoining car parking spaces 1 13 & 40 49

Basement level 2

- 55 car parking spaces
- 42 bicycle spaces
- 2 x fire stairs/air shaft
- Lift core/Exhaust shaft
- electrical switch room
- Storage area adjoining car parking spaces 1 13

Basement level 1

- 43 car parking spaces including 4 disabled car parking spaces
- 10 bicycle spaces
- Security office
- 2 x fire stairs/air shaft
- Lift core/Exhaust shaft
- electrical switch room
- 1 x car turning bay
- pump room/fire control room
- Waste storage room

Ground floor

- 1501sqm of open plan commercial floor
- Lift core/Exhaust shaft
- Commercial lobby with stairs from ground floor to 1st floor
- electrical switch room
- waste holding room
- loading zone on front elevation
- substation screened with landscaping
- awning over footpath on portions of the frontage
- · space indicated for provision of toilets

First floor plan

- 1725sqm of open plan commercial floor
- Lift core/Exhaust shaft
- stairs from 1st floor to ground floor
- electrical switch room
- fire stairs
- 90sqm balcony at the rear
- · space indicated for provision of toilets

- 1833sqm of open plan commercial floor
- Lift core/Exhaust shaft
- electrical switch room
- fire stairs
- space indicated for provision of toilets

Third floor plan

- 1154sqm of open plan commercial floor
- Lift core/Exhaust shaft
- electrical switch room
- fire stairs
- 2 x terrace areas located on eastern side and north-western side
- planter boxes along the edges of the eastern side terrace
- space indicated for provision of toilets

Concern is raised with the provision of 3 lifts within the development and the storage areas adjoining to car parking spaces as well as not providing details of proposed amenity areas including number of toilets/disabled toilets within each floor. Given that the proposal is recommended for deferred commencement approval, the applicant shall be required, as part of the deferred commencement conditions to be satisfied, to provide details of the following:-

- Access to the storage areas adjoining car spaces 1 13 on basement levels 2 and 3 especially when the adjoining car parks are utilised.
- Details of amenity areas associated with each floor including disabled facilities
- Justification for the need to provide 3 lifts given the size and potential use of the proposed development.

Referrals

Internal Referrals

Development Engineer

The development application was referred to Council's Development Engineer for comment who has advised that the application in its current form is unsatisfactory in terms of access and parking as well as the non provision of stormwater easement agreement from downstream property owner(s). Furthermore, stormwater/parking issues raised in Council's letter dated 17 May 2011 have not been entirely addressed by the applicant. This includes:-

Stormwater

- a) Easement shall be obtained from downstream property owners. In this regard, a letter of agreement from the affected property owners shall be submitted with the development application to demonstrate to Council that a suitable easement can be obtained to drain the development site.
- b) Basement drainage shall comply with Council's Stormwater DCP. In this regard, a holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of twelve hours.

Parking/Access

- c) Car park entry and exit access separation shall be minimum 2.4m.
- d) Minimum 2.3m headroom shall be provided. Head room shall be measured perpendicular to the wheelbase as shown on the Figure 5.3 of AS 2890.1. Head room details shall be marked on the plan. In this regard, detail

longitudinal sections of the basement access ramps from the Park Road and circular access ramp between basement car park and basement levels shall be submitted. Circular access ramp sections shall be provided along internal and external curves.

- e) Parking space dimensions and aisle widths shall be annotated on the plan. Width of the visitor parking space and employee parking space shall be minimum 2.6m and 2.4m respectively.
- f) Column locations shall comply with section 5 of the AS2890.1 Otherwise minimum 300mm clearance to the columns shall be provided. It is noted that some column locations within the basement will prevent door opening when car are parked.
- g) The width of the curved ramp between the basement Levels shall be adequate for two B99 vehicles pass each other. In this regard, swept path analysis shall be submitted.
- h) Loading area shall be provided within the basement level in this regard, a minimum 3 loading bays are required for the proposed development.
- *i)* If basement parking access is controlled by electrical or mechanical system, adequate queuing lengths shall be provided. Details shall be provided.
- j) Driveway layout details shown on the architectural plan conflicts with the landscape plan. Driveway width shall be uniform across the footpath and property boundary. Layout shall comply with Council's standards. In this regard, the power pole adjoining to the driveway shall be relocated.
- *k)* Entry and exit swept path for the largest delivery vehicle that uses the loading zone shall be provided. Loading area and entry grades shall be marked on the plan in order to ensure proposal complies with Australian Standard AS2890.2.

Following from above, the applicant submitted amendment plans 0n 25 July 2011. The plans have not entirely satisfied the issues raised above, however Council's development engineer has provided 'deferred commencement' conditions that are to be met should the proposal be recommended for approval. This include:-

1. Creation of Drainage Easement

The applicant shall create a stormwater drainage easement to drain water, in favour of the subject development as subject property over downstream property known as 1-5 harrow Road Auburn with respect to the disposal of stormwater runoff from the proposed development to harrow Road.

Such easements and appropriate 88B instrument shall be submitted to Council for approval and then registered with the land titles Office. A copy of the registered documents of the drainage easement shall be submitted to Council. Auburn City Council shall be nominated as the Authority to vary or modify the easement.

- 2. Amended drainage plan shall be submitted to Council for assessment and approval. In this regard
 - The registered easement details shall be shown on the plan.
 - The conditions provided in the General Conditions shall be addressed in the proposed stormwater drainage plan.
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submerged condition. Any required amplification of the pipe details shall be incorporated on the plan.

Please note that the property known as 14 Park Road also drains through the subject easement and the 100year ARI uncontrolled runoff shall be included in the above design.

3. Loading bays and garbage collection

Amended architectural plans incorporating the following items shall be submitted to Council for assessment.

- A minimum of three (3.0) loading bays shall be provided within the basement and the dimension shall comply with AS 2890.2
- The Garbage collection shall be carried out within the basement area.
- The provided storage area on ground level shall be deleted.
- All required swept paths and parking bay dimension shall be shown on the plan.
- Vehicles shall enter and leave the site in forward direction.
- The proposed column positions shall be clear from turning and parking area.
- All design shall incorporate the maximum size vehicle intended to be used on the premises.

Please note that the development shall provide 156 parking bays within the basement area.

- 4. Parking Design
 - Dimensions of parking bays, aisle width, and blind aisle extension shall be shown the plans. This dimension shall exclude the columns.
 - Column position shall be clear from parking bay envelope shown on AS 2890.1
 - All visitors parking bays shall be a minimum of 2600mm wide and accessible parking bays shall comply with As 2890.6 requirements.
 - The intersection of ramp and the parking isle shall be designed for a B85 and B99 to pass one another. Both swept paths shall be shown on the plans with different scenario.

Please note that the development shall provide 156 parking bays within the basement area.

5. Circulation ramp design

The circulation ramp to the basement shall comply with the AS2890.2 and AS 2890.1 requirements. In this regard,

- A detailed long section of the ramps shall be submitted to Council showing spot levels and lengths and grades.
- The head room clearance shall comply with AS2890.1, 2890.2 and 2890.6 requirements.
- The proposed centre median within the ramp shall be widened to 600mm minimum.
- The headroom clearance shall comply with the 2890.1 and 2890.2 requirements.
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The headroom clearance within the basement shall comply with the usage. In this regard, Loading bay, Waste collection area and associated turning area shall comply with the AS2890.2 requirements. Other areas shall comply with AS 2890.1 and 2890.6 requirements. A detailed sectional plan showing slab thickness, beam thickness, service area shall be submitted to ensure the required headroom clearance.

7. Drop off area design.

The proposed drop off zone shall be designed to access by only cars. In this regard a separate plan only showing this area shall be submitted to Council incorporating the following.

- The internal circulation driveway shall be limited to maximum 4.0 m wide.
- This area shall be designed to accommodate an accessible drop off bay by incorporating adjacent footpath area.
- Exit from the drop off zone shall be designed to incorporate left turn into basement and exit to Street. All required swept path and sight distance requirement and line marking shall be incorporated on the plan. It shall be ensured that the main access to the basement has the priority.
- The headroom within this area shall be minimised to maximum 3.0 meters. In this regard, the headroom clearance shall be reduced to 3.0 meter by introducing some architectural features to the satisfaction of Council.
- 8. Access Driveway

Access driveway shall be designed to comply with the AS 2890.1 requirements. The following shall be incorporated in the design. Grade

- The access driveway shall be aligned to be aligned with the internal circulation road way.
- Internal entry and exit circulation road way within the property shall be separated by a median to ensure the safety of the pedestrians.
- All sight distance requirements shall be addressed.
- 9. Relocation of Power pole:

The existing power pole adjacent to the proposed access driveway shall be relocated to be to provide minimum clearance of 1200mm. In this regard, the approval from relevant Authority with an estimated cost shall be submitted to Council.

- 10. A detailed public domain plan shall be submitted to Council. In this regard,
 - Detailed footpath design to comply with Council's "Town centre Infrastructure Manual" shall be submitted to Council.
 - Existing power line within the Street frontage including the existing portion on northern side of the property shall be laid underground. Details shall be incorporated.
 - Boundary line level of 130mm above the adjacent kerb level shall be adopted.
 - The footpath design shall incorporate the street furniture's.
 - Proposed relocation of power pole shall be incorporated in this design.
 - Footpath design shall be carried out in consultation with Council and shall be extended outside of the frontage as requested by council.
 - All existing services shall be raised to the design finished level.

The amendments required will result in re-designing the basement levels and make provisions for the loading areas within the basement. This is likely to result in loss of significant number of car parking spaces. A deferred commencement consent is recommended in this instance, to afford the applicant the opportunity to make the necessary amendments as well as show that the required 156 car parking spaces are provided on site.

Building Surveyor

The development application was referred to Council's Building Surveyor for comment who has raised no objections to the proposed development subject to conditions of consent.

Environmental Health

The development application was referred to Council's Environmental Health Officer for comment who has raised no objections to the proposed development subject to conditions of consent.

External Referrals

Roads and Traffic Authority

The development constitutes a "Traffic generating development" in accordance with Schedule 3 of the SEPP (Infrastructure) 2007. Therefore the application was referred to the Roads and Traffic Authority of New South Wales for consideration. The application was reviewed by the RTA at the SRDAC on the 13 July 2011 and the following concern was raised regarding the application:-

- 1. Safety concern is raised with regard to the access arrangement for the loading area/drop off zone as there is a potential conflicting area between the vehicles exiting loading area and the vehicles entering and exiting the subject site via the southern driveway. The measures should be provided to Council's satisfaction for managing the conflicting area on the site.
- 2. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- 3. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.2 2002, and AS 2890.6 -2009.
- 4. Clear sight lines shall be provided at the property boundary line to ensure adequate visibility between vehicles leaving the car park and pedestrians along the frontage road footpath in accordance with Figure 3.3 of AS 2890.1 2004 for light vehicles and AS 2890.2 2002 for heavy vehicles.
- 5. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.
- 6. All vehicles are to enter and leave the site in a forward direction.
- 7. Car parking provision to Council's satisfaction.
- 8. All demolition and construction vehicles are to be contained wholly within the site and must enter the site before stopping.
- 9. All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.

The comments provided and issues raised are significantly similar to those raised by Council to the applicant. It is noted that safety concern is raised with regards to the access arrangement for the loading area which further make the case for relocating the loading area within the basement levels as earlier suggested by Council.

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

State Environmental Planning Policies

The proposed development affected by the following State Environmental Planning Policies:

State Environmental Planning Policy No.55 - Remediation of Lands

State Environmental Planning Policy (SEPP) 55 requires Council to consider whether land, the subject of a development application, is contaminated, and if so, whether the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which development is proposed to be carried out.

A Phase II Environmental Site Assessment, prepared by Aargus Australia and dated December 2010, was submitted with respect to the proposed development. The report states that the site "is suitable for the proposed development". Council can therefore be satisfied that the site is suitable to accommodate the proposed development, as required by clause 7 of SEPP 55. Should the application be approved appropriate conditions will be imposed to ensure that the recommendations of the Phase II report are implemented accordingly.

State Environmental Planning Policy (Infrastructure) 2007

The development constitutes a "Traffic generating development" in accordance with Schedule 3 of the SEPP. Therefore the application was referred to the Roads and Traffic Authority of New South Wales for consideration. See details provided under the "External Referrals" heading of the report.

Regional Environmental Plans

The proposed development is affected by the following Regional Environmental Plans:

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the Sydney Harbour Catchment area and thus, SREP (Sydney Harbour Catchment) 2005 is applicable to the development application. The development application raises no issues in this regard, as the proposal is considered to be consistent with the requirements and objectives of the SREP.

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:

Cla	use	Yes	No	N/A	Comment				
Pai	Part 1 Preliminary								
1.2 (1)	Aims of Plan 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.	\boxtimes							
(2)	The particular aims of this Plan are as follows:(a) to establish planning standards that are clear, specific and flexible in their application,	\boxtimes			The proposal substantially complies with the stipulated development standards of the ALEP 2010.				
	 (b) to foster integrated, sustainable development that contributes to Auburn's environmental, social and physical well-being, 				The proposal being commercial development is unique in that its immediate context is characterised by mixed use development, residential development and educational establishment.				
	(c) to protect areas from inappropriate development,				The development in itself is not considered to be inappropriate for the area in terms of design, Council's preferred option would however be for the amalgamation of residual lot known as 14 Park Road into the development. As discussed earlier in the report, as this is not feasible in this instance, there is no objection raised.				
	 (d) to minimise risk to the community by restricting development in sensitive areas, 				No sensitive areas within the vicinity of the site.				
	(e) to integrate principles of ecologically sustainable development into land use controls,				The proposal has incorporated ESD principles and a Section J report has been submitted to accompany the application. The development is acceptable in this regard.				
	(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,	\boxtimes			Being a commercial development the proposal will create employment opportunities.				
	(h) to identify and conserve the natural, built and cultural heritage,			\boxtimes	The site is not within the vicinity of any heritage item.				
	 (i) to provide recreational land, community facilities and land for public purposes. 								
1.8	Repeal of other local planning instruments applying to land								
(1)	All local environmental plans and deemed environmental planning instruments applying only to the land to	\boxtimes			Noted				

Clause	Yes	No	N/A	Comment
 which this Plan applies are repealed. Note. The following local environmental plans are repealed under this provision: <i>Auburn Local Environmental Plan 2000</i> (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other and cease to apply to the land to which this Plan applies. 	\boxtimes			

Clause	Yes	No	N/A	Comment
1.9 Application of SEPPs and REPs				
(1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.				
(2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies:				The state policies stated below are not relevant to this application
State Environmental Planning Policy No 1— Development Standards				
State Environmental Planning Policy No 4— Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6, clause 10 and Parts 3 and 4)				
State Environmental Planning Policy No 60— Exempt and Complying Development				
Sydney Regional Environmental Plan No 24— Homebush Bay Area				
1.9A Suspension of covenants, agreements and instruments				
(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.				There are no known covenants, agreements or instruments applying to the land which will prevent the development proceeding in accordance with the plan.
 (2) This clause does not apply: (a) to a covenant imposed by the Council or that the Council requires to be imposed, or 			\boxtimes	None of these apply to the development site.
 (b) to any prescribed instrument within the meaning of section 183A of the <i>Crown Lands Act 1989</i>, or 			\boxtimes	
 (c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or 			\boxtimes	
(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or			\boxtimes	
(e) to any property vegetation plan within the meaning of the <i>Native Vegetation</i> <i>Act 2003</i> , or			\boxtimes	
 (f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation</i> Act 1995, or 			\boxtimes	
(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.			\boxtimes	
(3) This clause does not affect the rights or interests of any public authority under any registered instrument.			\boxtimes	

Clau	ISE	Yes	No	N/A	Comment
	Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).				The development is not on behalf of a public authority.
Part	2 Permitted or prohibited devel	opmen	t		
2.1 L	and use zones				
The follov	land use zones under this Plan are as <i>v</i> s:				
Resi	dential Zones				
R2 Lo	ow Density Residential				
R3 M	edium Density Residential				
R4 H	igh Density Residential				
Busi	ness Zones				
B1 N	eighbourhood Centre				
B2 Lo	ocal Centre				The land is reped D4 Mixed
B4 M	ixed Use	\square			The land is zoned B4 – Mixed use, which permits the type of
B6 E	nterprise Corridor				development that is proposed.
B7 B	usiness Park				
Indu	strial Zones				
IN1 C	General Industrial				
IN2 L	ight Industrial				
Spec	ial Purpose Zones				
SP1	Special Activities				
SP2	Infrastructure				
Recr	eation Zones				
	Public Recreation				
	Private Recreation				
	ronment Protection Zones				
	nvironmental Conservation				
	rway Zones				
W1 N	latural Waterways				
	Additional permitted uses for particular land				
(1)	Development on particular land that is described or referred to in Schedule 1				No additional uses in accordance with this clause are being applied
	may be carried out:			\square	for under this application.
	(a) with consent, or				
	(b) if the Schedule so provides—without consent,				
	in accordance with the conditions (if any) specified in that Schedule in relation to that development.				
(2)	This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.				
2.6S	ubdivision—consent requirements				
(1)	Land to which this Plan applies may be subdivided, but only with consent.			\square	No subdivision (Torrens or Strata) approval is being sought.

Clau	se	Yes	No	N/A	Comment
(2)	However, consent is not required for a subdivision for the purpose only of any one or more of the following:			\boxtimes	
(a) widening a public road,				
(b) a minor realignment of boundaries that does not create:			\boxtimes	
	(i) additional lots or the opportunity for additional dwellings, or				
	 (ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned, 			\boxtimes	
(c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,			\boxtimes	
(d) rectifying an encroachment on a lot,			\square	
	e) creating a public reserve,		H		
(f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets. 				
the A	If a subdivision is exempt development, of enables the subdivision to be carried thout consent.				
The d carried Note. identif <i>Policy</i> <i>Codes</i>	A Demolition requires consent emolition of a building or work may be lout only with consent. If the demolition of a building or work is ied in State Environmental Planning (Exempt and Complying Development b) 2008 as exempt development, the Act es it to be carried out without consent.				The demolition component of the development is being considered as part of this application.
Zone	B4 Mixed Use				
1	Objectives of zone				
•	To provide a mixture of compatible land uses.	\square			The proposed commercial land use is considered to be compatible with the objectives of the zone.
•	To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.				The site enjoys close proximity to the auburn town centre and associated public transport links.
•	To encourage high density residential development.			\square	
•	To encourage appropriate businesses which contribute to economic growth.				Being a commercial building development, the development will create an additional benefit in the form of job opportunities.
•	To achieve an accessible, attractive and safe public domain.				The proposal is considered to provide an attractive public domain interface through the use of high quality materials, awning and accessible entry.

Nil 3 Permitted with consent Backpackers' accommodation; Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Self-storage units; Seniors housing; Serviced apartments (but	lefined eaning siness ses (c) ent is
Backpackers' accommodation; Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Self-storage units; Seniors housing; Serviced apartments (but	eaning siness ses (c) ent is
Backpackers' accommodation; Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Self-storage units; Seniors housing; Serviced apartments (but	eaning siness ses (c) ent is
facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Self-storage units; Seniors housing; Serviced apartments (but	
only as part of a mixed use development); Shop top housing; Warehouse or distribution centres; Any other development not specified in item 2 or 4	
4 Prohibited	
Agriculture; Air transport facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Canal estate developments; Caravan parks;	
Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Marinas; Mining; Moorings; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Rural supplies; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies	ent is
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	
(1) The objectives of this clause are as follows:	
(a) to ensure that lot sizes are able to accommodate development consistent with relevant development controls, and	nt as eferred for the
development types. earlier in the report, as this	to the cussed is not
	posed.
carried out after the commencement of this Plan.Consolidation of subject sit 14 Park Road is ho required to generate a(3) The size of any lot resulting from aConsolidation of subject sit 14 Park Road is ho required to generate a	owever

Cla	use	Yes	No	N/A	Comment
	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.				development outcome.
(3A)	Despite subclause (3), the minimum lot size for dwelling houses is 450 square metres.				
(3B)	Despite subclause (3), if a lot is a battle- axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle.				The development is not for a single dwelling.
(3C)	Despite subclauses (3)–(3B), the minimum lot size for development on land within the Former Lidcombe Hospital Site, as shown edged blue on the Lot Size Map, is as follows in relation to development for the purpose of:				
	(a) dwelling houses:				
	(i) 350 square metres, or				
	 (ii) if a garage will be accessed from the rear of the property - 290 square metres, or 			\boxtimes	
	(iii) if the dwelling house will be on a zero lot line - 270 square metres,	_			
	(b) semi-detached dwellings - 270 square metres,				
	(c) multi dwelling housing - 170 square metres for each dwelling,				
	(d) attached dwellings - 170 square metres.			\boxtimes	
(4)	This clause does not apply in relation to the subdivision of individual lots in a				
	strata plan or community title scheme.			\square	
4.3 I	leight of buildings				The subject site has a 27m height
(1)	The objectives of this clause are as follows:				limit under the LEP 2010. The proposal compiles with the maximum allowable height limit
	 (a) to establish a maximum building height to enable appropriate development density to be achieved, and 	\square			with a height of 19.5m to the lift overhang.
	 (b) to ensure that the height of buildings is compatible with the character of the locality 	\boxtimes			
(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.				
(2A)	Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is:				
	(a) if it is within the Parramatta Road Precinct, as shown edged orange on				Development not on Parramatta

Clause	Yes	No	N/A	Comment
the Height of Buildings Map-27 metres,				Road Precinct.
(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.				Development not on land within zone B6 – Enterprise Corridor.

Cla	use	Yes	No	N/A	Comment
4.4 F	Floor space ratio				
(1)	The objectives of this clause are as follows:				
	(a) To establish a maximum floor space ratio to enable appropriate development density to be achieved, and	\square			The proposed floor space ratio of 2.7:1 is less than the maximum allowable floor space ratio limit of 3:1. The development is acceptable in this regard.
	(b) To ensure that development intensity reflects its locality.	\boxtimes			
(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.				
(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:				
	(a) for sites less than 1,300 square metres—0.75:1,				Not a multi dwelling development.
	(b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1,				
	(c) for sites that are 1,800 square metres or greater—0.85:1.				
(2B)	Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows:				
	(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and				Not within Zone B6 – Enterprise Corridor.
	(b) 3:1 for office premises and hotel or motel accommodation.				
(2C)	Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Floor Space Ratio Map, is as follows:				
	(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and				
	(b) 2:1 for office premises and hotel or motel accommodation.				
4.5 C area	Calculation of floor space ratio and site				
(1)	Objectives				
	objectives of this clause are as follows:				
(a)	to define <i>floor space ratio</i> ,	\boxtimes			Noted
(b)	to set out rules for the calculation of the				

Cla	use	Yes	No	N/A	Comment
	site area of development for the purpose of applying permitted floor space ratios, including rules to:				The site consists of 5 lots to be consolidated into 1 lot.
	 (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and 			\boxtimes	
	(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				
	(iii) require community land and public places to be dealt with separately.	\boxtimes			
(2)	Definition of "floor space ratio"				
the i	<i>floor space ratio</i> of buildings on a site is ratio of the gross floor area of all buildings n the site to the site area.				
(3)	Site area				
deve	determining the site area of proposed elopment for the purpose of applying a space ratio, the site area is taken to be:				
(a)	if the proposed development is to be carried out on only one lot, the area of that lot, or	\boxtimes			Noted
(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.			\boxtimes	No exclusions in accordance with this clause are being applied.
calc appl	ddition, subclauses (4)–(7) apply to the ulation of site area for the purposes of ying a floor space ratio to proposed elopment.				
(4)	Exclusions from site area				
	following land must be excluded from the area:				No existing strata subdivision or proposed strata subdivision being applied.
(a)	land on which the proposed development is prohibited, whether under this Plan or any other law,				
(b)	community land or a public place (except as provided by subclause (7)).			\boxtimes	
(5)	Strata subdivisions				The site consists of 5 lots to be
of ar	area of a lot that is wholly or partly on top nother or others in a strata subdivision is to ncluded in the calculation of the site area	\square			consolidated into 1 lot
only anot	to the extent that it does not overlap with her lot already included in the site area ulation.	\boxtimes			
(6)	Only significant development to be included				
not whic unle	site area for proposed development must include a lot additional to a lot or lots on h the development is being carried out ss the proposed development includes ificant development on that additional lot.	\boxtimes			

Clause	Yes	No	N/A	Comment
(7) Certain public land to be separately considered For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.			\boxtimes	No public land incorporated into the proposal.
(8) Existing buildings				
The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.				All above ground floors of the proposal are factored into the floor space ratio calculation. The development complies in this regard.
(9) Covenants to prevent "double dipping"				
When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.				Should the application be approved, appropriate condition will be imposed to ensure the 5 lots are amalgamated into 1 lot.
(10) Covenants affect consolidated sites				
 If: (a) a covenant of the kind referred to in subclause (9) applies to any land (<i>affected land</i>), and 				
 (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development, 				No consolidation covenant is required in this instance.
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.			\square	
(11) Definition				
In this clause, <i>public place</i> has the same meaning as it has in the <i>Local Government Act 1993</i> .				
4.6 Exceptions to development standards				
 (1) The objectives of this clause are: (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and (b) to achieve better extremes for and 			\boxtimes	No exceptions to development standards applied for by the applicant in accordance with this clause.
(b) to achieve better outcomes for and from development by allowing flexibility			\boxtimes	

Cla	use	Yes	No	N/A	Comment
	in particular circumstances.				
(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.				
(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:				
	 (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and 			\boxtimes	
	(b) that there are sufficient environmental planning grounds to justify contravening the development standard.			\square	
(4)	Consent must not be granted for development that contravenes a development standard unless:				
	(a) the consent authority is satisfied that:				
	 the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and 			\boxtimes	
	 (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 			\boxtimes	
	(b) the concurrence of the Director-General has been obtained.			\square	
(5)	In deciding whether to grant concurrence, the Director-General must consider:				
	(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and			\boxtimes	
	(b) the public benefit of maintaining the development standard, and				
	(c) any other matters required to be taken into consideration by the Director- General before granting concurrence.			\boxtimes	
(6)	Not applicable				

Clause		Yes	No	N/A	Comment		
(7)	the of it to b	licatio cons ts ass be ado	determining a development on made pursuant to this clause, ent authority must keep a record sessment of the factors required dressed in the applicant's written referred to in subclause (3).				
(8)	gra	nted trave a de	ise does not allow consent to be for development that would ne any of the following: velopment standard for complying lopment,				
	(b)	unde conn in a whic <i>Polic</i> <i>BASI</i>	evelopment standard that arises, er the regulations under the Act, in section with a commitment set out BASIX certificate for a building to h State Environmental Planning y (Building Sustainability Index: X) 2004 applies or for the land on h such a building is situated,				
	(c)	claus	e 5.4.				
						\square	
Par	rt 5	Mis	cellaneous provisions				
5.6	Arch	itectu	ural roof features				
(1)		-	ctives of this clause are:				
	(a)	elem	ensure that any decorative roof eent does not detract from the itectural design of the building, and				The roof parapet and lift overruns are not considered to be architectural roof features and accordingly do not receive a
	(b)	roof	nsure that prominent architectural features are contained within the ht limit.	\boxtimes			height concession in relation to this clause.
(2)	arcl cau limi	ses a ts se	ment that includes an ural roof feature that exceeds, or a building to exceed, the height t by clause 4.3 may be carried only with consent.				
(3)	gra	nted t	ment consent must not be to any such development unless ent authority is satisfied that:				
	(a)	the a	architectural roof feature:				
		(i)	comprises a decorative element on the uppermost portion of a building, and			\boxtimes	
		(ii)	is not an advertising structure, and				
		(iii)	does not include floor space area and is not reasonably capable of modification to include floor space area, and				
		(iv)	will cause minimal overshadowing, and			\square	
	(b)	equi	building identification signage or pment for servicing the building n as plant, lift motor rooms, fire				

Cla	use	Yes	No	N/A	Comment
	stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.				
5.10	Heritage conservation				
Note. 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.					
(1)	Objectives				
The	objectives of this clause are:				
(a)	to conserve the environmental heritage of Auburn, and				
(b)	to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and				
(c)	to conserve archaeological sites, and			\square	The land is not listed as being a heritage item or part of a heritage
(d)	to conserve places of Aboriginal heritage significance.			\square	group or being an archaeological site.
(2)	Requirement for consent				
	elopment consent is required for any of the wing:				
(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 conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,				
(c)	altering a heritage item that is a building by making structural changes to its interior,				
(d)	disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,				
(e)	disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,			\square	
(f)	erecting a building on land on which a heritage item is located or that is within a heritage conservation area,				
(g)	subdividing land on which a heritage item is located or that is within a heritage conservation area.				
(3)	When consent not required			\square	
	vever, consent under this clause is not irred if:				
(a)	the applicant has notified the consent authority of the proposed development and the consent authority has advised the				

Clause			No	N/A	Comment
	applicant in writing before any work is carried out that it is satisfied that the proposed development:				
	 (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and 			\square	
	 (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or 			\boxtimes	
(b)	the development is in a cemetery or burial ground and the proposed development:				
	 (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 			\boxtimes	
	 (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 			\boxtimes	
(c)	the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or			\boxtimes	
(d)	the development is exempt development.				
Note. 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.					
(4)	Effect on heritage significance				
cons of th sign cons appl impa (5)	consent authority must, before granting sent under this clause, consider the effect ne proposed development on the heritage ificance of the heritage item or heritage servation area concerned. This subclause ies regardless of whether a heritage act statement is prepared under subclause or a heritage conservation management is submitted under subclause (6).				
(5)	Heritage impact assessment				
The consent authority may , before granting consent to any development on land:					The land is not within the vicinity
(a)	on which a heritage item is situated, or				of any heritage item, heritage conservation area or
(b)	within a heritage conservation area, or			\square	archaeological site.
(c)	within the vicinity of land referred to in paragraph (a) or (b),				
prep	ire a heritage impact statement to be ared that assesses the extent to which the ying out of the proposed development				

Clause	Yes	No	N/A	Comment
would affect the heritage significance of the heritage item or heritage conservation area concerned.				
(6) Heritage conservation management plans			\bowtie	
The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.				
(7) Archaeological sites				
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):			\boxtimes	
(a) notify the Heritage Council of its intention to grant consent, and				
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.			\square	
(8) Places of Aboriginal heritage significance				
The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:				
 (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and 				
(b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.				
(9) Demolition of item of State significance				
The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act 1977</i> applies):				
(a) notify the Heritage Council about the application, and			\boxtimes	
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.				
(10) Conservation incentives				
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				

Cla	use	Yes	No	N/A	Comment
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				
(b)	the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and			\boxtimes	
(c)	the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and				
(d)	the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and			\boxtimes	
(e)	the proposed development would not have any significant adverse effect on the amenity of the surrounding area.				
Pai	t 6 Additional local provisions				
6.1	Acid sulfate soils				
(1)	(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.				The site lies over Class 5 Acid Sulfate Soils and does not lie within 500 metres of an adjacent altered classification soil.
(2)	-				Class 5 soils are general acceptable to undertake significant excavation without the need for further studies or management plans to manage Acid Sulfate issues during
	ass Works			\square	construction. The development is acceptable in this regard.
1	land Any works.				
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.				
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.				
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.				
5	Works within 500 metres of				

Clause			No	N/A	Comment
	adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.			<u> </u>	
(3)	Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.				
(4)	Despite subclause (2) Development consent is not required under this clause for the carrying out of works if: (a) a preliminary			\boxtimes	
	(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and				
	(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.				
(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):			\square	
	 (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, 			\square	
	(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),			\square	
(6)	 (c) minor work, being work that costs less than \$20,000 (other than drainage work). Despite subclause (2), development consent is not required under this clause to carry out any works 			\square	
	if: (a) the works				

Cla	use	Yes	No	N/A	Comment
	 involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or (b) the works are 			\boxtimes	
	(b) the works are likely to lower the watertable.				
	Earthworks				
(1) T	he objectives of this clause are as follows:				
	(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,	\boxtimes			Development consent is required for the proposed basement level excavations.
	(b) to allow earthworks of a minor nature without separate development consent.			\square	
(2)	Development consent is required for earthworks, unless:				
	(a) the work does not alter the ground level (existing) by more than 600 millimetres, or			\boxtimes	
	(b) the work is exempt development under this Plan or another applicable environmental planning instrument, or			\boxtimes	
	(c) the work is ancillary to other development for which development consent has been given.			\boxtimes	
(3)	Before granting development consent for earthworks, the consent authority must consider the following matters:				The proposed excavation is not anticipated to disrupt local
	 (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, 	\boxtimes			drainage patterns or soil stability.
	(b) the effect of the proposed development on the likely future use or redevelopment of the land,	\square			Should the application be approved appropriate conditions will be imposed to ensure that all fill taken from the site are taken to
	(c) the quality of the fill or of the soil to be excavated, or both,	\boxtimes			an approved landfill site. Should the application be
	 (d) the effect of the proposed development on the existing and likely amenity of adjoining properties 	\boxtimes			approved appropriate noise, construction and traffic control conditions will be imposed to ensure minimal impact on the amenity of adjoining properties.
	(e) the source of any fill material and the destination of any excavated material,				Soil has been tested in accordance with SEPP 55 requirements. All off site soil disposal to be taken to an approved landfill site.
	(f) the likelihood of disturbing relics,	\boxtimes			The site is not identified as a potential archaeological site.

Clause	Yes	No	N/A	Comment
 (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area. Note. The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects. 				There are no waterways or environmentally sensitive areas in vicinity.

Clause			Yes	No	N/A	Comment
6.3	Floc	od planning				
(1)	clau	The objectives of this use are:				The site is not identified as being flood prone as per the maps in the ALE 2010. This closure is not
	(a)	to minimise the flood risk to life and property associated with the use of land,				the ALEP 2010. This clause is not applicable to the development.
	(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,				
	(c)	to avoid significant adverse impacts on flood behaviour and the environment.			\boxtimes	
(2)		This clause applies to:			\boxtimes	
	(a)	land that is shown as "Flood planning area" on the Flood Planning Map, and				
	(b)	other land at or below the flood planning level.			\boxtimes	
(3)	this	Development consent must not be nted for development on land to which clause applies unless the consent nority is satisfied that the development:			\boxtimes	
	(a)	is compatible with the flood hazard of the land, and				
	(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				
	(c)	incorporates appropriate measures to manage risk to life from flood, and			\bowtie	
	(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				
	(e)	is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.				
(4)	the Dev	A word or expression used in this use has the same meaning as it has in NSW Government's <i>Floodplain</i> velopment Manual published in 2005, ess it is otherwise defined in this use.				
(5)		In this clause:				
<i>flood planning level</i> means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.						
		Planning Map means the Auburn Local mental Plan 2010 Flood Planning Map.				
6.4	Fore	eshore building line				
(1)	cla	The objective of this use is to ensure that development in			\bowtie	The subject site is not affected by
Cla	use	Yes	No	N/A	Comment	
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	the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.				a foreshore building line.	
(2)	This clause applies to land identified as below the foreshore building line on the Foreshore Building Line Map.			\square		
(3)	Development consent must not be granted for development on land in the foreshore area except for the following purposes:			\boxtimes		
	(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,					
	(b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,			\boxtimes		
	(c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).					
(4)	Development consent must not be granted under subclause (3) unless the consent authority is satisfied			\square		
	that:			\boxtimes		
	(a) the development will contribute to achieving the objectives for the zone in which the land is located, and					
	(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be			\boxtimes		
	compatible with the surrounding area, and			\boxtimes		
	(c) the development is not likely to cause environmental harm such as:			\boxtimes		
	(i) pollution or siltation of the waterway, or			\boxtimes		
	 (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or 					
	(iii) an adverse effect on drainage patterns, and					
	(d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and					
	(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised,			\boxtimes		

Clause	Yes	No	N/A	Comment
and				
(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained,			\boxtimes	
(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and				
(h) sea level rise or change of flooding patterns as a result of climate change have been considered.				
6.5 Essential Services				
(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:				The listed services are currently available to the site.
(a) the supply of water,	\boxtimes			Should the application be approved appropriate conditions will be imposed requiring that all
(b) the supply of electricity,				services be augmented as necessary in accordance with
(c) the disposal and management of sewage.	\square			service provider requirements.
(d) stormwater drainage or on-site conservation,	\square			
(e) suitable road access.			\boxtimes	
(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.				

Standard Instrument (Local Environmental Plans) Amendment Order 2011; SEPP Amendment (Standard Instrument) 2011; Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2011

The proposed development is not affected by these Environmental Planning Instruments, pursuant to their saving and transitional provisions given that the application was lodged prior to 13 July 2011.

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

The proposed development is not affected by any relevant Draft Environmental Planning Instruments.

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

ADCP 2010 – Local Centres

The relevant objectives and requirements of the DCP 2010 Local Centres have been considered in the following assessment table:

Requirement	Yes	No	N/A	Comments
2.0 Built Form				
Objectives				
a. To provide richness of detail and architectural interest, especially to visually prominent parts of buildings such as lower storeys and street facades.				The proposed design is considered to be a high quality design of contemporary appearance appropriate to the proposed commercial use of the building.
b. To ensure that the form, scale, design and nature of development enhances the streetscape and visual quality of commercial areas within the Autom local gaugement area				The development in itself is not considered to be inappropriate for the area in terms of design, Council's preferred option would however be for
 Auburn local government area. C. To ensure that the built form and density of a new development respects the scale, density and desired future character of the area. 				the amalgamation of residual lot known as 14 Park Road into the development. As discussed earlier in the report, as this is not feasible in this instance, there is no objection raised.
d. To ensure development appropriately supports the centres hierarchy within the Auburn local government area.				The design complies with the ALEP 2010 building FSR and building height controls.
2.1 Number of storeys				
DI The maximum number of storeys shall be as per the table below: Table 1 – Number of storeys				
ALEP 2010 maximum building height of storeys				
B1 Neighbourhood Centre zone				
14 metres (excluding 3 storeys Wentworth Point Neighbourhood Centre)			\boxtimes	
17 metres (Wentworth 4 storeys Point Neighbourhood Centre only)				
B2 Local Centre zone				
14 metres (excluding 3 storeys Newington Small Village)				
16 metres (Newington 3 storeys Small Village only)			\square	
B4 Mixed Use zone			5-7	
18 metres 4 storeys				
27 metres 6 storeys				Height of 19.5m proposed for development
32 metres 8 storeys			\boxtimes	
36 metres 9 storeys			\boxtimes	
2.2 Articulation and proportion				
 Performance criteria PI The bulk, scale and intensity of development is consistent with the scale of surrounding existing and planned developments. 				The bulk and scale of the development is considered appropriate with regard to the future desired character of the area and zone objectives.

P2 P3	Existing horizontal or vertical rhythms in a streetscape are complemented by new facades. Visual interest in a building is achieved by: articulation of facade into horizontal divisions of base, middle and top; balcony and fenestration details; and proportion, spacing and modelling of the surface through detail and relief. New facades complement the predominant horizontal and vertical proportions in the street and are compatible with surrounding buildings.			The building can be divided into distinct element comprising the street level base with associated awning, centre core and top elements defined by the balcony. The development is considered to respond well in this regard. Surrounding development comprise of mixed use, residential and educational developments.
	elopment controls Buildings shall incorporate:	\boxtimes		The proposed design possesses these elements.
•	balanced horizontal and vertical proportions and well spaced and proportioned windows;	\boxtimes		The proposed design possesses these elements.
•	a clearly defined base, middle and top; modulation and texture; and	\boxtimes		The proposed design possesses these elements. The building is modulated with the provision of recesses in the
				front facade of the building.
•	architectural features which give human scale at street level such as entrances and porticos.	\square		The ground floor is of an appropriate scale.
D2	The maximum width of blank walls for building exteriors along key retail streets shall be 5m or 20% of the street frontage, whichever is the lesser.	\boxtimes		There are no blank walls proposed at the street level facade. The public domain interface is considered to provide an appropriate level of visual interest.
D3	Articulation of the building exterior shall be achieved through recesses in the horizontal and vertical plane, adequate contrasts in materials,	\square		
D4	design features and the use of awnings. Features such as windows and doors		\boxtimes	Limited doors provided being commercial building development.
	shall be in proportion with the scale and size of the new building and any adjoining buildings which contribute positively to the streetscape.	\boxtimes		
	Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development.]	There is an awning provided over portions of the building over the footpath.
	Materials ormance criteria			
PI	Materials enhance the quality and character of the business precinct. elopment controls	\square		The proposed materials are considered to be of high quality and contemporary appearance. The development is
	New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the character of buildings in the locality.	\boxtimes		acceptable in this regard. The facade contains mainly glass and
D2	Building materials and finishes complement the finishes predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building.			solid masonry architectural elements appropriate to the commercial use of the building.
D3	Building facades at street level along			

building s of new %. into the ieve the uns and teresting				Should the application be recommended for approval appropriate condition will be imposed in this regards.
ieve the uns and				
				The proposed parapet is a flat element to the building.
teresting	\square			The roof overrun is not visible from the
	\boxtimes			street. In any case, the proposed height is less than the permissible height under Council's ALEP 2010.
adjoining c places;	\boxtimes			The roof is appropriate in this instance.
of the	\boxtimes			
igned to and bulk	\boxtimes			The roof design is not considered to add to the perceived bulk and scale of
reas are shade shall be			\boxtimes	the building. No outdoor open space is proposed upon the roof.
itively to and the re.	\boxtimes			
es shall e of solid allow for			\boxtimes	Being a commercial development, proposed transparent balustrade is considered appropriate.
shall be aces.				Balconies are proposed at the rear (east elevation of levels 1 & 3) overlooking adjoining commercial/mixed use development. It is however noted than planter boxes are introduced to the perimeters of the balcony at the rear of level 3 to minimise overlooking impact and the balcony to the rear of level 1 is provided with 2m high translucent glass barrier to minimise overlooking impacts.
				balcony as it directly overlook the windows of the residential units of the adjoining mixed use development have been addressed by the provision of 2m high translucent glass barrier on the northern side of the balcony. Given the measures used in minimising overlooking impacts
	allow for shall be	allow for shall be	allow for shall be	shall be

				to the location/orientation of the balconies.
D3	The design of the underside of the balcony shall take into consideration the view of the underside from the street and shall not have exposed pipes and utilities.	\boxtimes		Should the application be recommended for approval appropriate condition could be imposed in this regards.
D4	Screens, louvers or similar devices shall be provided to balconies so as to visually screen any drying of laundry.		\boxtimes	
	Interface with schools, places of public worship, and public precincts elopment controls Where a site adjoins a school,			The Catholic Trinity College is located across the road to the west of the subject development site.
	place of public worship or public open space:			
	 This interface shall be identified in the site analysis plan and reflected in building design; 	\square		
	 Building design incorporates an appropriate transition in scale and character along the site boundary(s); 			
	 Building design presents an appropriately detailed facade and landscaping in the context of the adjoining land use. 		\boxtimes	
D2	The potential for overlooking of playing areas of schools shall be minimised by siting, orientation or screening.		\square	
D3	Fencing along boundaries shared with public open space shall have a minimum transparency of 50%.		\square	
D4	Sight lines from adjacent development to public open space shall be maintained and/or enhanced. Direct, secure private access to public open space is encouraged, where possible.		\boxtimes	The development does not directly adjoin public open space.
	Streetscape and Urban form			
Obje a.	ctives To ensure development integrates well with the locality and respects the streetscape, built form and character of the area.			The development in itself is not considered to be inappropriate for the area in terms of streetscape and built form, Council's preferred option would
b.	To encourage innovative development which is both functional and attractive in its context.			however be for the amalgamation of residual lot known as 14 Park Road into the development. As discussed earlier in the report, as this is not feasible in this instance, there is no objection raised.
	Streetscape			
Perf	ormance criteria New and infill development respects the integrity of the existing streetscape and is sympathetic in terms of scale, form, height, shopfront character, parapet, verandah design, and colours and materials, in a			The building as proposed is considered to be an appropriate design given the zoning and use.
P2	manner which interprets the traditional architecture, albeit in modern forms and materials. New development conserves and enhances the existing character of the	\boxtimes		The development, if constructed will have no relationship with the existing buildings which immediately adjoin the

	street with particular reference to architectural themes. elopment controls Applicants shall demonstrate how new development addresses the streetscape and surrounding built			site as it is for commercial development whilst existing adjoining building are mainly mixed use developments and educational establishment.
D2	environment.		\boxtimes	There are no signs proposed for this development. It is noted however that the horizontal architectural element on the front facade includes the address of the property identified as 8 PARK Road. Should the proposal be recommended for approval appropriate condition will be imposed to ensure that any tenancy signage shall be subject to the lodgement of further application
	Setbacks			
Peri	The setback of new buildings is consistent with the setback of adjoining buildings.			Proposed setbacks considered appropriate given the use of the building for commercial purposes.
P2	The built edge of development at the street frontage contributes to a sense of enclosure and scale within the centre.	\boxtimes		
Р3	The design of landmark or gateway buildings on corner and junction sites recognises the importance of these sites as dominant elements in the			The site is not located on a corner or identified as a gateway site.
P4	streetscape. The design of infill buildings reinforces continuity, symmetry and unity in the streetscape.		\boxtimes	The development is not infill development.
Dev DI	elopment controls			
	• Nil setbacks for the first two storeys, particularly if adjoining buildings are on a nil setback. This reinforces the existing continuity of the streetscape.			Nil setback is adopted for portions of the first two storeys and is considered appropriate given that the adjoining established developments has not adopted a nil setback nor have consistent setbacks. The setback and public domain transition as proposed is considered be provide a better response with regard to the relationship to adjoining existing developments.
	• Where new buildings are more than two storeys in height, the levels above the first two storeys are set back by stepping the upper levels and/or roof.			The 3 rd storey (level 2) is setback as the same setback as the first two storeys, whilst the 4 th storey (level 3) is slightly recessed by the front balcony. The development is considered to be acceptable in this regard given that it is not considered the typical high rise development of
D2 D3	Corner sites shall reinforce the street corner, incorporate strong architectural elements and adhere to a nil setback for the lower two storeys. Where business development is located adjacent to existing residential properties, new development shall be set back from side boundaries as			6 storeys and above.
	 External walls – 900mm for single storey development. 		\bowtie	

	• External walls - 1500mm for two	\boxtimes		Minimum 1500mm setback provided from external walls
Dam	storeys.			
	ending on performance and other ria, side setbacks may be required to			
be ir	ncreased in order to minimise potential			
impa sola	icts on adjoining properties in terms of amenity, views, privacy and			
	shadowing.			
4.0	Mixed Use Developments			
-	ectives			Development pet a mixed upo
а.	To encourage sustainable development by permitting services		\boxtimes	Development not a mixed use development.
	and employment-generating uses in			
	conjunction with residential uses.			
b.	To provide affordable residential development within close proximity to		\boxtimes	
	transport, employment and services.			
с.	To enhance the vitality and safety of		\square	
	commercial centres by encouraging further residential development.			
d.	To achieve a lively and active street			
	frontage by encouraging the		\boxtimes	
	integration of appropriate retail and commercial uses with urban housing.			
	Building design			
	ormance criteria			
PI	Mixed use developments are designed to architecturally express		\boxtimes	
	the different functions of the building			
	while sympathetically integrating into			
Dev	the local centre streetscape.			
DI	The architecture of ground level uses		\square	
	shall reflect the commercial/retail function of the centre.			
D2			\bowtie	
	environment that sympathetically			
	integrates into the character of the commercial precinct.			
D3	Commercial and retail servicing,			
	loading and parking facilities shall be			
	separated from residential access and servicing and parking.			
	Active street frontages			
Perf	ormance criteria			
" '	Street activity is enhanced by:		 	
	• the concentration of retail outlets		\boxtimes	No uses of the commercial tenancies is proposed under this application
	and restaurants at street level; and			proposed under this application however the proposed building can
	• the number of entrances at street level.		\square	entertain a number of uses as outlined
Dev	elopment controls		لالك	under the B4 Mixed Use zone of the ALEP 2010 assessment.
DI	Retail outlets and restaurants are			
	located at the street frontage on the ground level.		\boxtimes	·
D2	A separate and defined entry shall be			
	provided for each use within a mixed			
	use development.		\bowtie	
	Amenity		 	
Perf	ormance criteria			
PI	The amenity provided for residents of a mixed use development is similar		\bowtie	
	to that expected in residential zones			
	in terms of visual and acoustic			
Dev	privacy, solar amenity and views. elopment controls			

DI	The internal environment of dwellings within mixed use developments in the vicinity of major arterial roads or railway lines shall provide an appropriate level of amenity for privacy, solar access and views.			
Appl Build requ com	Residential flat building component of mixed use developments icants shall consult the Residential Flat dings Part of this DCP for the design irements for the residential flat building ponent of a mixed use development.		\bowtie	
	Privacy and Security			
a.	To provide personal and property security for residents and visitors and enhance perceptions of community safety.	\boxtimes		The proposal is considered to promote safety and security in the local area by increasing the opportunity for general pedestrian activity and passive
b.	To enhance the architectural character of buildings at night, improve safety and enliven the town centre at night.	\square		surveillance in the locality.
Perf P1	ormance criteria Private open spaces and living areas of adjacent dwellings are protected from overlooking.		\bowtie	No residential component in the proposed development.
P2	Site layout and design of buildings, including height of front fences and use of security lighting, minimises the potential for crime, vandalism and fear. elopment controls			
D1	Views onto adjoining private open space shall be obscured by:			
	• Screening with a maximum area of 25% openings is permanently fixed and made of durable materials; or	\square		Concerns with potential overlooking impacts from the proposed glazing towards the side (southern) elevation and rear (eastern) elevation have been
	 Incorporating planter boxes into walls or balustrades to increase visual separation between areas. Existing dense vegetation or new planting may be used as a secondary measure to further improve privacy. 			addressed by the provision of translucent glazing to minimise overlooking impacts and is considered acceptable.
D2	Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings.			As above
D3	Shared pedestrian entries to buildings shall be lockable.		\square	
D4	Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the	\square		The development is acceptable in this regard.
D5	public area. Development shall be consistent with Council's Policy on Crime Prevention Through Environmental Design.	\square		Whilst a crime risk report has not been submitted with the application, no objection is raised in this regards.
	Lighting ormance criteria Lighting is provided to highlight the architectural features of a building and	\boxtimes		Should the application be recommended for approval appropriate condition will be imposed in this

	enhance the identity and safety of the public domain but does not floodlight the facade.			regards.
P2	The use of integrated lighting systems in retail shops is both functional and decorative.	\square		
Р3	Lighting is sufficient for its purpose and used to make bold design statements.	\square		
P4	Lighting does not interfere with amenity of residents or safety of motorists.	\boxtimes		
Dev	elopment controls			
D1	Lighting design shall be integrated			
	with the interior design of a retail/commercial premise. The use of low voltage track lighting, recesses spotlighting and designer light fittings is encouraged.			No uses are proposed for the commercial tenancies under this application and accordingly lighting strategies can be considered when applications are received to commence the use of the tenancies.
D2	Lighting systems shall incorporate specific display lighting to reinforce merchandise and provide a contrast against the street lighting generally.			
D3	Surface mounted fluorescent fixtures shall not be considered in any part of the retail areas of the			
D4	premises. The light source shall be selected to provide the desired light effect;		\boxtimes	
	however, fitting and methods shall be chosen produce the highest energy efficiency.	\boxtimes		
D5	Lighting shall not interfere with the amenity of residents or affect the safety of motorists.			
D6	Excessive lighting shall not be permitted. Light spill onto the street into the public domain shall be minimised.			
5.2	Shutters and grilles			
Perf	ormance criteria			
PI	Security shutters, grilles and screens allow the viewing of shopfront windows and light to spill out onto the footpath.			The commercial building will be visible from the street and be made of durable glass materials
P2	Shutters, grilles and screens are to be made from durable, graffiti-resistant materials and compatible with the building style.			No shutters are noted as being proposed for the commercial building.
	elopment controls			
DI	Windows and doors of existing shopfronts shall not be filled in with solid materials.	\square		
D2	Security shutters, grilles and screens shall:			
	 be at least 70% visually permeable (transparent); 			
	 not encroach or project over Council's footpaths; and 		\square	
נח	• be made from durable, graffiti- resistant materials.		\boxtimes	
203	Solid, external roller shutters shall not be permitted.		\square	
	Noise			
	ormance criteria			
PI	New commercial developments within major arterial roads or railway lines			

P2 Deve D1	are designed to mitigate noise and vibration impacts. Commercial uses in the local centres must minimise noise impacts on adjoining residential areas caused by loading/unloading, late night operations, use of plant and equipment and entertainment activities. elopment controls New commercial development (whether part of a mixed use development or not) shall comply with the provisions of the relevant acts, regulations, environmental planning instruments, Australian Standards and guidelines produced by the NSW Department of Environment, Climate Change and Water, the NSW Roads and Traffic Authority and the NSW Department of Planning as applicable for noise, vibration and quality assurance. This includes:				The development is not located in the vicinity of any major arterial roads or railway lines. The provisions of this clause are not applicable to the development.
	 Development Near Rail Corridors and Busy Roads, NSW Department of Planning, December 2008 – Interim Guidelines. 			\boxtimes	
	 NSW Industrial Noise Policy; 			\boxtimes	
	 Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and 			\boxtimes	
	• Environmental Criteria for Road and Traffic Noise.			\boxtimes	
D2	Restaurant and cafe design shall minimise the impact of noise associated with late night operation on nearby residents. Operation includes loading/unloading of goods/materials and the use of plant and equipment at a proposed commercial premise.				
D3	An acoustic report shall be submitted with a development application for a proposed commercial use in the local centre that operates during the hours between 10pm and 6am.			\boxtimes	
	Access and Car Parking	-ان <u>بان</u>	Derit	a a - 1	anding Port of this DOD for other and
park	ing and loading requirements for all deve				oading Part of this DCP for other access, ntres.
6.1 Dev	Access, loading and car parking requirements elopment controls Car parking rates shall be provided in accordance with the Parking and Loading Part of this DCP.				Car parking will be accommodated over three levels of basement with loading/unloading area located on the front elevation. General access and manoeuvring has been assessed by Council's engineering section and is considered unacceptable requiring significant amendments including relocation of the loading/unloading areas within the basement. It is recommended that the proposal be granted deferred commencement approval to afford the applicant the opportunity to make the

				necessary amendments as well as show that the required 156 car parking spaces are provided on site.
				With regard to car parking required the following calculations are provided:
				Commercial development:
				1 per 40 sqm = 6210 / 40 = 156 spaces (including 4 disabled spaces)
				1 loading bay per 4,000 sqm = 2 loading bay required.
				The subject proposal proposes 156 total car parking spaces and a loading bay area on the front elevation.
				As noted earlier in the report, amendments required within the basement parking including relocation of the loading area to the basement and redesign of the basement ramp, will result in re-designing the basement levels and loss of significant number of car parking spaces. Deferred commencement consent will afford the applicant the opportunity to make the necessary amendments as well as show that the required 156 car parking spaces are provided on site.
-	Creation of new streets and			
	laneways ormance criteria			No new streets or laneways are being
P1	All new proposed roads are designed to convey the primary function of the street, including:			proposed under this development application. This section of the DCP is not applicable.
	• Safe and efficient movement of vehicles and pedestrians;		\square	
	 Provision for parked vehicles and landscaping, where appropriate; 		\boxtimes	
	 Location, construction and maintenance of public utilities; and 			
	 Movement of service and delivery vehicles. 		\boxtimes	
	elopment controls			
DI	On some sites, new streets may be able to be introduced. Where a new street shall be created, the street shall be built to Council's standards, Road Design Specification D1 and relevant Quality Assurance requirements while having regards to the circumstances of each proposal. Consideration will be given to maintaining consistency and compatibility with the design of			
D2	existing roads in the locality. Development adjoining a new laneway shall contribute to an attractive streetscape and presents a well designed and proportioned facade and incorporates windows, balconies, doorways and landscaping, where possible.		\boxtimes	

r			1	
D3	New public laneways created within large blocks shall maximise pedestrian and vehicle connections within local centres.			
D4	A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side.			
D5	New streets shall be dedicated to Council. The area of any land dedicated to Council shall be included in the site area for the purpose of calculating the floor space ratio.			
7.0	Landscaping			
-	ectives			
a.	To create attractive buildings, public spaces and walkways.	\square		
b.	To improve visual quality and contribute to a more positive local centre experience.	\square		Landscaping provided is considered appropriate given the use of the proposed building and its located within
C.	To reduce impacts on climate change at the local level and improve the natural environmental features and local ecology of the local centre.			Auburn Town Centre.
Perf P1	ormance criteria Landscaping forms an integral part of the overall design concept.	\square		
P2	Landscape reinforces the architectural character of the street and positively contributes to maintaining a consistent and			
P3	memorable character. Landscaped areas are used to soften the impact of buildings and car		\square	
P4	parking areas as well as for screening purposes. Landscaped areas are provided		\boxtimes	
	for passive and recreational use of workers.			
	elopment controls	\square		
D1	Development shall incorporate landscaping in the form of planter boxes to soften the upper level of buildings.			
D2	At grade car parking areas, particularly large areas, shall be landscaped so as to break up large expanses of paving. Landscaping shall be required around the perimeter			No at grade car parking proposed.
D3	and within large carparks. In open parking areas, one (1)		\square	
	shade tree per ten (10) spaces shall be planted within the parking area.			No fencing proposed.
D4	Fencing shall be integrated as part of the landscaping theme so as to			
D5	minimise visual impacts and to provide associated site security. Paving and other hard surfaces shall be consistent with architectural	\boxtimes		
	elements.			
	Street trees			
D1	Street trees shall be planted at a rate of one (1) tree per lineal metre of street frontage, even in cases where a site has more than one street frontage, excluding frontage to			One street tree is proposed to be removed to make way for vehicle driveway. The landscape plan however, includes the planting of a new street tree on the front verge. This is

D2	laneways. Street tree planning shall be consistent with Council's Street Tree			\boxtimes	considered acceptable.
D3	Masterplan or relevant Public Domain Plan or Infrastructure Manual. Significant existing street trees shall be conserved and, where possible,	\boxtimes			
D4	additional street trees shall be planted to ensure that the existing streetscape is maintained and enhanced. Where street trees and the provision of awnings are required, cut-outs shall be included in the awning design to	\boxtimes			Should the application be recommended for approval appropriate condition will be imposed in this regards.
D5	accommodate existing and future street trees. Driveways and services shall be located to preserve significant trees.				One street tree is proposed to be removed to make way for vehicle driveway. The development is acceptable in this regard.
D6	At the time of planting, street trees shall have a minimum container size of 200 litres and a minimum height of 3.5m, subject to species availability.	\boxtimes			Should the application be recommended for approval appropriate condition will be imposed in this regards.
D7	Planter boxes (or similar) surrounding trees in the footpath shall be 1.2m x 1.2m, filled with approved gravel and located 200mm from the back of the kerb line.				
8.0	Energy Efficiency and Water Co	onserv	ation		
-	ectives				A Section I report has been submitted
a. b.	To achieve energy efficient commercial and retail developments. To encourage site planning and				A Section J report has been submitted with the application to ensure energy efficient and water conservation
0.	building design which optimises site conditions to achieve energy efficiency.				principles are incorporated into the overall design of the building. Should the application be recommended for approval, this will be reinforced by
c.	To minimise overshadowing of the public domain including streets and open space.	\boxtimes			appropriate conditions.
d.	To give greater protection to the natural environment by reducing greenhouse gas emissions.	\boxtimes			With regard to overshadowing of the public domain, the building has been appropriately sited however if the building was sited in a way to minimise
e.	To encourage the installation of energy efficient and water conserving appliances.	\boxtimes			the overshadowing of the street, this would result in an unacceptable design outcome and increased overshadowing
f.	To reduce the consumption of non- renewable energy sources for the purposes of heating, water, lighting and temperature control.	\boxtimes			impact on adjoining residential uses. Accordingly the buildings overshadowing of the street and public domain is considered acceptable in this
g.	To minimise potable water mains demand of non residential development by implementing water efficiency measures.	\boxtimes			instance.
	Energy efficiency ormance criteria				
PI	Internal building layouts are designed to minimise use of fossil fuel for heating and cooling and to encourage use of renewable energy in their running. Building materials				Open plate commercial floors proposed. Internal layout (if required) shall be subject to further application.
Dev DI	and insulation assist thermal performance. elopment controls Any hot water heaters to be installed,	\boxtimes			As per the Section J requirements the design and installation of hot water
	as far as practicable, shall be solar and, to the extent that this is not practicable, shall be greenhouse gas friendly systems that achieve a				system shall be in accordance with Section 8 of AS/NZS 3500.4

 minimum 3.5 Hot Water Greenhouse Score. D2 The practicability of all external lighting and common areas (e.g. undercover car parking) being lit utilising renewable energy resources generated on site shall be investigated. Larger developments (buildings exceeding 400m² in area) shall investigate the viability of utilising renewable energy resources for all lighting on site. A statement shall be included with the development application addressing these requirements. 			Should the application be recommended for approval appropriate condition will be imposed in this regards.
8.2 Water conservation			
 Performance criteria PI Water efficiency is increased by appropriate building design, site layout, internal design and water conserving appliances. Development controls 			Should the application be recommended for approval appropriate condition will be imposed in this regards.
DI New developments shall connect to recycle water if serviced by a dual reticulation system for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes.		\boxtimes	A dual system is not provided.
D2 Where a property is not serviced by a dual reticulation system, development shall include an onsite rainwater harvesting system or an onsite reusable water resource for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes.			On-site rain water tank proposed. Should the application be recommended for approval appropriate condition will be imposed to require connection for non potable uses.
D3 Development shall install all water using fixtures that meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.			
8.3 Stormwater drainage Applicants shall consult the Stormwater Drainage Part of this DCP for requirements for stormwater management.	\boxtimes		
 8.4 Rainwater tanks Performance criteria PI Adequate measures are incorporated into new development to encourage the collection and reuse of stormwater and reduce stormwater runoff. Development controls DI Rainwater tanks shall be installed as part of all new development in 			A 10,000 Litre rainwater tank is proposed to be provided within the development.
accordance with the following:The rainwater tank shall comply with the relevant Australian Standards;	\square		Should the application be recommended for approval appropriate condition will be imposed in this
• The rainwater tank shall be constructed, treated or finished in a non-reflective material that blends in with the overall tones and colours of the subject and surrounding development;			regards. Below ground rainwater tank proposed.
 Rainwater tanks shall be permitted in basements provided that the tank meets applicable Australian Standards; 			The tank is proposed to be located down the side of the building and camouflaged with landscaping.

			r	1	
	 The suitability of any type of rainwater tanks erected within the 			\square	
	setback area of development shall				
	be assessed on an individual case by case basis. Rainwater tanks				
	shall not be located within the front				
	setback; and				
	• The overflow from rainwater tanks				Should the application be recommended for approval appropriate
	shall discharge to the site	\boxtimes			condition will be imposed in this
	stormwater disposal system. For details refer to the Stormwater				regards.
	Drainage Part of this DCP.				
	Ventilation ormance criteria				The need for natural ventilation is
PI	Natural ventilation is incorporated			\square	minimised by the commercial use of the
_	into the building design.				building. This control is more relevant
Dev	elopment controls				to improving the amenity of residential uses.
וט	The siting, orientation, use of openings and built form of the			\square	
	development shall maximise				
	opportunities for natural cross ventilation for the purposes of cooling				
	and fresh air during summer and to				
	avoid unfavourable winter winds.				
	Solar amenity ormance criteria				
PI	New buildings are designed to		\square		Shadow diagram provided shows
	protect solar amenity for the public				that the proposed development will overshadow the majority of the
Dev	domain and residents. elopment controls				adjoining property to the south
DI	Shadow diagrams shall				being the isolated site (14 Park
	accompany development applications				Road). This is an inevitable consequence of the east-west
	for buildings which demonstrate that the proposal will not reduce sunlight				orientation of the site. Given that the
	to less than 3 hours between 9.00 am				proposed overall height and FSR are set below the height and floor space
	and 3.00 pm on 21 June for:				ratio controls applying to the site
	 public places or open space; 			\square	and that the proposal provides more than the required side setback to the
	• 50% of private open space areas;		\square		southern boundary, there is no
	● 40% of school playground areas; or			\square	objection raised in this instance. Furthermore, it is noted that existing
D 2	• windows of adjoining residences.		\square		surrounding properties currently cast shadow on the property at 14
D2	Lighter colours in building materials and exterior treatments shall				Park Road
	be used on the western facades of	\boxtimes			
	buildings.				
9.0 9.1	Ancillary Site Facilities Provision for goods and mail	·	1	1	· · · · · · · · · · · · · · · · · · ·
deli	veries				
	ormance criteria				
PI	New development incorporates adequate provision in its design for	\boxtimes			While mailboxes are not shown on the
	the delivery of goods and mail to both				submitted plans, mailboxes can easily
	business and residential occupants.				be provided within the premises.
	elopment controls Provision shall be made on-site for				Should the application be recommended for approval appropriate
	courier car parking spaces in a	\boxtimes			condition will be imposed in this
	convenient and appropriately				regards.
	signposted location, preferably with				
1					
	access off the principal street frontage, for developments				
	access off the principal street frontage, for developments incorporating greater than 3,000m ² of				
	access off the principal street frontage, for developments incorporating greater than 3,000m ² of gross leasable floor area devoted to				
D2	access off the principal street frontage, for developments incorporating greater than 3,000m ² of				
D2	access off the principal street frontage, for developments incorporating greater than 3,000m ² of gross leasable floor area devoted to commercial premises.	\square			

	residential component of the mixed				
10 (use developments. Other Relevant Controls				
	Waste				
	Applicants shall consult the Waste Part of this DCP for requirements for	\bowtie			An acceptable waste management plan dealing with the demolition and construction has been submitted for the
10.2 D I	disposal. Access and amenity Applicants shall consult the relevant provisions within the Access and Mobility Part of this DCP.	\boxtimes			application. The development is acceptable in this regard.
11.0) Public Domain	_	_		
Obje	ectives				
a.	To ensure private development contributes to a safe, attractive and useable urban environment within the local centres of the Auburn local government area.				The development does not specifically propose significant public domain works (beyond providing awning over portions of the footpath, planting of 1 street tree and vehicular crossover)
b.	To ensure the public domain forms an integrated part of the urban fabric of commercial centres.	\square			within the public road reserve area. It is noted that the site is not specifically included in the Auburn Town Centre
c.	To encourage both night and day pedestrian activity in the	\boxtimes			Public Domain Plan.
d.	commercial centres. To ensure private development	\boxtimes			
	contributes to a positive pedestrian environment.				
e.	To encourage public art in new development.	\square			
Dev	elopment controls				
DI	Any works within the public domain or				
	which present to the public domain shall be consistent with Council's Public Domain Manual and/or the Town Centre Infrastructure Manual and Council's Policy on Crime				
	Prevention Through Environmental Design. New buildings shall contribute to the public domain through the provision of awnings, sheltered building entries, verandahs and canopies, safe pedestrian linkages to car parks, landscaping, and open space, where appropriate. E: Refer to the relevant Public Domain				
Plan	and Council's Public Art Policy.				
) Subdivision	n	1	n	
Obje a.	To ensure development sites are of a reasonable size to efficiently accommodate architecturally proportioned buildings and adequate				The development in itself is not considered to be inappropriate for the area in terms of size, Council's preferred option would however be for
b.	car parking, loading facilities, etc. To provide lots which are of sufficient size to satisfy user requirements and to facilitate development of the land while having regard to site opportunities and constraints.				the amalgamation of residual lot known as 14 Park Road into the development. As discussed earlier in the report, as this is not feasible in this instance, there is no objection raised.
	Size and dimensions				
Perf PI	ormance criteria The size and dimension of proposed lots contribute to the orderly development of the commercial				As above
	centres. elopment controls Proposed lots shall be of sufficient area and dimension to allow a high standard of architectural design, the appropriate siting of buildings and the			\boxtimes	

provision of required car parking, loading facilities, access and landscaping.				
12.2 Utility services				
Performance criteria				
PI All essential public utility services	\square			The site is currently suitably serviced.
are provided to the development to				Any augmentation required could be
the satisfaction of relevant authorities.				resolved by standard conditions should the application be recommended for
Development controls				approval.
DI The applicant shall demonstrate that each proposed allotment can be	\boxtimes			
connected to appropriate utility				
services including water, sewerage,				
power and telecommunications and				
(where available) gas. This may include advice from the relevant				
service authority or a suitably qualified				
consultant as to the availability and				
capacity of services.				
D2 Common trenching for gas, electricity	\square			
and telecommunications shall be				
provided in accordance with agreements between the relevant				
servicing authorities in NSW.				
13.0 Auburn Town Centre		1		l
13.1 Development to which this section				
applies				The subject site lies fills of
This section applies to the Auburn Town Centre which is zoned B4 Mixed Use under	\boxtimes			The subject site lies within the boundary of Figure 4.
Auburn LEP 2010. Refer to Figure 4. The				boundary of Figure 4.
development controls apply in addition to				
the development controls presented in				
previous sections of this Part. Where there are inconsistencies between the controls				
contained within this section and other				
controls within this DCP, these controls				
prevail to the extent of the inconsistency.				
13.2 Setbacks				
Development controls		\square		Whilst figure 5 required existing
DI Setbacks within the town centre shall be consistent with Figure 5.				setbacks to be maintained, there is
Note: Landscape setback means the				no consistent setback within the
provision of soft landscaping in the area				immediate area. The northern
between the property boundary and				portion of the building is provided with nil setback and the southern
building. Soft landscaping includes, but is not limited to, grasses, groundcover plants,				portion is recessed with landscaping
shrubs and trees. Landscape setbacks				incorporated within the setback.
shown in this figure have been identified to				This is considered acceptable given
maintain predominant street setback				the commercial nature of the
character in these locations. 13.3 Street wall heights				building.
Performance criteria				
PI Development within Auburn Town		\square		4 storeys street wall height is
Centre strengthens urban form by				stipulated for the subject site as per
providing a strong street wall.				figure 6 of the DCP. The design as submitted provides for 4 storeys
P2 The built edge of development			\square	street wall height to portions of the
fronting the street contributes to a sense of enclosure and scale within				street. This is considered acceptable
the town centre.				given that existing established
Development controls				building in the immediate area does not have consistent street setbacks.
DI The height of the built edge to the			\square	
street (street wall) formed by new or			ٽــــــــــــــــــــــــــــــــــــ	
infill development within Auburn Town Centre shall be consistent with Fig 6.				
13.4 Active frontages	ļ			
Development controls				No active frontage requirement is
DI As a minimum, buildings shall provide			\square	stipulated for the subject development
active street frontages consistent with				site in figure 7. The design as submitted is accordingly considered to
Figure 7.				be appropriate in this regard.

Parking and Loading DCP

The relevant objectives and requirements of the DCP 2010 Parking and Loading have been considered in the following assessment table:

Parking and Loading

Requirement	Yes	No	N/A	Comment
2.0 Off-Street Parking Requirements				
This section applies to all development.				
Objectives				
a. To ensure that an acceptable level of parking is	\square			These objectives are to be met as
provided on-site to minimise adverse impacts on				part of the deferred
surrounding streets.				commencement conditions.
b. To provide for the reasonable parking needs of				commencement conditions.
business and industry to support their viability, but	\square			
discourage unnecessary or excessive parking.				
Performance criteria				
P1 New development provides adequate off-street	\square			As discussed under clause 6.1 of
parking to service the likely parking demand of that				the Local Centres DCP. Deferred
development.				commencement conditions will
P2 New development does not introduce	\square			ensure compliance in this regards.
unnecessary or excessive off-street parking.				
P3 Parking provided for development which is not				
defined in this Part on sound and detailed parking				
assessment.				Commercial use is defined
Development controls				
D1 All new development shall provide off-street	\square			
parking in accordance with the parking requirement				As discussed under clause 6.1 of
tables of the respective developments in this Part.				the Local Centres DCP. Deferred
D2 That in circumstances where a land use is not			\square	commencement conditions will
defined by this plan, the application shall be				ensure compliance in this regards.
accompanied by a detailed parking assessment				
prepared by a suitably qualified professional which includes:				
establishments located in areas that demonstrate similar traffic and parking demand				
characteristics;				
• Other transport facilities included in the				
development;				
Anticipated traffic generation directional				
distribution and nature of impacts expected;				
• An assessment as to whether the precinct is				
experiencing traffic and on-street parking				
congestion and the implications that				
development will have on existing situation;				
• An assessment of existing public transport				
networks that service the site, particularly in the				
off-peak, night and weekend periods and				
initiatives to encourage its usage;				
Possible demand for car parking space from				
adjoining localities;				
 Occasional need for overflow car parking; and 				
 Requirements of people with a limited mobility, 				
sensory impairment.				
3.0 Design of parking facilities				
This section applies to all development.				
Objectives				
a. To promote greater bicycle use, decrease the	\square			
reliance on private vehicles and encourage				The site is in close proximity to
alternative, more sustainable modes of transport.				public transport and bicycle parking

b. To provide convenient and safe access and parking to meet the needs of all residents and visitors.	\square		spaces are provided within the basement area
c. To provide access arrangements which do not impact on the efficient or safe operation of the surrounding road system.			Safety concern has been raised by the RTA regarding access
			arrangement to the loading area as there is potential conflicting area between vehicles exiting the
			loading area and the vehicles exiting/entering the subject site via the southern driveway. However,
d To encourage the integrated design of econom	\square		Council's development engineer has provided appropriate deferred commencement conditions to
d. To encourage the integrated design of access and parking facilities to minimise visual and environmental impacts.			overcome this concern.
3.1 Bicycle parking			
Development controls D1 Bicycle racks in safe and convenient locations are provided throughout all developments with a	\boxtimes		52 bicycles spaces provided within the basement area.
total gross floor area exceeding 1,000sqm and shall be designed in accordance with AS2890.3 – Bicycle Parking Facilities.			
3.2 Access driveway and circulation roadway design Performance criteria			
D1 Vehicular movement to and from the site and within the site reduces potential conflict with other vehicles and pedestrians by creating minimal	\boxtimes		
interference with vehicular and pedestrian movements on public roads, as well as within the site being developed.			
D2 Access driveways, circulation roadways and open parking areas are suitably landscaped to enhance amenity which providing for security and		\boxtimes	Basement parking proposed.
accessibility to all residents and visitors. D3 Access driveways and circulation roadways	\boxtimes		
shall not be wider than prescribed for their particular use. Development controls			
 D1 Circulation driveways are designed to: Enable vehicles to enter the parking space in a single turning movement; 	\boxtimes		
 Enable vehicles to leave the parking space in no more than two turning movements; Comply with AS2890 (all parts); 			As discussed under clause 6.1 of
 Comply with AS1429.1 – Design for Access and Mobility; and Comply with Council's road design 			the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.
specifications and quality assurance requirements.		_	
3.3 Sight distance and pedestrian safetyPerformance criteriaP1 Clear sight lines are provided to ensure	\square		
pedestrian safety. Development controls D1 Access driveways and circulation roadways	\square		
shall be design to comply with sight distance requirements specified in AS2890 – Parking Facilities.			
D2 Obstruction/fences shall be eliminated to provide adequate sight distances. 3.4 General parking design			
Performance criteria P1 Parking facilities are designed in a manner that enhances the visual amenity of the development	\boxtimes		

and provides a safe and convenient parking facility for users and pedestrians.				
P2 The site layout enables people with a disability				
to use one continuously accessible path of travel:To the site from the street frontage;				Basement car parking proposed.
• To individual or main car parking areas; and		H	H	
• To all buildings, site facilities and communal open space.				
Development controls		_	_	As discussed under clause 6.1 of
D1 Visual dominance of car parking areas and access driveways shall be reduced.				the Local Centres DCP. Deferred commencement conditions will
D2 All basement/underground car parks shall be	\square			ensure compliance in this regards.
designed to enter and leave the site in a forward				
direction. D3 Car parking modules and access paths shall	\square			
be designed to comply with AS2890 – Parking				
Facilities (all parts). 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.				
Note 2: Visitor parking dimensions shall be a				
minimum 2.6 metres by 5.4 metres.				
		_		
			\bowtie	If the proposal was to be
D4 All pedestrian paths and ramps shall:Have a minimum width of 1000mm;				recommended for approval, appropriate condition may be
Have a non-slip finish;				imposed in this regard.
• Not be steep (ramp grades between 1:20 and 1:14 are preferred):				
1:14 are preferred);Comply with AS1428.1 – Design for Access and				
Mobility; and				
• Comply with AS1428.2 – Standards for blind people or people with vision impairment.				
5.0 Commercial development				
5.1 General controls – business areas Objectives			_	As discussed under clause 6.1 of the Local Centres DCP. Deferred
a.To provide sufficient vehicular access and car				commencement conditions will
parking on-site to meet user demands. b.To ensure the design of access, parking and				ensure compliance in this regards.
servicing areas is efficient, safe, convenient,				
discrete and suitably landscaped. c.To ensure traffic generation of proposed	\square			Safety concern has been raised by
development is compatible with the surrounding			\square	
				the RTA regarding access arrangement to the loading area as
road network.				the RTA regarding access arrangement to the loading area as there is potential conflicting area
				the RTA regarding access arrangement to the loading area as
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plan is in place under Section 94 of the				
Environmental Planning and Assessment Act 1979,				
or other relevant legislation. 5.1.2 Access and driveway design				
Performance criteria				
P1 Vehicular movement to and from the site should			\square	
be designed to reduce potential conflict with traffic				
and pedestrians.			\square	
P2 Development avoids congestion, delay or hazards to traffic movement on adjoining streets.				
P3 Driveway gradients are sufficient to allow use				
by all vehicle types, in a safe and convenient				
manner.	\square			
Development controls				
D1 Car park entries and driveways shall be kept to	\square			
a minimum and shall not be located on primary or				
core retail streets.				As discussed under clause 6.1 of
D2 Driveways shall be designed to allow vehicles	\boxtimes			the Local Centres DCP. Deferred
to enter and leave in a forward direction. D3 Vehicular access shall be designed to avoid				commencement conditions will ensure compliance in this regards.
conflicts with pedestrians.				choure compliance in this regards.
D4 Adequate area shall be provided on site and	\square			
driveways designed to enable all vehicles including				
large trucks to enter and leave the site in a forward	\square			
direction.				
D5 Driveways shall be located and designed so as	\square			
to avoid the following: • being located opposite other existing				
access ways with significant vehicle usage;				
 restricting sight distances; 				
on-street queuing;				
an intersection controlled by traffic signals				
within 25m on the approach side;				
a signalled intersection of any major roads				
within 90m;				
 an intersection controlled by a stop or give way sign within 12m on the approach side; 				
 the approach side of any intersection 				
within 10m;				
a property boundary on the departure side				
of any intersection within 10m; and				
• the commencement of a median island				
within 6m.				
D6 The maximum grade of manoeuvring areas and all access roadways shall comply with AS 2890 –	\square			As discussed under clause 6.1 of
Parking Facilities.				the Local Centres DCP. Deferred
D7 Where sites front on to main or arterial roads,			\square	commencement conditions will
driveways shall be minimised or located on side or				ensure compliance in this regards.
rear road frontages where available.				
D8 Driveways servicing car parking shall comply	\square			
with AS 2890 – Parking Facilities or similar designs				
for car turning paths unless otherwise advised by Council's Engineering Department.				
D9 The maximum gradient for a driveway shall be				
20% (with appropriate transitions). However, in	\square			
extreme circumstances, gradients up to 25% (with				
appropriate transitions) will be considered.				
5.1.3 Access driveway design				
Performance criteria P1 The width of an access driveway reflects its				
function and anticipated volume of use, and				
provides safe and efficient ingress and egress to	\square			
individual lots for both pedestrian and vehicle				
movements, unless otherwise specified in other				
Parts of this DCP.				
Development controls				
D1 Access driveways with a length exceeding 50m				
 shall incorporate: a driveway width, that allows for the 		\square		
 a driveway width, that allows for the passing of vehicles in opposite directions. This 				
can be achieved by intermittent passing bays;				
and			\square	

1.4 Number of car pa evelopment controls 1 Car parking for con omply with the require able 6 - Summary of p	mmercial development shall ments in Table 6:			
Land use	Parking requirements			
Hotel or motel	I space for each unit			
accommodation	+ I space per 2 employees			
	if a restaurant is included, then add the greater of 15 spaces per 100m ₂ GFA of the restaurant/function room, or 1 space per 3 seats			
Pubs	I space per 3.5m2 of licensed floor area (includes bar, lounge, garden area and gaming rooms)			Car parking will be accommodate over three levels of basement wi loading/unloading area located of the front elevation.
Business (excluding medical centres and health consulting rooms) and office premises	I space per 40m2 GFA I bicycle space per 10 employees			General access and manoeuvrir has been assessed by Council engineering section and considered unacceptable requirir significant amendments includir relocation of the loading/unloadir
Retail premises (other – not specified in this table) including shops	I space per 40m2 GFA I bicycle space per 10 employees			areas within the basement. It recommended that the proposal b granted deferred commenceme approval to afford the applicant the opportunity to make the necessa
Retail premises – shopping centres	GLFA(m ²) Spaces per 100m ³ GLFA 0-10,000 6.1 10,000.2006 5.6 20,000.30,000 4.3 Over 30,000 4.1			amendments as well as show th the required 156 car parkir spaces are provided on site.
Service stations	Requirements are additive:			
	6 spaces per work bay 5 spaces per 100m2 GFA of			With regard to car parking require the following calculations a provided:
	convenience store (if restaurant present, then greater of 15 spaces per 100m2 GFA, or 1 space per 3 seats)			Commercial development: 1 per 40 sqm = 6210 / 40 = 15
Vehicle repair stations	Whichever is the greater of:			spaces (including 4 disable spaces)
	3 spaces per 100m ₂ GFA, or 3 spaces per work bay			1 loading bay per 4,000 sqm = loading bay required.
Markets	2.5 spaces per stall (customers only)			The subject proposal propose 156 total car parking spaces and
Bulky goods retail	Comparisons should be drawn with similar development			loading bay area on the fro elevation.
Industrial retail outlet	I space per 40 m2			As noted earlier in the repo amendments required within the basement parking including
Vehicle sales or hire premises	0.75 spaces per 100 m2 site area			relocation of the loading area to the basement and redesign of the second second second second second second se
	+ 6 spaces per work bay (for vehicle servicing facilities)			basement ramp, will result in r designing the basement levels an loss of significant number of c
Auction rooms	I space per 20m2 GFA			parking spaces. Deferre commencement consent will affo
Restaurant	l space per 40m2 GFA 1 bicycle space per 10			the applicant the opportunity make the necessary amendmen as well as show that the require
	employees	1		156 car parking spaces a

í	and drink premises	outlets - developments				
		with no on-site seating:				
		12 spaces per 100m ₂ GFA				
		Drive-in take-away food				
		outlets – developments with on-site seating				
		12 spaces per 100m ₂				
		GFA				
		plus greater of:				
		1 space per 5 seats (internal and external), or				
		1 space per 2 seats (internal)				
		Drive-in take-away food				
		outlets – developments with on-site seating and drive-through facilities:				
		greater of:				
		1 space per 2 seats (internal), or				
		1 space per 3 seats (internal and external)				
		plus queuing area for 5 to 12 cars				
f	unction centre	Whichever is the greater of:				
		15 spaces per 100m2 GFA, or				
		I space per 3 seats				
F	Registered clubs	I space per 5.0m2 of public or licensed floor area (includes bar, lounges, dining and gaming areas)				
	Medical centres	3 spaces per surgery				
H	Health consulting					
	rooms					
(Child care centres	l space per 35m2 or l space per four (4) children whichever is the greater				
		+ drop-off and pick-up				
		facility Minimum of I car space				
	Newington Small /illage	per 38m2 GFA				
	C	Bicycle parking shall be one (1) per 300m2 of retail				
		space.				
	Hospitals	I space per 2 beds				
7.0 Loading requirements Objectives					As discussed under clause 6.1 of	
a. To ensure that all development proposals for			ĺ	\boxtimes		the Local Centres DCP. Deferred
industry and business are adequately provided with appropriate loading and unloading facilities.						commencement conditions will ensure compliance in this regards.
b. To prevent industrial and business development				\bowtie		choure compliance in this regards.
	ing rise to adverse in d service vehicles be	npacts associated with truck				
Performance criteria				_		
	P1 Separation is provided between service areas (i.e. loading and unloading areas) and parking.			\boxtimes		
P2	Size of service vel	nicle bays are adequate for		\bowtie		
the likely vehicles utilising the spaces. P3 Service areas are located and designed to			ĺ	\boxtimes	H	As above
facilitate convenient and safe usage.						

			-		
manoeuvring shall be p delivery vehicles to enter					
forward direction. D2 Industrial developmer greater than 400sqm sh unloading facilities to acco	all include loading and			\boxtimes	Not an industrial development.
vehicle' as classified under AS2890 – Parking Facilities. Smaller developments shall make a provision for a 'medium rigid vehicle' as classified					
under the Australian Standard. All development applications shall be accompanied with a manoeuvring analysis with 'auto turn or the like'					
AS2890 – Parking Facilitie Note: The applicant shall	and details of swept paths showing compliance with AS2890 – Parking Facilities. Note: The applicant shall identify the likely service vehicle sizes accessing the site and shall provide				
 Parking Facilities. D3 Loading/unloading fac 	service vehicle spaces in accordance with AS2890 – Parking Facilities. D3 Loading/unloading facilities shall be positioned				
so as to not interfere with visitor/employee or resident designated parking spaces. D4 The service area shall be a physically defined location which is not used for other purposes, such					As discussed under clause 6.1 of the Local Centres DCP. Deferred
as the storage of goods and equipment. D5 The design of loading docks shall accommodate the type of delivery vehicles					commencement conditions will ensure compliance in this regards.
associated with the development and potential uses of the development. D6 Buildings shall be designed to allow loading and unloading of vehicles within the building and at					
all times. Where achievable, loading docks should be situated to the side or rear of buildings. In the case of commercial development access can be]]	
provided from a laneway. D7 That loading bays for					
vehicles shall be provided i Land use	in accordance with 9: Loading requirements				2 loading bays required for the development for commercial use
Business and office premises	1 space per 4,000m2 GFA up to 20,000m2 GFA plus 1 space per 8,000m2				only. Where retail use is proposed, additional loading bay may be required. Given the opportunity for the building to also be used for retail purposes, it is considered
Retail premises - department stores	thereafter 1 space per 1,500m2 GFA up to 6,000m2 GFA plus				that 1 additional loading bay be provided (total 3) to cater for future retail use. As discussed under clause 6.1 of the Local Centres
Retail premises - shops	1 space per 3,000m2 thereafter 1 space per 400m2				DCP. Deferred commencement conditions will ensure compliance
and food and drink premises	GFA up to 2,000m2 GFA plus 1 space per 1,000m2				in this regards.
Hotel and motel	thereafter 1 space per 50				
accommodation	bedrooms or bedroom suites up to 200 plus				
	1 space per 100 thereafter plus 1 space per 1,000m2				
	of public area set aside for bar, tavern, lounge and				
Other	restaurant 1 space per 2,000m2				
Industrial/warehouse,					
bulky goods retail and wholesale supplies	1 space per 800m2 GFA up to 8,000m2 GFA				

thereafter			
Note: It is not possible to establish criteria for the size of trucks likely to access the land uses specified above. This will be done on a case by case basis. Larger trucks such as B-Doubles shall be assessed on their individual requirements, but will usually require a minimum loading area dimension of 25 metres (length) by 3.5 metres (width). The heights of the loading area, platform in the service bay and of the service bay itself will vary with vehicle type and loading/unloading methods. D8 Loading/unloading areas shall be provided in accordance with AS2890.2 – Off-Street	\square		Minimum 3 New loading/unloading area required in the basement level.
Commercial Vehicle Facilities.			

Access and Mobility DCP

The development is considered to be consistent with the objectives and requirements of this DCP as it provides equitable access to the development from the street/basement levels. It also provides disabled car parking spaces. Further to this, relevant conditions for the development to comply with Australian Standard AS1428 and the Building Code of Australia regarding disabled access will be included in any consent should the application be recommended for approval.

Stormwater Drainage DCP

The relevant requirements and objectives of the Stormwater Drainage DCP 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 should the application be recommended for approval.

Waste DCP

The relevant requirements and objectives of the Waste DCP have been considered in the assessment of the development application. A suitable waste management plan has been submitted to accompany the development application satisfying the DCP requirements. No objections have been made to the waste management plan and appropriate conditions will be imposed on any development consent should the application be recommended for approval.

Section 94 Contributions Plan

The development would require the payment of contributions in accordance with Council Section 94 Contributions Plans. It is recommended that conditions be imposed on any consent requiring the payment of these contributions prior to the issue of any construction certificate for the development.

The calculation is based on 6210sqm of commercial floor. As at 2 August 2011, the fee payable is \$114,630.00. This figure is subject to indexation as per the relevant plan.

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.

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

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. Accordingly, the site can be said to be suitable to accommodate the proposal. The proposed development has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

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

Advertised (newspaper)

Sign 🛛 Not Required 🗌

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited for a period of 14 days between 19 April 2011 and 11 May 2011 and notified in the Auburn Review on the 19 April 2011. The notification generated 1 (one) submission in respect of the proposal. The issues raised in the submission are summarised and commented on as follows:

That 14 Park Road is a relatively small site and will be isolated and devalued

Mail 🖂

Comment: This objection relating to site isolation is not supported. The matter has been addressed in detail earlier in the report. With regards to devaluation of property, this is not a planning matter to which weight can be given in Council's consideration under Section 79C of the Environmental Planning and Assessment Act, 1979. Furthermore, no evidence has been submitted which would indicate that the development if approved would give rise to reduced property values.

That the proposal would result in overlooking of the adjoining property – 14 Park Road

Comment: This objection is not supported. Amended plans have been provided showing translucent glazing proposed towards the rear southern elevation of levels 1 and 2 which will prevent overlooking impact on the private open space of the dwelling at 14 Park Road.

That the proposal would result in overshadow of the adjoining property – 14 Park Road

Comment: Shadow diagram provided shows that the proposed development will overshadow the majority of the adjoining property to the south being the isolated site (14 Park Road). This is an inevitable consequence of the east-west orientation of the site. Given that the proposal is set below the height and floor space ratio controls applying to the site and provides more than the required side setback to the southern boundary, there is no objection raised in this instance. Furthermore, it is noted that existing surrounding properties currently cast shadow on the property at 14 Park Road.

That the proposal would block views to the sky

Comment: This submission is not supported as view to the sky can be obtained from the front and rear yard of 14 Park Road in-spite of the development.

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

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

Conclusion

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

The proposed development is appropriately located within a B4 – Mixed Use zone under the provisions of the Auburn Local Environmental Plan 2010, however variations in relation to the Clauses 2.5 balcony location; 3.2 front setback; 8.6 solar amenity; and 13.3 street wall height under Local Centres Development Control Plan are sought.

Having regard to the assessment of the proposal from a merit perspective, the JRPP may be satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non statutory controls applying to the land.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, and the development may be recommended to the JRPP for a deferred commencement approval subject to conditions.