

<b>JRPP No:</b>	2011SYW091
<b>DA No:</b>	116/2011
<b>Applicant</b>	Zhinar Architects
<b>Owner</b>	Moses Investment Company Pty Limited and Park Auburn Pty Limited and Parkregents Pty Limited
<b>Application No.</b>	DA-116/2011
<b>Description of Land</b>	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
<b>Proposed Development</b>	Demolition of existing structures and construction of 4 storey commercial building over 3 levels of basement car parking and associated landscaping and stormwater works
<b>Site Area</b>	1749.04m <sup>2</sup>
<b>Zoning</b>	B4 – Mixed Use Zone
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Issues</b>	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 associated 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 basement area.***

#### **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)

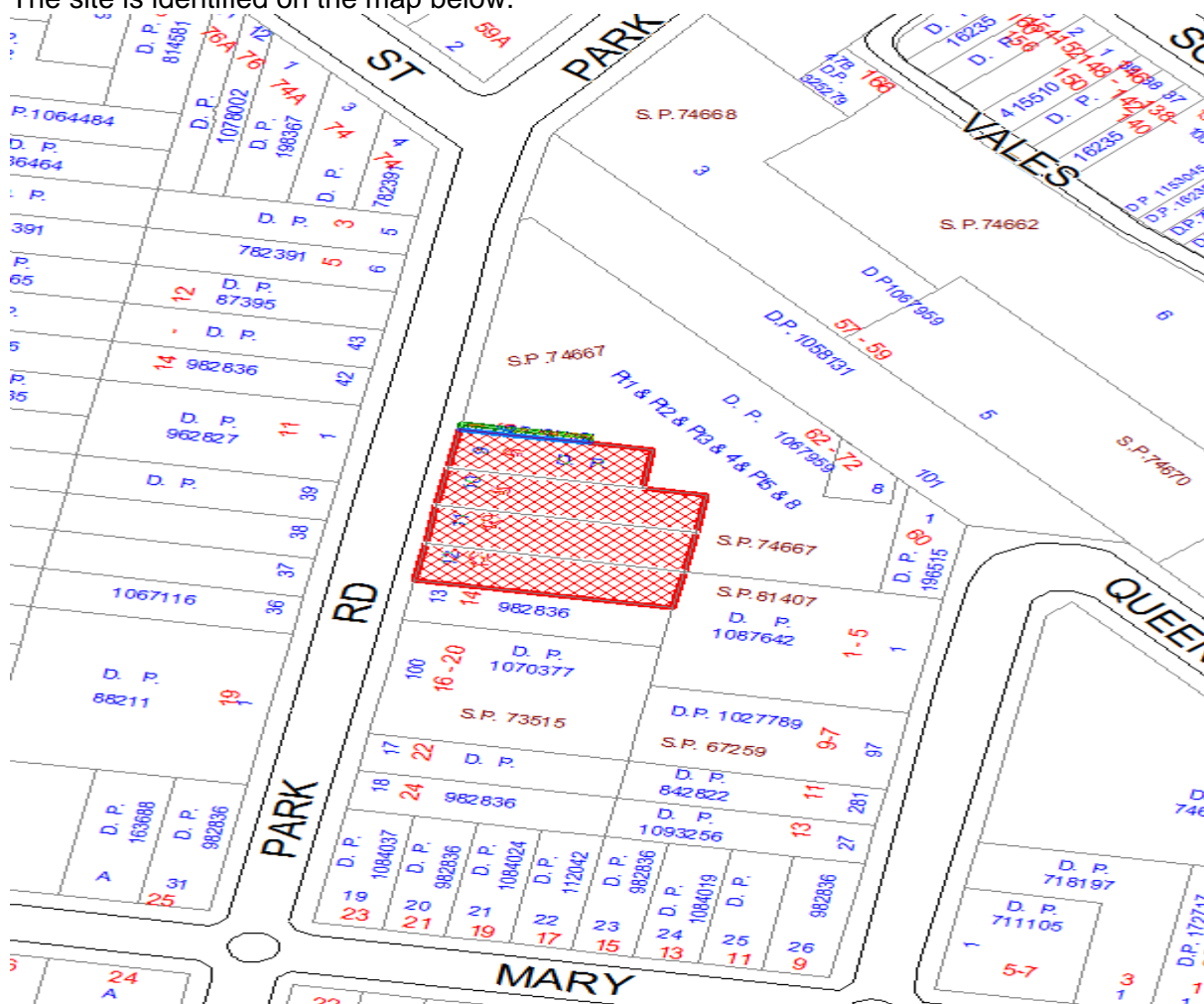
The proposal is therefore being considered under existing legislation with a view to it being determined by the Joint Regional Planning Panel as the consent authority.

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 25<sup>th</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> floor to ground floor
- electrical switch room
- fire stairs
- 90sqm balcony at the rear
- space indicated for provision of toilets

### *Second floor plan*

- 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

- 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.*
- 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

- Car park entry and exit access separation shall be minimum 2.4m.*
- 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 On 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.
- 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.

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.

6. 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.

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:

Clause	Yes	No	N/A	Comment
<b>Part 1 Preliminary</b>				
<b>1.2 Aims of Plan</b>				
(1) This Plan aims to make local environmental planning provisions for land in Auburn in accordance with the relevant standard environmental planning instrument under section 33A of the Act.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) The particular aims of this Plan are as follows:				
(a) to establish planning standards that are clear, specific and flexible in their application,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No sensitive areas within the vicinity of the site.
(e) to integrate principles of ecologically sustainable development into land use controls,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(g) to facilitate economic growth and employment opportunities within Auburn,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Being a commercial development the proposal will create employment opportunities.
(h) to identify and conserve the natural, built and cultural heritage,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is not within the vicinity of any heritage item.
(i) to provide recreational land, community facilities and land for public purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>1.8 Repeal of other local planning instruments applying to land</b>				
(1) All local environmental plans and deemed environmental planning instruments applying only to the land to	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Noted



Clause	Yes	No	N/A	Comment
<p>which this Plan applies are repealed.</p> <p><b>Note.</b> The following local environmental plans are repealed under this provision: <i>Auburn Local Environmental Plan 2000</i></p> <p>(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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	









Clause	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	development outcome.
(3A) Despite subclause (3), the minimum lot size for dwelling houses is 450 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development is not for a single dwelling.
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
(iii) if the dwelling house will be on a zero lot line - 270 square metres,				
(b) semi-detached dwellings - 270 square metres,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) multi dwelling housing - 170 square metres for each dwelling,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) attached dwellings - 170 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>4.3 Height of buildings</b>				The subject site has a 27m height limit under the LEP 2010. The proposal compiles with the maximum allowable height limit with a height of 19.5m to the lift overhang.
(1) The objectives of this clause are as follows:				
(a) to establish a maximum building height to enable appropriate development density to be achieved, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(b) to ensure that the height of buildings is compatible with the character of the locality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2A) Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is:				Development not on Parramatta
(a) if it is within the Parramatta Road Precinct, as shown edged orange on	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p>the Height of Buildings Map—27 metres,</p> <p>(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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Road Precinct.</p> <p>Development not on land within zone B6 – Enterprise Corridor.</p>







Clause	Yes	No	N/A	Comment
<p><b>(7) Certain public land to be separately considered</b></p> <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No public land incorporated into the proposal.
<p><b>(8) Existing buildings</b></p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All above ground floors of the proposal are factored into the floor space ratio calculation. The development complies in this regard.
<p><b>(9) Covenants to prevent “double dipping”</b></p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Should the application be approved, appropriate condition will be imposed to ensure the 5 lots are amalgamated into 1 lot.
<p><b>(10) Covenants affect consolidated sites</b></p> <p>If:</p> <p>(a) a covenant of the kind referred to in subclause (9) applies to any land (<b>affected land</b>), and</p> <p>(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,</p> <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No consolidation covenant is required in this instance.
<p><b>(11) Definition</b></p> <p>In this clause, <b>public place</b> has the same meaning as it has in the <i>Local Government Act 1993</i>.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p><b>4.6 Exceptions to development standards</b></p> <p>(1) The objectives of this clause are:</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No exceptions to development standards applied for by the applicant in accordance with this clause.

Clause	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Consent must not be granted for development that contravenes a development standard unless:				
(a) the consent authority is satisfied that:				
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the concurrence of the Director-General has been obtained.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) Not applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(8) This clause does not allow consent to be granted for development that would contravene any of the following:				
(a) a development standard for complying development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> applies or for the land on which such a building is situated,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) clause 5.4.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

## Part 5 Miscellaneous provisions

<b>5.6 Architectural roof features</b>				
(1) The objectives of this clause are:				
(a) To ensure that any decorative roof element does not detract from the architectural design of the building, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The roof parapet and lift overruns are not considered to be architectural roof features and accordingly do not receive a height concession in relation to this clause.
(b) To ensure that prominent architectural roof features are contained within the height limit.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:				
(a) the architectural roof feature:				
(i) comprises a decorative element on the uppermost portion of a building, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) is not an advertising structure, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iv) will cause minimal overshadowing, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	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.				
<p><b>5.10 Heritage conservation</b></p> <p><b>Note.</b> Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.</p> <p><b>(1) Objectives</b></p> <p>The objectives of this clause are:</p> <p>(a) to conserve the environmental heritage of Auburn, and <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(c) to conserve archaeological sites, and <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(d) to conserve places of Aboriginal heritage significance. <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><b>(2) Requirement for consent</b></p> <p>Development consent is required for any of the following:</p> <p>(a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area, <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(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, <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(c) altering a heritage item that is a building by making structural changes to its interior, <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance, <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area, <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(g) subdividing land on which a heritage item is located or that is within a heritage conservation area. <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><b>(3) When consent not required</b></p> <p>However, consent under this clause is not required if:</p> <p>(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the</p>				The land is not listed as being a heritage item or part of a heritage group or being an archaeological site.

Clause	Yes	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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the development is in a cemetery or burial ground and the proposed development:				
(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) the development is exempt development.				
<b>Note.</b> For land known as Rookwood Cemetery zoned SP1 Cemetery, development consent from, and notification to, the consent authority is not required under this plan for the further use of an existing grave site or crypt within a graveyard that is a heritage item, provided the heritage significance of the item is not adversely affected.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>(4) Effect on heritage significance</b>				
The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>(5) Heritage impact assessment</b>				
The consent authority <b>may</b> , before granting consent to any development on land:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The land is not within the vicinity of any heritage item, heritage conservation area or archaeological site.
(a) on which a heritage item is situated, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) within a heritage conservation area, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) within the vicinity of land referred to in paragraph (a) or (b),	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
require a heritage impact statement to be prepared that assesses the extent to which the carrying 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.				
<b>(6) Heritage conservation management plans</b>  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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>(7) Archaeological sites</b>  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):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) notify the Heritage Council of its intention to grant consent, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.				
<b>(8) Places of Aboriginal heritage significance</b>  The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>(9) Demolition of item of State significance</b>  The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act 1977</i> applies):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) notify the Heritage Council about the application, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.				
<b>(10) Conservation incentives</b>  The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such				

Clause	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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the conservation of the heritage item is facilitated by the granting of consent, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.				
<b>Part 6 Additional local provisions</b>				
<b>6.1 Acid sulfate soils</b>				
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site lies over Class 5 Acid Sulfate Soils and does not lie within 500 metres of an adjacent altered classification soil.  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 construction. The development is acceptable in this regard.
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.				
<b>Class of land</b> <b>Works</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
1 Any works.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5 Works within 500 metres of	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	



Clause	Yes	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.				
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Despite subclause (2) Development consent is not required under this clause for the carrying out of works if:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) minor work, being work that costs less than \$20,000 (other than drainage work).				
(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the works				



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

Clause	Yes	No	N/A	Comment
<b>6.3 Flood planning</b>				
(1) The objectives of this clause are:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is not identified as being flood prone as per the maps in the ALEP 2010. This clause is not applicable to the development.
(a) to minimise the flood risk to life and property associated with the use of land,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) to avoid significant adverse impacts on flood behaviour and the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) This clause applies to:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) land that is shown as “Flood planning area” on the Flood Planning Map, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) other land at or below the flood planning level.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) is compatible with the flood hazard of the land, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) incorporates appropriate measures to manage risk to life from flood, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) A word or expression used in this clause has the same meaning as it has in the NSW Government's <i>Floodplain Development Manual</i> published in 2005, unless it is otherwise defined in this clause.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) In this clause:				
<i><b>flood planning level</b></i> means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.				
<i><b>Flood Planning Map</b></i> means the Auburn Local Environmental Plan 2010 Flood Planning Map.				
<b>6.4 Foreshore building line</b>				
(1) The objective of this clause is to ensure that development in	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The subject site is not affected by

Clause	Yes	No	N/A	Comment
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Development consent must not be granted for development on land in the foreshore area except for the following purposes:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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 that:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the development will contribute to achieving the objectives for the zone in which the land is located, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) the development is not likely to cause environmental harm such as:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(i) pollution or siltation of the waterway, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p>and</p> <p>(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,</p> <p>(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</p> <p>(h) sea level rise or change of flooding patterns as a result of climate change have been considered.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p><b>6.5 Essential Services</b></p> <p>(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage.</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable road access.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The listed services are currently available to the site.</p> <p>Should the application be approved appropriate conditions will be imposed requiring that all services be augmented as necessary in accordance with service provider requirements.</p>

***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
<b>2.0 Built Form</b>				
<b>Objectives</b>				
a. To provide richness of detail and architectural interest, especially to visually prominent parts of buildings such as lower storeys and street facades.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 Auburn local government area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
c. To ensure that the built form and density of a new development respects the scale, density and desired future character of the area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d. To ensure development appropriately supports the centres hierarchy within the Auburn local government area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The design complies with the ALEP 2010 building FSR and building height controls.
<b>2.1 Number of storeys</b>				
<b>D1 The maximum number of storeys shall be as per the table below:</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Table 1 – Number of storeys</b>				
<b>ALEP 2010 maximum building height</b>				
<b>Maximum number of storeys</b>				
<b>B1 Neighbourhood Centre zone</b>				
14 metres (excluding Wentworth Point Neighbourhood Centre)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
17 metres (Wentworth Point Neighbourhood Centre only)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>B2 Local Centre zone</b>				
14 metres (excluding Newington Small Village)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16 metres (Newington Small Village only)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>B4 Mixed Use zone</b>				
18 metres	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
27 metres	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Height of 19.5m proposed for development
32 metres	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
36 metres	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>2.2 Articulation and proportion Performance criteria</b>				
<b>PI</b> The bulk, scale and intensity of development is consistent with the scale of surrounding existing and planned developments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The bulk and scale of the development is considered appropriate with regard to the future desired character of the area and zone objectives.

<p><b>P2</b> 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<p><b>P3</b> New facades complement the predominant horizontal and vertical proportions in the street and are compatible with surrounding buildings.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Surrounding development comprise of mixed use, residential and educational developments.
<p><b>Development controls</b></p>				
<p><b>D1</b> Buildings shall incorporate:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed design possesses these elements.
<ul style="list-style-type: none"> <li>• balanced horizontal and vertical proportions and well spaced and proportioned windows;</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed design possesses these elements.
<ul style="list-style-type: none"> <li>• a clearly defined base, middle and top;</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed design possesses these elements. The building is modulated with the provision of recesses in the front facade of the building.
<ul style="list-style-type: none"> <li>• modulation and texture; and</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>• architectural features which give human scale at street level such as entrances and porticos.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The ground floor is of an appropriate scale.
<p><b>D2</b> 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<p><b>D3</b> Articulation of the building exterior shall be achieved through recesses in the horizontal and vertical plane, adequate contrasts in materials, design features and the use of awnings.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><b>D4</b> Features such as windows and doors shall be in proportion with the scale and size of the new building and any adjoining buildings which contribute positively to the streetscape.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Limited doors provided being commercial building development.
<p><b>D5</b> Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There is an awning provided over portions of the building over the footpath.
<p><b>2.3 Materials</b></p>				
<p><b>Performance criteria</b></p>				
<p><b>P1</b> Materials enhance the quality and character of the business precinct.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed materials are considered to be of high quality and contemporary appearance. The development is acceptable in this regard.
<p><b>Development controls</b></p>				
<p><b>D1</b> New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the character of buildings in the locality.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><b>D2</b> 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The facade contains mainly glass and solid masonry architectural elements appropriate to the commercial use of the building.
<p><b>D3</b> Building facades at street level along</p>				



primary streets and public places consist of a minimum of 80% for windows/glazed areas and building and tenancy entries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D4</b> Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Should the application be recommended for approval appropriate condition will be imposed in this regards.
<b>2.4 Roofs</b> <b>Performance criteria</b> <b>P1</b> Roof design is integrated into the overall building design. <b>Development controls</b> <b>D1</b> Design of the roof shall achieve the following: <ul style="list-style-type: none"><li>•concealment of lift overruns and service plants;</li><li>•presentation of an interesting skyline;</li><li>•enhancing views from adjoining developments and public places; and</li><li>•complementing the scale of the building.</li></ul> <b>D2</b> Roof forms shall not be designed to add to the perceived height and bulk of the building. <b>D3</b> Where outdoor recreation areas are proposed on flat roofs, shade structures and wind screens shall be provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed parapet is a flat element to the building.  The roof overrun is not visible from the street. In any case, the proposed height is less than the permissible height under Council's ALEP 2010.  The roof is appropriate in this instance.  The roof design is not considered to add to the perceived bulk and scale of the building.  No outdoor open space is proposed upon the roof.
<b>2.5 Balconies</b> <b>Performance criteria</b> <b>P1</b> Balconies contribute positively to the amenity of residents and the visual quality of the local centre. <b>Development controls</b> <b>D1</b> Balustrades and balconies shall be constructed from a balance of solid and transparent material to allow for views from the interior. <b>D2</b> Balconies and terraces shall be oriented to overlook public spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Being a commercial development, proposed transparent balustrade is considered appropriate.  <b>Balconies are proposed at the rear (east elevation of levels 1 &amp; 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.</b>  <b>Concern raised with overlooking impact of level 3 northern side 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.</b>  <b>Given the measures used in minimising overlooking impacts above, there is no objection raised</b>

<p><b>D3</b> 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.</p> <p><b>D4</b> Screens, louvers or similar devices shall be provided to balconies so as to visually screen any drying of laundry.</p>	<input checked="" type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input checked="" type="checkbox"/>	<p><b>to the location/orientation of the balconies.</b></p> <p>Should the application be recommended for approval appropriate condition could be imposed in this regards.</p>
<p><b>2.6 Interface with schools, places of public worship, and public precincts</b></p> <p><b>Development controls</b></p> <p><b>D1</b> Where a site adjoins a school, place of public worship or public open space:</p> <ul style="list-style-type: none"> <li>• This interface shall be identified in the site analysis plan and reflected in building design;</li> <li>• Building design incorporates an appropriate transition in scale and character along the site boundary(s);</li> <li>• Building design presents an appropriately detailed facade and landscaping in the context of the adjoining land use.</li> </ul> <p><b>D2</b> The potential for overlooking of playing areas of schools shall be minimised by siting, orientation or screening.</p> <p><b>D3</b> Fencing along boundaries shared with public open space shall have a minimum transparency of 50%.</p> <p><b>D4</b> 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.</p>	<input checked="" type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	<p>The Catholic Trinity College is located across the road to the west of the subject development site.</p> <p>The development does not directly adjoin public open space.</p>
<p><b>3.0 Streetscape and Urban form</b></p>				
<p><b>Objectives</b></p> <p>a. To ensure development integrates well with the locality and respects the streetscape, built form and character of the area.</p> <p>b. To encourage innovative development which is both functional and attractive in its context.</p>	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<p>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 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.</p>
<p><b>3.1 Streetscape Performance criteria</b></p> <p><b>P1</b> 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 manner which interprets the traditional architecture, albeit in modern forms and materials.</p> <p><b>P2</b> New development conserves and enhances the existing character of the</p>	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<p>The building as proposed is considered to be an appropriate design given the zoning and use.</p> <p>The development, if constructed will have no relationship with the existing buildings which immediately adjoin the</p>



<ul style="list-style-type: none"> <li>• External walls – 1500mm for two storeys.</li> </ul> <p>Depending on performance and other criteria, side setbacks may be required to be increased in order to minimise potential impacts on adjoining properties in terms of solar amenity, views, privacy and overshadowing.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Minimum 1500mm setback provided from external walls
<b>4.0 Mixed Use Developments</b>				
<b>Objectives</b> a. To encourage sustainable development by permitting services and employment-generating uses in conjunction with residential uses. b. To provide affordable residential development within close proximity to transport, employment and services. c. To enhance the vitality and safety of commercial centres by encouraging further residential development. d. To achieve a lively and active street frontage by encouraging the integration of appropriate retail and commercial uses with urban housing.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Development not a mixed use development.
<b>4.1 Building design</b> <b>Performance criteria</b> <b>P1</b> Mixed use developments are designed to architecturally express the different functions of the building while sympathetically integrating into the local centre streetscape. <b>Development controls</b> <b>D1</b> The architecture of ground level uses shall reflect the commercial/retail function of the centre. <b>D2</b> Buildings shall achieve a quality living environment that sympathetically integrates into the character of the commercial precinct. <b>D3</b> Commercial and retail servicing, loading and parking facilities shall be separated from residential access and servicing and parking.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>4.2 Active street frontages</b> <b>Performance criteria</b> <b>P1</b> Street activity is enhanced by: <ul style="list-style-type: none"> <li>• the concentration of retail outlets and restaurants at street level; and</li> <li>• the number of entrances at street level.</li> </ul> <b>Development controls</b> <b>D1</b> Retail outlets and restaurants are located at the street frontage on the ground level. <b>D2</b> A separate and defined entry shall be provided for each use within a mixed use development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No uses of the commercial tenancies is proposed under this application however the proposed building can entertain a number of uses as outlined under the B4 Mixed Use zone of the ALEP 2010 assessment. .
<b>4.3 Amenity</b> <b>Performance criteria</b> <b>P1</b> The amenity provided for residents of a mixed use development is similar to that expected in residential zones in terms of visual and acoustic privacy, solar amenity and views. <b>Development controls</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<b>D1</b> 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>4.4 Residential flat building component of mixed use developments</b> Applicants shall consult the Residential Flat Buildings Part of this DCP for the design requirements for the residential flat building component of a mixed use development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>5.0 Privacy and Security</b>				
<b>Objectives</b>				
a. To provide personal and property security for residents and visitors and enhance perceptions of community safety.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal is considered to promote safety and security in the local area by increasing the opportunity for general pedestrian activity and passive surveillance in the locality.
b. To enhance the architectural character of buildings at night, improve safety and enliven the town centre at night.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Performance criteria</b>				
<b>P1</b> Private open spaces and living areas of adjacent dwellings are protected from overlooking.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No residential component in the proposed development.
<b>P2</b> Site layout and design of buildings, including height of front fences and use of security lighting, minimises the potential for crime, vandalism and fear.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Development controls</b>				
<b>D1</b> 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  • 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Concerns with potential overlooking impacts from the proposed glazing towards the side (southern) elevation and rear (eastern) elevation have been addressed by the provision of translucent glazing to minimise overlooking impacts and is considered acceptable.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D2</b> 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As above
<b>D3</b> Shared pedestrian entries to buildings shall be lockable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>D4</b> Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development is acceptable in this regard.  Whilst a crime risk report has not been submitted with the application, no objection is raised in this regards.
<b>D5</b> Development shall be consistent with Council's Policy on Crime Prevention Through Environmental Design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>5.1 Lighting</b>				
<b>Performance criteria</b>				
<b>P1</b> Lighting is provided to highlight the architectural features of a building and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<b>P2</b> The use of integrated lighting systems in retail shops is both functional and decorative.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>P3</b> Lighting is sufficient for its purpose and used to make bold design statements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>P4</b> Lighting does not interfere with amenity of residents or safety of motorists.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Development controls</b>				
<b>D1</b> 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.
<b>D2</b> Lighting systems shall incorporate specific display lighting to reinforce merchandise and provide a contrast against the street lighting generally.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>D3</b> Surface mounted fluorescent fixtures shall not be considered in any part of the retail areas of the premises.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>D4</b> The light source shall be selected to provide the desired light effect; however, fitting and methods shall be chosen produce the highest energy efficiency.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>D5</b> Lighting shall not interfere with the amenity of residents or affect the safety of motorists.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D6</b> Excessive lighting shall not be permitted. Light spill onto the street into the public domain shall be minimised.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>5.2 Shutters and grilles</b>				
<b>Performance criteria</b>				
<b>P1</b> Security shutters, grilles and screens allow the viewing of shopfront windows and light to spill out onto the footpath.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The commercial building will be visible from the street and be made of durable glass materials
<b>P2</b> Shutters, grilles and screens are to be made from durable, graffiti-resistant materials and compatible with the building style.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No shutters are noted as being proposed for the commercial building.
<b>Development controls</b>				
<b>D1</b> Windows and doors of existing shopfronts shall not be filled in with solid materials.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D2</b> Security shutters, grilles and screens shall:				
• be at least 70% visually permeable (transparent);	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• not encroach or project over Council's footpaths; and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• be made from durable, graffiti-resistant materials.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>D3</b> Solid, external roller shutters shall not be permitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>5.3 Noise</b>				
<b>Performance criteria</b>				
<b>P1</b> New commercial developments within major arterial roads or railway lines				

are designed to mitigate noise and vibration impacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.
<b>P2</b> 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Development controls</b>				
<b>D1</b> 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:				
• Development Near Rail Corridors and Busy Roads, NSW Department of Planning, December 2008 – Interim Guidelines.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• NSW Industrial Noise Policy;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Environmental Criteria for Road and Traffic Noise.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>D2</b> 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>D3</b> 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>6.0 Access and Car Parking</b>				
In addition to this section, applicants shall consult the Parking and Loading Part of this DCP for other access, parking and loading requirements for all development within local centres.				
<b>6.1 Access, loading and car parking requirements</b>				
<b>Development controls</b>				
<b>D1</b> Car parking rates shall be provided in accordance with the Parking and Loading Part of this DCP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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







laneways.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	considered acceptable.
<b>D2</b> Street tree planning shall be consistent with Council's Street Tree Masterplan or relevant Public Domain Plan or Infrastructure Manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D3</b> Significant existing street trees shall be conserved and, where possible, additional street trees shall be planted to ensure that the existing streetscape is maintained and enhanced.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Should the application be recommended for approval appropriate condition will be imposed in this regards.
<b>D4</b> Where street trees and the provision of awnings are required, cut-outs shall be included in the awning design to accommodate existing and future street trees.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	One street tree is proposed to be removed to make way for vehicle driveway. The development is acceptable in this regard.
<b>D5</b> Driveways and services shall be located to preserve significant trees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Should the application be recommended for approval appropriate condition will be imposed in this regards.
<b>D6</b> 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>D7</b> 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.				
<b>8.0 Energy Efficiency and Water Conservation</b>				
<b>Objectives</b>				
a. To achieve energy efficient commercial and retail developments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A Section J report has been submitted with the application to ensure energy efficient and water conservation principles are incorporated into the overall design of the building. Should the application be recommended for approval, this will be reinforced by appropriate conditions.
b. To encourage site planning and building design which optimises site conditions to achieve energy efficiency.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. To minimise overshadowing of the public domain including streets and open space.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 the overshadowing of the street, this would result in an unacceptable design outcome and increased overshadowing impact on adjoining residential uses. Accordingly the buildings overshadowing of the street and public domain is considered acceptable in this instance.
d. To give greater protection to the natural environment by reducing greenhouse gas emissions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e. To encourage the installation of energy efficient and water conserving appliances.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
f. To reduce the consumption of non-renewable energy sources for the purposes of heating, water, lighting and temperature control.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
g. To minimise potable water mains demand of non residential development by implementing water efficiency measures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>8.1 Energy efficiency</b>				
<b>Performance criteria</b>				
<b>P1</b> 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 and insulation assist thermal performance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Open plate commercial floors proposed. Internal layout (if required) shall be subject to further application.
<b>Development controls</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As per the Section J requirements the design and installation of hot water system shall be in accordance with Section 8 of AS/NZS 3500.4
<b>D1</b> Any hot water heaters to be installed, 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				

<p>minimum 3.5 Hot Water Greenhouse Score.</p> <p><b>D2</b> 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 400m<sup>2</sup> 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Should the application be recommended for approval appropriate condition will be imposed in this regards.
<p><b>8.2 Water conservation</b></p> <p><b>Performance criteria</b></p> <p><b>PI</b> Water efficiency is increased by appropriate building design, site layout, internal design and water conserving appliances.</p> <p><b>Development controls</b></p> <p><b>D1</b> 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.</p> <p><b>D2</b> 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.</p> <p><b>D3</b> Development shall install all water using fixtures that meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Should the application be recommended for approval appropriate condition will be imposed in this regards.</p> <p>A dual system is not provided.</p> <p>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.</p>
<p><b>8.3 Stormwater drainage</b></p> <p>Applicants shall consult the Stormwater Drainage Part of this DCP for requirements for stormwater management.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><b>8.4 Rainwater tanks</b></p> <p><b>Performance criteria</b></p> <p><b>PI</b> Adequate measures are incorporated into new development to encourage the collection and reuse of stormwater and reduce stormwater runoff.</p> <p><b>Development controls</b></p> <p><b>D1</b> Rainwater tanks shall be installed as part of all new development in accordance with the following:</p> <ul style="list-style-type: none"> <li>• The rainwater tank shall comply with the relevant Australian Standards;</li> <li>• 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;</li> <li>• Rainwater tanks shall be permitted in basements provided that the tank meets applicable Australian Standards;</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>A 10,000 Litre rainwater tank is proposed to be provided within the development.</p> <p>Should the application be recommended for approval appropriate condition will be imposed in this regards.</p> <p>Below ground rainwater tank proposed.</p> <p>The tank is proposed to be located down the side of the building and camouflaged with landscaping.</p>



residential component of the mixed use developments.				
<b>10.0 Other Relevant Controls</b>				
<b>10.1 Waste</b> <b>D1</b> Applicants shall consult the Waste Part of this DCP for requirements for disposal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	An acceptable waste management plan dealing with the demolition and construction has been submitted for the application. The development is acceptable in this regard.
<b>10.2 Access and amenity</b> <b>D1</b> Applicants shall consult the relevant provisions within the Access and Mobility Part of this DCP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>11.0 Public Domain</b>				
<b>Objectives</b> a. To ensure private development contributes to a safe, attractive and useable urban environment within the local centres of the Auburn local government area. b. To ensure the public domain forms an integrated part of the urban fabric of commercial centres. c. To encourage both night and day pedestrian activity in the commercial centres. d. To ensure private development contributes to a positive pedestrian environment. e. To encourage public art in new development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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) within the public road reserve area. It is noted that the site is not specifically included in the Auburn Town Centre Public Domain Plan.
<b>Development controls</b> <b>D1</b> 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D2</b> 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Note:</b> Refer to the relevant Public Domain Plan and Council's Public Art Policy.				
<b>12.0 Subdivision</b>				
<b>Objectives</b> a. To ensure development sites are of a reasonable size to efficiently accommodate architecturally proportioned buildings and adequate car parking, loading facilities, etc. b. 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 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.
<b>12.1 Size and dimensions</b> <b>Performance criteria</b> <b>P1</b> The size and dimension of proposed lots contribute to the orderly development of the commercial centres.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Development controls</b> <b>D1</b> Proposed lots shall be of sufficient area and dimension to allow a high standard of architectural design, the appropriate siting of buildings and the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	As above



<b>13.5 Laneways</b> <b>Development controls</b> <b>D1</b> Redevelopment within the Auburn Town Centre shall make provision for the creation of new laneways as shown in Figure 8.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No laneway required to be provide to service the site as per figure 8. Accordingly the development is considered to be acceptable in this regard.
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## 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
<b>2.0 Off-Street Parking Requirements</b> This section applies to all development. <b>Objectives</b> a. To ensure that an acceptable level of parking is provided on-site to minimise adverse impacts on surrounding streets. b. To provide for the reasonable parking needs of business and industry to support their viability, but discourage unnecessary or excessive parking.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These objectives are to be met as part of the deferred commencement conditions.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Performance criteria</b> <b>P1</b> New development provides adequate off-street parking to service the likely parking demand of that development. <b>P2</b> New development does not introduce unnecessary or excessive off-street parking. <b>P3</b> Parking provided for development which is not defined in this Part on sound and detailed parking assessment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.
<b>Development controls</b> <b>D1</b> All new development shall provide off-street parking in accordance with the parking requirement tables of the respective developments in this Part. <b>D2</b> That in circumstances where a land use is not defined by this plan, the application shall be accompanied by a detailed parking assessment prepared by a suitably qualified professional which includes: <ul style="list-style-type: none"> <li>• A detailed parking survey of similar establishments located in areas that demonstrate similar traffic and parking demand characteristics;</li> <li>• Other transport facilities included in the development;</li> <li>• Anticipated traffic generation directional distribution and nature of impacts expected;</li> <li>• An assessment as to whether the precinct is experiencing traffic and on-street parking congestion and the implications that development will have on existing situation;</li> <li>• An assessment of existing public transport networks that service the site, particularly in the off-peak, night and weekend periods and initiatives to encourage its usage;</li> <li>• Possible demand for car parking space from adjoining localities;</li> <li>• Occasional need for overflow car parking; and</li> <li>• Requirements of people with a limited mobility, sensory impairment.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Commercial use is defined
				As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.
<b>3.0 Design of parking facilities</b> This section applies to all development. <b>Objectives</b> a. To promote greater bicycle use, decrease the reliance on private vehicles and encourage alternative, more sustainable modes of transport.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is in close proximity to public transport and bicycle parking





<p>and provides a safe and convenient parking facility for users and pedestrians.</p> <p><b>P2</b> The site layout enables people with a disability to use one continuously accessible path of travel:</p> <ul style="list-style-type: none"> <li>• To the site from the street frontage;</li> <li>• To individual or main car parking areas; and</li> <li>• To all buildings, site facilities and communal open space.</li> </ul> <p>Development controls</p> <p><b>D1</b> Visual dominance of car parking areas and access driveways shall be reduced.</p> <p><b>D2</b> All basement/underground car parks shall be designed to enter and leave the site in a forward direction.</p> <p><b>D3</b> Car parking modules and access paths shall be designed to comply with AS2890 – Parking Facilities (all parts).</p> <p>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.</p> <p>Note 2: Visitor parking dimensions shall be a minimum 2.6 metres by 5.4 metres.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>Basement car parking proposed.</p> <p>As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.</p>
<p><b>D4</b> All pedestrian paths and ramps shall:</p> <ul style="list-style-type: none"> <li>• Have a minimum width of 1000mm;</li> <li>• Have a non-slip finish;</li> <li>• Not be steep (ramp grades between 1:20 and 1:14 are preferred);</li> <li>• Comply with AS1428.1 – Design for Access and Mobility; and</li> <li>• Comply with AS1428.2 – Standards for blind people or people with vision impairment.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>If the proposal was to be recommended for approval, appropriate condition may be imposed in this regard.</p>
<p>5.0 Commercial development</p> <p>5.1 General controls – business areas</p> <p>Objectives</p> <p>a.To provide sufficient vehicular access and car parking on-site to meet user demands.</p> <p>b.To ensure the design of access, parking and servicing areas is efficient, safe, convenient, discrete and suitably landscaped.</p> <p>c.To ensure traffic generation of proposed development is compatible with the surrounding road network.</p> <p>d.To minimise potential conflicts between vehicular movements and pedestrians</p> <p>5.1.1 General parking design</p> <p>Performance criteria</p> <p><b>P1</b> Car parking areas are designed to be efficient and appropriately located with regard to the design of the development.</p> <p><b>P2</b> Sufficient car parking is provided on-site for the type of development proposed.</p> <p>Development controls</p> <p><b>D1</b> Car parking shall be provided at the rear of the development or be fully underground.</p> <p><b>D2</b> The design of any parking area shall be integrated into the overall site and building design and be integrated with neighbouring properties.</p> <p><b>D3</b> Special consideration may be given to restaurants, cafes and function centres and the like which operate outside normal business hours where it can be demonstrated the car parking provided for retail and commercial uses operating during normal business hours will be available for parking demand outside these hours.</p> <p><b>D4</b> Council may accept a monetary contribution in lieu of on-site car parking where a contributions</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.</p> <p>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, Council's development engineer has provided appropriate deferred commencement conditions to overcome this concern.</p> <p>As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.</p> <p>Underground parking proposed.</p>

<p>plan is in place under Section 94 of the Environmental Planning and Assessment Act 1979, or other relevant legislation.</p> <p>5.1.2 Access and driveway design</p> <p>Performance criteria</p> <p><b>P1</b> Vehicular movement to and from the site should be designed to reduce potential conflict with traffic and pedestrians.</p> <p><b>P2</b> Development avoids congestion, delay or hazards to traffic movement on adjoining streets.</p> <p><b>P3</b> Driveway gradients are sufficient to allow use by all vehicle types, in a safe and convenient manner.</p> <p>Development controls</p> <p><b>D1</b> Car park entries and driveways shall be kept to a minimum and shall not be located on primary or core retail streets.</p> <p><b>D2</b> Driveways shall be designed to allow vehicles to enter and leave in a forward direction.</p> <p><b>D3</b> Vehicular access shall be designed to avoid conflicts with pedestrians.</p> <p><b>D4</b> Adequate area shall be provided on site and driveways designed to enable all vehicles including large trucks to enter and leave the site in a forward direction.</p> <p><b>D5</b> Driveways shall be located and designed so as to avoid the following:</p> <ul style="list-style-type: none"> <li>• being located opposite other existing access ways with significant vehicle usage;</li> <li>• restricting sight distances;</li> <li>• on-street queuing;</li> <li>• an intersection controlled by traffic signals within 25m on the approach side;</li> <li>• a signalled intersection of any major roads within 90m;</li> <li>• an intersection controlled by a stop or give way sign within 12m on the approach side;</li> <li>• the approach side of any intersection within 10m;</li> <li>• a property boundary on the departure side of any intersection within 10m; and</li> <li>• the commencement of a median island within 6m.</li> </ul> <p><b>D6</b> The maximum grade of manoeuvring areas and all access roadways shall comply with AS 2890 – Parking Facilities.</p> <p><b>D7</b> Where sites front on to main or arterial roads, driveways shall be minimised or located on side or rear road frontages where available.</p> <p><b>D8</b> Driveways servicing car parking shall comply with AS 2890 – Parking Facilities or similar designs for car turning paths unless otherwise advised by Council's Engineering Department.</p> <p><b>D9</b> The maximum gradient for a driveway shall be 20% (with appropriate transitions). However, in extreme circumstances, gradients up to 25% (with appropriate transitions) will be considered.</p> <p>5.1.3 Access driveway design</p> <p>Performance criteria</p> <p><b>P1</b> The width of an access driveway reflects its function and anticipated volume of use, and provides safe and efficient ingress and egress to individual lots for both pedestrian and vehicle movements, unless otherwise specified in other Parts of this DCP.</p> <p>Development controls</p> <p><b>D1</b> Access driveways with a length exceeding 50m shall incorporate:</p> <ul style="list-style-type: none"> <li>• a driveway width, that allows for the passing of vehicles in opposite directions. This can be achieved by intermittent passing bays; and</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.</p>
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p>As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.</p>



and drink premises	outlets – developments with no on-site seating: 12 spaces per 100m <sup>2</sup> GFA Drive-in take-away food outlets – developments with on-site seating 12 spaces per 100m <sup>2</sup> 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				
Function centre	Whichever is the greater of: 15 spaces per 100m <sup>2</sup> GFA, or 1 space per 3 seats				
Registered clubs	1 space per 5.0m <sup>2</sup> of public or licensed floor area (includes bar, lounges, dining and gaming areas)				
Medical centres Health consulting rooms	3 spaces per surgery				
Child care centres	1 space per 35m <sup>2</sup> or 1 space per four (4) children whichever is the greater + drop-off and pick-up facility				
Newington Small Village	Minimum of 1 car space per 38m <sup>2</sup> GFA Bicycle parking shall be one (1) per 300m <sup>2</sup> of retail space.				
Hospitals	1 space per 2 beds				
7.0 Loading requirements					
Objectives					
a. To ensure that all development proposals for industry and business are adequately provided with appropriate loading and unloading facilities.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.
b. To prevent industrial and business development giving rise to adverse impacts associated with truck and service vehicles being parked off-site.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Performance criteria					
P1 Separation is provided between service areas (i.e. loading and unloading areas) and parking.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As above
P2 Size of service vehicle bays are adequate for the likely vehicles utilising the spaces.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P3 Service areas are located and designed to facilitate convenient and safe usage.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p><b>Development controls</b></p> <p><b>D1</b> Driveway access and adequate on-site manoeuvring shall be provided to enable all delivery vehicles to enter and leave the site in a forward direction.</p> <p><b>D2</b> Industrial developments having a floor area greater than 400sqm shall include loading and unloading facilities to accommodate a 'heavy rigid 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' and details of swept paths showing compliance with AS2890 – Parking Facilities.</p> <p>Note: The applicant shall identify the likely service vehicle sizes accessing the site and shall provide service vehicle spaces in accordance with AS2890 – Parking Facilities.</p> <p><b>D3</b> Loading/unloading facilities shall be positioned so as to not interfere with visitor/employee or resident designated parking spaces.</p> <p><b>D4</b> The service area shall be a physically defined location which is not used for other purposes, such as the storage of goods and equipment.</p> <p><b>D5</b> The design of loading docks shall accommodate the type of delivery vehicles associated with the development and potential uses of the development.</p> <p><b>D6</b> 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.</p> <p><b>D7</b> That loading bays for trucks and commercial vehicles shall be provided in accordance with 9:</p> <table border="1"> <thead> <tr> <th>Land use</th> <th>Loading requirements</th> </tr> </thead> <tbody> <tr> <td>Business and office premises</td> <td>1 space per 4,000m2 GFA up to 20,000m2 GFA plus 1 space per 8,000m2 thereafter</td> </tr> <tr> <td>Retail premises - department stores</td> <td>1 space per 1,500m2 GFA up to 6,000m2 GFA plus 1 space per 3,000m2 thereafter</td> </tr> <tr> <td>Retail premises - shops and food and drink premises</td> <td>1 space per 400m2 GFA up to 2,000m2 GFA plus 1 space per 1,000m2 thereafter</td> </tr> <tr> <td>Hotel and motel accommodation</td> <td>1 space per 50 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 restaurant</td> </tr> <tr> <td>Other</td> <td>1 space per 2,000m2</td> </tr> <tr> <td>Industrial/warehouse, bulky goods retail and wholesale supplies</td> <td>1 space per 800m2 GFA up to 8,000m2 GFA 1 space per 1,000m2</td> </tr> </tbody> </table>		Land use	Loading requirements	Business and office premises	1 space per 4,000m2 GFA up to 20,000m2 GFA plus 1 space per 8,000m2 thereafter	Retail premises - department stores	1 space per 1,500m2 GFA up to 6,000m2 GFA plus 1 space per 3,000m2 thereafter	Retail premises - shops and food and drink premises	1 space per 400m2 GFA up to 2,000m2 GFA plus 1 space per 1,000m2 thereafter	Hotel and motel accommodation	1 space per 50 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 restaurant	Other	1 space per 2,000m2	Industrial/warehouse, bulky goods retail and wholesale supplies	1 space per 800m2 GFA up to 8,000m2 GFA 1 space per 1,000m2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Not an industrial development.</p>
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<p>2 loading bays required for the development for commercial use 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 that 1 additional loading bay be provided <b>(total 3)</b> to cater for future retail use. As discussed under clause 6.1 of the Local Centres DCP. Deferred commencement conditions will ensure compliance in this regards.</p>																			

	thereafter				
<p>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.</p> <p>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).</p> <p>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.</p> <p><b>D8</b> Loading/unloading areas shall be provided in accordance with AS2890.2 – Off-Street Commercial Vehicle Facilities.</p>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Minimum 3 New loading/unloading area required in the basement level.

### **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) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited for a period of 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*

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.

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

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

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**Conclusion**

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

The 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.