

AUBURN CITYCOUNCIL

To the Joint Regional Planning Panel

Planning and Environment
Department

92 Parramatta Road, LIDCOMBE

**REPORT FOR JRPP DA-266/2011
GF:KR**

SUMMARY

Applicant	Restifa & Partners
Owner	SPG Investments Pty Limited
Application No.	DA-266/2011
Description of Land	Lot 11 DP 1102278, 92 Parramatta Road, LIDCOMBE
Proposed Development	Alterations and additions to existing bulky goods premises, internal reconfiguration of tenancies including creation of new tenancies and use of premises for retail sales
Site Area	35,850m ²
Zoning	Zone B6 - Enterprise Corridor
Disclosure of political donations and gifts	Nil disclosure
Issues	Parking Availability

Recommendation

1. That Development Application No. DA-266/2011 for alterations and additions to existing bulky goods premises, internal reconfiguration of tenancies including creation of new tenancies and use of premises for retail sales on land at 92 Parramatta Road, LIDCOMBE be approved subject to conditions attached.

History and Consultations

DA617/2003 Application for the Original Power Centre Building

Council, at its meeting of 3 November 2004 resolved to approve Development Application No 617/2003 for construction of a bulky goods retail centre comprising of 21 bulky goods retailing tenancies, 3 restaurants and car parking for 1,050 vehicles subject to conditions of development consent.

Section 96(1A) modification DA617/2003/A, was approved under delegated authority on 4 May 2005, to modify the bulky goods retail centre to vary the car park layout and entries, number and size of tenancies, addition of a mezzanine parking level and changes to the external appearance of the building.

Section 96(1A) modification DA617/2003/C was approved under delegated authority on 14 June 2005, to modify the bulky goods retail centre to vary the timing of the registration of the plan of consolidation subject to a change in Condition 24.

Section 96(1A) modification DA617/2003/B was approved under delegated authority on 10 August 2005 to modify the bulky goods retail centre to extend the construction hours permitted on Saturdays to between 7 am and 5 pm subject to a change in Condition 40.

Section 96(1A) modification DA617/2003/D was approved under delegated authority on 14 October 2005 to modify the bulky goods retail centre to amend Condition 17, the balustrade details and external signage panels.

Section 96(1A) modification DA617/2003/E was approved under delegated authority on 28 August 2006 to modify the bulky goods retail centre to replace part of the front water feature with planting and umbrellas.

Section 96(1A) modification DA617/2003/F was approved under delegated authority on 4 October 2006 to modify the bulky goods retail centre Condition 51 relating to the lodgement of a positive covenant with the Land Titles Office. The application was approved subject to a change in Condition 51.

Section 96(2) modification DA617/2003/G was approved on 21 February 2007 to amend approved bulky goods retailing facility by modification to description and tenancy layout to comprise of 22 bulky goods retail showrooms, 2 restaurants, 6 refreshment rooms and associated seating and 5 bulky goods retailing/other permissible use tenancies

Pre-lodgement Application PL23/2011

The subject application was the subject of a pre lodgement application lodged on the 7 June 2011. A meeting was held between Council and the applicant on the 24 June 2011 and written advice was provided to the applicant on the 5 July 2011.

Subject Application DA266/2011

The subject development Application DA266/2011 was lodged with Council on the 29 July 2011. Notification and exhibition occurred between 16 August to 30 August 2011. Due to the total capital investment value exceeding the 10 million threshold applicable at the time, the Joint Regional Planning Panel would be the determination body in this instance and was notified of the proposal on the 5 August 2011. The application, due to the proximity to

Parramatta Road and number of vehicles involved was notified to the Road and Traffic Authority on the 10 August 2011.

After confirmation of the Roads and Traffic Authority's issues with the application a detailed issues letter was sent to the applicant on the 12 October 2011 requesting further details relating to the specific uses applied for as part of the application, parking and access, loading bay area, the Roads and Traffic Authority's issues and public submissions received.

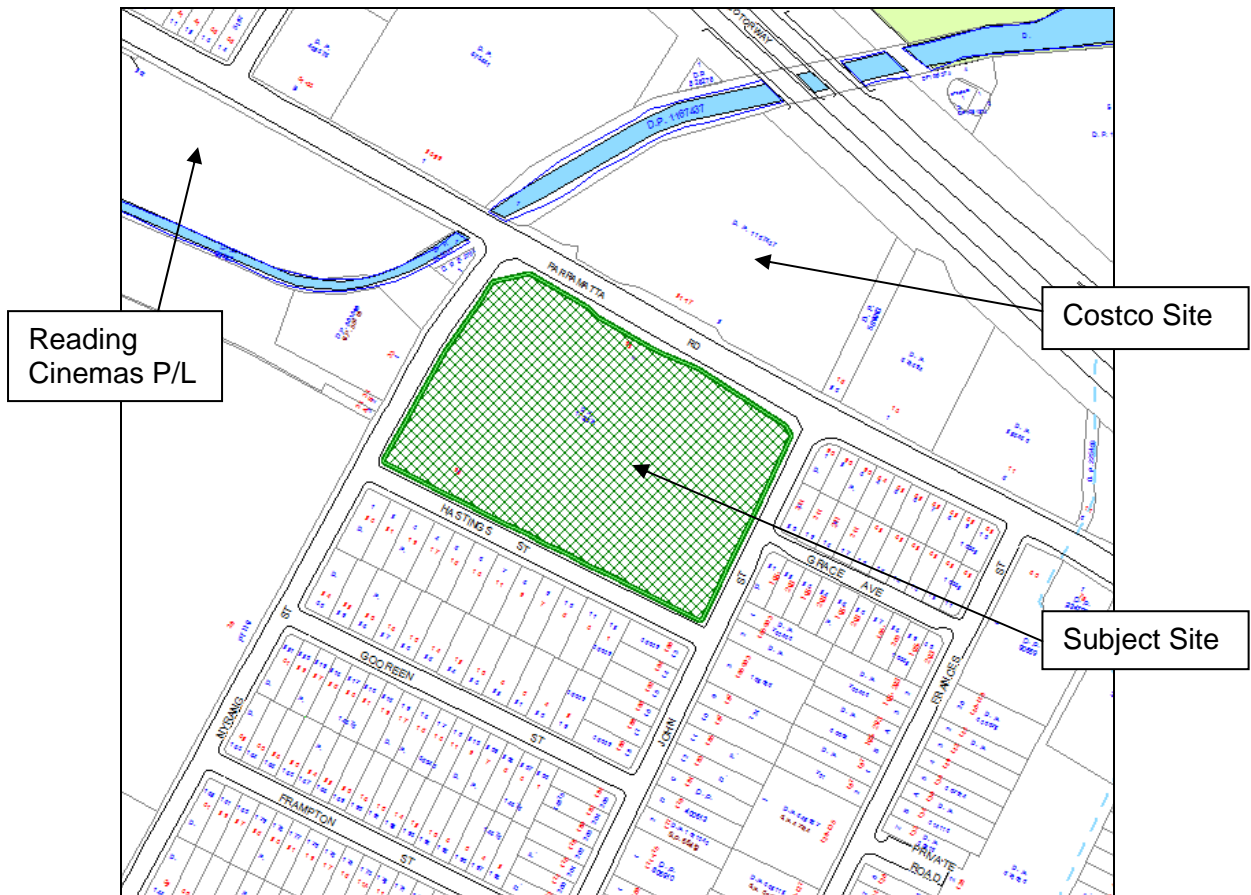
A formal response to the above correspondence was received by Council on 26 October 2011. The submission provided supporting documentation which sought to clarify the uses and traffic issues raised by Council.

Site and Locality Description

The site known as 92 Parramatta Road, Lidcombe and legally identified as Lot 11 DP 1102278 is currently occupied by the multi storey "Auburn Power Centre" building which contains bulky good retail premises, refreshment rooms and a bowling alley. The site is situated on the southern side of Parramatta Road, east of Haslam's Creek and is bounded by Parramatta Road, Nyrang Street, Hastings Creek and John Street as shown in the site map below. The land is generally rectangular in shape with an area of approximately 3.6 hectares and frontages to the four streets of Parramatta Road 208m, Nyrang Street 154m, Hastings Street 244m, John Street 142m.

Land adjoining the site to the east, north and west comprises the Parramatta Road enterprise corridor, which includes light industrial, bulky good showrooms, building supplies and retail, which benefit from proximity to Parramatta Road. Land to the south of the site comprises a low density residential precinct of predominantly detached dwellings. Directly to the north of the site across Parramatta Road is the recently completed and operational Costco Bulky good and retail centre.

The site is shown below:



Description of Proposed Development

Statutory context

Auburn Local Environmental Plan 2010 (Amendment 1)

The Auburn Local Environmental Plan 2010 (Amendment 1) has direct relevance to the considerations of this report as it was this amendment which introduced Clause 6.9 into the Local Environmental Plan. Clause 6.9 allows for “retail premises” as a permissible activity for land which lies within the “Commercial Precinct” identified on the Key Sites Map. The amendment also introduced Floor Space Ratio concessions for particular development types (Bulky Goods Premises and Commercial Premises) within the Key Sites and Floor space Ratio Maps.

Traffic Management Accessibility Plan (TMAP) for Parramatta Road Commercial Precinct

A Traffic Management Accessibility Plan (TMAP) for Parramatta Road Commercial Precinct (PRCP) was prepared as part of *Auburn Local Environmental Plan (Amendment No 1)* in order to satisfy the Roads and Traffic Authority’s concerns regarding traffic movement along the section of Parramatta Road. The TMAP addresses the traffic issues pertaining to the introduction of the retail premises use. This matter is considered to be of particular relevance to this subject development proposal given the traffic and parking issues identified in the assessment of the application. These are discussed in detail in the body of this report.

The TMAP report undertook detailed traffic modelling in order to assess the anticipated traffic loading assuming the section of Parramatta road was developed for commercial purposes. The outcome of the report identifies a series of infrastructure upgrades required in order to facilitate the additional loading.

It is the conclusion of the report that with delivery of these infrastructure upgrades will result in an acceptable demand release being achieved in the models, and acceptable levels of service, degrees of saturation and right-turn queuing for Parramatta Road intersections.

The applicant for the development has agreed to the payment of a portion of the costs associated with the implementation of the TMAP recommendations. This is included as a recommended condition of consent attached to this report.

Development proposal

Council has received a development application for alterations and additions to existing bulky goods premises, internal reconfiguration of tenancies including creation of new tenancies and use of premises for retail sales.

The scope of works for which consent is sought involves a minor increase in the floor space of the existing centre and a partial change of use to retail premises.

Specifically the application involves minor external changes to the presentation of the building, with the majority of the works being internal. The following primary elements are identified:

- Internal reconfiguration of the ground and first floors to establish a mix of retail and bulky goods tenancies;

- Occupation of certain ground floor tenancies to establish a supermarket (4,211m²), discount department store (5,016m²), a mini-major store (1,376m²);
- Installation of a new pedestrian lift connecting the ground floor of the building and the footpath to Parramatta Road, and
- Remodelling of the northern building facade to Parramatta Road.

These works will enable a significant re-organisation of the building to allow for a greater number and mix of tenancies. Broadly the ground floor of the complex will comprise retail uses whilst the first floor will comprise bulky goods outlets however some retail premises on the first floor are proposed. When complete, the mix of uses within the building would comprise:

- 15,359m² of retail area; and
- 17,851m² of bulky goods.

A summary of the major differences in the existing building to the proposed modified building is provided in the following table:

	Existing	Proposed	Change
Gross floor area	32,693m ²	33,210m ²	+ 517m ²
Total tenancies	31	55	+ 24
Total parking supply	980	998	+18

The centre when completed would consist of 51 tenancies comprising 38 dedicated retail premises and 13 dedicated bulky good premises. 6 kiosk style occupancies (of 10 m² only) are also proposed in the mall component of the ground floor.

The retail premises feature principally on the ground floor of the premises however 4 premises are proposed on the first floor and a mezzanine extension to retail tenancy 8 on the first floor level of the centre. There are generally three size ranges of retail tenancies; small (35 m² – 74 m²), medium (94.6 m² – 597 m²) and two large tenancies whose floor areas are 4211.1 m² and 5016 m² respectively.

Other than for remodelling of the northern facade, all works are contained within the building, and therefore do not alter:

- Built form presentation to Nyrang, Hastings or John Streets;
- Arrangements for access by service vehicles; or
- Arrangements for vehicle or pedestrian access onto the site.

As noted above, this application seeks consent to establish the following new uses within the Centre:

- Retail premises (supermarket) in Tenancy T1 (ground level)
- Retail premises (discount department store) in Tenancy T18 (ground level)
- Retail premises (liquor store) in Tenancy T32 (ground level)

The operating characteristics of these uses are shown in the following Table:

Tenancy Use	Staff	Proposed Hours	Delivery Times	Goods proposed
Supermarket	Up to 160, with 35 - 50 people on site at any one time.	24 Hour operation	2 semi trailers per day with up to 10 additional deliveries by smaller vehicles.	Groceries, green groceries, bakery and deli items, general merchandise

			Delivery hours 6am and 10pm.	
Discount Department store	Up to 150, with 20 people on site at any one time.	Monday – Friday 8am to Midnight. Saturday and Sunday 8am to 10pm	6am to midnight	General merchandise consistent with a K Mart Store
Liquor store	30 people at any one time	9am to 10pm seven days	1 semi trailer per day with up to 15 deliveries via smaller trucks	Liquor and associated items, no consumption in store

In order to establish the new ground floor retail tenancies the existing 'Anaconda' bulky goods store will be relocated to the first floor. The change in use of that first floor tenancy and associated fit out works will proceed under a separate application.

Any signage associated with the new tenancies, which differs in form or location from the external signage strategy for the site approved under prior DA 617/03 will be the subject of a separate application.

Referrals

Internal Referrals

Development Engineer

The development application was referred to Council's Development Engineer for comment who has advised that the development was not considered acceptable for the following reasons:

- a) A total of 1086 parking spaces are required for the proposed uses on site. Based on the existing parking available (998) a shortfall of 88 spaces is identified.
- b) RTA's and Council's parking guidelines require of 3 spaces per lane for the existing Bowling alley development.

It is not appropriate to use a one-off parking study from the existing facility to vary the parking demand that is based on RTA's data analysis. Any reduction of parking space will affect the future operation of the facility if it operates at its full capacity.

It should be noted that parking surveys are influenced by many factors including operational performance of the business, time period of the survey and number of surveys. In this regard, any general comparison shall be made with similar developments.

- c) RTA's shopping centre parking demand model parameters including bulky goods constant shall not be changed and 24 spaces per 1000m² shall be used in the calculations. Comparison and modification of parking demand, in isolation, for bulky goods retail stores are not appropriate within shopping centre developments.

RTA rates for model parameter are not limited to Myer and David Jones and it includes furniture, electrical and utility goods stores also.

Any changes to the RTA's model, which is based on extensive surveys of shopping centres, can be considered with similar surveys of shopping centres.

d) The report does not provide the details of the bulky goods centres quoted in the report in order to verify the nature of the centres and to compare similarity with the proposed development.

e) Adequate loading area shall be provided for the development.

A discussion of the parking rates and issues is provided under the Auburn DCP 2010 Parking and Loading section of the report.

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 the inclusion of a number of recommended conditions in any development consent issued for the proposal.

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 the inclusion of a number of recommended conditions in any development consent issued for the proposal.

It should be noted that the Environmental Health Officer considered that insufficient details regarding the proposed fit out of the major tenancies was submitted. It was requested by the Environmental Health Officer that is further fit out details were received, for the revised details to be forwarded to them for further comment. This matter was raised with the applicant in Council's additional information request letter dated 12 October 2011 however, no new fit-out plans as requested were submitted for the Environmental Health Officers to review.

As a consequence, it is recommended that a condition of consent require separate development application be lodged for fit out of each premises.

External Referrals

Roads and Traffic Authority

The proposal, consisting of more than 900 car parking spaces and proximity to a regionally significant classified road, constituted 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 NSW for consideration. In a letter received by Council on 10 August 2011, it was advised:

"The Sydney Regional Development Advisory Committee (SRDAC) discussed the proposed development at its meeting held on 24 August 2011 and provides the following comments:

- 1. Council raises the concern with regard to shortage of the number of car parking spaces provided on the subject site. Car parking provision should be to Council's satisfaction.*
- 2. 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 and AS 2890 - 2002 for service areas.*

3. *The swept path analysis plans of the longest service vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS, The plan should be submitted to Council for review and approval.*
4. *The RTA understands that Council is preparing a development contribution plan for the required road work identified in the Transport Management & Accessibility Plan (TMAP) as part of Parramatta Road Retail Precinct rezoning proposal. A proportion of monetary contribution shall be collected from the current development towards the provision of the required road works identified as part of the rezoning.*
5. *It is strongly recommended that Transport for NSW and the State Transit Authority (STA) be consulted to determine if additional bus services can be provided or rerouted to this development to achieve a reasonable mode shift to public transport. Consideration should be given to provide a shuttle bus service surrounding the area.*
6. *All vehicles should be wholly contained on site before being required to stop.*
7. *All loading and unloading activity shall occur on site.*
8. *All vehicles are to enter and leave the site in a forward direction,*
9. *The required sight lines to pedestrians or other vehicles in or around the car- park or entrances should not be compromised by landscaping, signage, fencing or display materials. In addition, measures should be implemented to improve visibility to pedestrians and other vehicles where sight distance is restricted.*
10. *A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval for different stages, prior to the issue of a Construction Certificate for each stage*
11. *All demolition and construction vehicles are to be contained wholly within the site and must enter the site before stopping,*
12. *The developer shall be responsible for all public utility adjustments/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.*
13. *All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.*

In accordance with Clause 104(4) of State Environmental Planning Policy (Infrastructure) 2007, it is essential that a copy of Council's determination on the proposal (conditions of consent if approved) is forwarded to the RTA at the same time it is sent to the developer."

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

State Environmental Planning Policies

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

State Environmental Planning Policy No.55 – Remediation of Land

Under DA617/2003, the site had been the subject of an Environmental Site Assessment and Remedial Action Plan, prepared by Environmental Investigation Services (Ref No E17737FK3-RPT) dated November 2003. Contaminants were found prior to redevelopment; however, the site has been remediated and redeveloped for the bulky good shopping centre.

The subject building works do not require any additional excavation works and will not disturb the natural ground underneath the building. There is no history of any new contaminating activities since construction of the new bulky goods centre. Council is satisfied that the site is suitable to accommodate the proposed redevelopment without being subject to any further contamination investigations. The application is considered to be satisfactory with regards to the provisions of State Environmental Planning Policy 55.

State Environmental Planning Policy (Major Development) 2007

Consistent with clauses 13B and 13F of this Policy, the project has a Capital Investment Value exceeding \$10 million and therefore the Joint Regional Planning Panel will be the consent authority. The threshold CIV value has since been altered to \$20 million, however at the time this application was lodged that amendment to the Policy had not commenced and accordingly the proposal is still required to be determined by the Joint Regional Planning Panel.

State Environmental Planning Policy (Infrastructure) 2007

Clause 101 of SEPP (Infrastructure) 2007 is applicable to the development and is as follows:

“101 Development with frontage to classified road

- (1) *The objectives of this clause are:*
 - (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) ***The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:***
 - (a) ***where practicable, vehicular access to the land is provided by a road other than the classified road, and***
 - (b) ***the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:***
 - (i) ***the design of the vehicular access to the land, or***
 - (ii) ***the emission of smoke or dust from the development, or***
 - (iii) ***the nature, volume or frequency of vehicles using the classified road to gain access to the land,”***

The development is considered satisfactory with regard to this clause and SEPP (Infrastructure) 2007 in that no new vehicular access points into the existing building are proposed nor is there any substantial alteration to the proposed methods of access and loading to the facility (however a discussion regarding loading bay capacity is discussed later in the report). The building has one existing entry only slip lane via Parramatta Road with two alternative secondary car access points being located at either ends of the building (John Street and Nyrang Street). Loading bay access is also via John Street and Nyrang Street. This is considered to be the optimal arrangement with regard to minimising

impact to Parramatta Road. No other works are proposed in or directly adjacent to the Road Reserve.

As a result of there being no alteration to the access arrangements to Parramatta Road, the application was not “integrated development” for the purposes of gaining approval for access to Parramatta Road under the *Road Act 1993*.

The application has been referred to the Roads and Traffic Authority for Concurrence in accordance with Clause 104 of State Environmental Planning Policy (Schedule 3 Column 3 Multiple triggers for referral – number of cars, area of commercial space etc) and their comments are provided under the External referrals heading. It is however noted that no fundamental objection to the development has been provided by the Roads and Traffic Authority and the authority has resolved to allow parking rate and volumes to be determined to the satisfaction of Council.

Draft State Environmental Planning Policy (Competition) 2010

This draft SEPP has been on public exhibition on the Department Of Planning website since 27 July 2010. The aims of the policy are to promote economic growth and competition and to remove anti competitive barriers in environmental planning and assessment. The SEPP requires under Clauses 8 and 9 that the commercial viability of proposed commercial development or the impact to other existing commercial development is not a matter to be taken into consideration by a consent authority for the purposes of determining a development application under Part 4 of the Act. The consent authority is required to consider the impact of the development with regard to overall adverse impact to the extent of adequacy of facilities and services available to the local community.

The development is considered to be in accordance with the Draft SEPP in that proposed development will promote competition between commercial premises in the immediate locality and the impact to the local community has been considered and the proposed development will not adversely impact upon the capacity of Parramatta Road and result in further commercial opportunities available to service the local community. The development is acceptable in this regard.

Regional Environmental Plans

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

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is identified as being located within the area affected by SREP (Sydney Harbour Catchment) 2005. The proposed development raises no issues as no impact on the catchment is envisaged. Therefore, it is considered to be generally consistent with the relevant objectives and requirements of the Plan.

Local Environmental Plans

Auburn Local Environmental Plan 2010

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

Clause	Yes	No	N/A	Comment
Part 1 Preliminary				
1.1 Name of Plan This Plan is <i>Auburn Local Environmental Plan 2010</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.1 AA Commencement This Plan commences on the day on which it is published on the NSW legislation website.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The plan was gazetted on 29 October 2010.
1.2 Aims of Plan				
(1) This Plan aims to make local environmental planning provisions for land in Auburn in accordance with the relevant standard environmental planning instrument under section 33A of the Act.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) The particular aims of this Plan are as follows:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Some flexibility in the consideration of appropriate parking rates is being considered in this instance.
(a) to establish planning standards that are clear, specific and flexible in their application,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(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 overall development is considered to contribute positively to the social environment in the locality in that it will enhance the availability of retail services in the area.
(c) to protect areas from inappropriate development,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development is considered to be appropriate.
(d) to minimise risk to the community by restricting development in sensitive areas,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development is not located in or near any sensitive areas.
(e) to integrate principles of ecologically sustainable development into land use controls,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(f) to protect, maintain and enhance the natural ecosystems, including watercourses, wetlands and riparian land,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(g) to facilitate economic growth and employment opportunities within Auburn,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will make a major contribution to economic growth and employment opportunities in the area.
(h) to identify and conserve the natural, built and cultural heritage,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There will be no impact to existing natural, built or cultural heritage in the locality.
(i) to provide recreational land, community facilities and land for public purposes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No existing recreational land will be affected by the proposal and the development will promote the availability of retail and commercial services in the locality.

Clause	Yes	No	N/A	Comment
1.3 Land to which Plan applies (1) This Plan applies to the land identified on the Land Application Map. <i>Note.</i> Part 23 of Schedule 3 to the <i>State Environmental Planning Policy (Major Development) 2005</i> applies to certain land identified on the Land Application Map. (2) Despite subclause (1), this Plan does not apply to the land identified on the Land Application Map as “Deferred matter”.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	The plan will apply to the site.
1.4 Definitions The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
1.6 Consent authority The consent authority for the purposes of this Plan is (subject to the Act) the Council.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The consent authority for this development in this instance is the Joint Regional Planning Panel due to the Capital Investment Value of the development.
1.7 Maps (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name: (a) approved by the Minister when the map is adopted, and (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made. (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map. (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister. (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.	<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"/>	The maps are particularly relevant in this instance as the Key Sites Map designates the site as being located in the “Commercial Precinct” which permits “retailing” as a permissible activity on the site and within the B6 Enterprise Corridor zone.
1.8A Savings provision relating to development applications If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The savings provisions of the previous local environmental plan do not apply to this application.

Clause	Yes	No	N/A	Comment
<p>must be determined as if this Plan had not commenced.</p> <p>Note. However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant land is appropriately amended or, if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.</p>				

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

Clause	Yes	No	N/A	Comment
Act.				
(3) This clause does not affect the rights or interests of any public authority under any registered instrument.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

[illegible]

Clause	Yes	No	N/A	Comment
<p>(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and</p> <p>(b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.</p> <p>(4) This clause is subject to the other provisions of this Plan.</p> <p>Notes.</p> <p>1. Schedule 1 set out additional permitted uses for particular land.</p> <p>2. Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.</p> <p>3. Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).</p> <p>4 Clause 2.6 requires consent for subdivision of land.</p> <p>5. Part 5 contains other provisions which require consent for particular development.</p> <p>6. Part 6 contains local provisions which require consent for particular development.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See Clause 6.9 of the ALEP 2010
<p>2.4 Unzoned land</p> <p>(1) Development may be carried out on unzoned land only with consent.</p> <p>(2) Before granting consent, the consent authority:</p> <p>(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and</p> <p>(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The land is within the B6 Enterprise Corridor Zone.
<p>2.5 Additional permitted uses for particular land</p> <p>(1) Development on particular land that is</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The additional use is permitted under

Clause	Yes	No	N/A	Comment
<p>described or referred to in Schedule 1 may be carried out:</p> <p>(a) with consent, or</p> <p>(b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.</p> <p>(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Clause 6.9, not Schedule 1 in this instance.
<p>2.6 Subdivision—consent requirements</p> <p>(1) Land to which this Plan applies may be subdivided, but only with consent.</p> <p><u>Notes:-</u></p> <p>1 <i>If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.</i></p> <p>2 <i>Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.</i></p> <p>(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A subdivision is not proposed.
<p>2.7 Demolition requires consent</p> <p>The demolition of a building or work may be carried out only with consent.</p> <p>Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this plan or <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> as exempt development, the Act enables it to be carried out without development consent.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Minor demolition work is included in the works to be carried out.
<p>Zone B6 Enterprise Corridor</p> <p>1 Objectives of zone</p> <p>To promote businesses along main roads and to encourage a mix of compatible uses.</p> <p>To provide a range of employment uses</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal will promote a mix of compatible and employment generating uses for the locality

Clause	Yes	No	N/A	Comment
(including business, office, retail and light industrial uses).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This objective is not applicable in this instance as retailing is permitted in the commercial precinct identified under Clause 6.9.
To maintain the economic strength of centres by limiting retailing activity.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
To provide for residential uses, but only as part of a mixed use development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2 Permitted without consent				
Nil	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	It is intended to convert the existing lower floor (and part of the first floor) to retail premises. While retail premises are identified as a prohibited activity under the zone table the proposal is granted an exemption to this clause by being located in the "commercial precinct" of the key sites map of the Auburn LEP 2010 which permits retail premises within the commercial precinct. See Clause 6.9 of this assessment table.
3 Permitted with consent				
Building identification signs; Business identification signs; Business premises; Community facilities; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Roads; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4 Prohibited				
Agriculture; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Open cut mining; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises ; Rural industries; Sewerage systems; Sex services premises; Signage; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
Part 4 Principal development standards				
4.1 Minimum subdivision lot size				
<p>(1) The objectives of this clause are as follows:</p> <p>(a) to ensure that lot sizes are able to accommodate development consistent with relevant development controls, and</p> <p>(b) to ensure that subdivision of land is capable of supporting a range of development types.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3A) Despite subclause (3), the minimum lot size for dwelling houses is 450 square metres.				
(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.				
<p>(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:</p> <p>(a) dwelling houses:</p> <p>(i) 350 square metres, or</p> <p>(ii) if a garage will be accessed from the rear of the property - 290 square metres, or</p> <p>(iii) if the dwelling house will be on a zero lot line - 270 square metres,</p> <p>(b) semi-detached dwellings - 270 square metres,</p> <p>(c) multi dwelling housing - 170 square metres for each dwelling,</p> <p>(d) attached dwellings - 170 square</p>				

Clause	Yes	No	N/A	Comment
metres.				
(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.3 Height of buildings				
(1) The objectives of this clause are as follows: (a) to establish a maximum building height to enable appropriate development density to be achieved, and (b) to ensure that the height of buildings is compatible with the character of the locality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The maximum height of buildings specific on the map is 27 metres. The building as existing is approximately 20.00 metres at its highest point. All proposed works are all below the highest element of the existing development. The development is acceptable in this regard.
(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: (a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres, (b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map—14 metres.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.4 Floor space ratio				
(1) The objectives of this clause are as follows: To establish a maximum floor space ratio to enable appropriate development density to be achieved, and To ensure that development intensity reflects its locality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ordinarily the floor space ratio applicable to the site is 1:1, however an exemption is provided for bulky good premises and retail premises to 1.5:1 as per Clause 4.4 (2B) and (2D) below. Notwithstanding this, should the application be approved, the resultant the development would have an FSR of 0.92:1.
(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development is acceptable in this regard.
(2A) Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows: (a) for sites less than 1,300 square metres—0.75:1.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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

Clause	Yes	No	N/A	Comment
<p>(5) Strata subdivisions</p> <p>The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Strata subdivision is not proposed.
<p>(6) Only significant development to be included</p> <p>The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Only the lot affected by the development are included in the floor space ratio calculation.
<p>(7) Certain public land to be separately considered</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"/>	
<p>(8) Existing buildings</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"/>	
<p>(9) Covenants to prevent “double dipping”</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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(10) Covenants affect consolidated sites</p> <p>If:</p> <p>(a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and</p> <p>(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<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> <p>(11) Definition</p> <p>In this clause, public place 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>4.6 Exceptions to development standards</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 in particular circumstances.</p> <p>(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.</p> <p>(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:</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>This clause will not be applicable to this application. The development does not contravene any applicable development standards.</p>
Part 5 Miscellaneous provisions				
<p>5.3 Development near zone boundaries</p> <p>(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.</p> <p>(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.</p> <p>(3) This clause does not apply to:</p> <p>(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The provisions of this clause are not applicable to this application.</p>

Clause	Yes	No	N/A	Comment
<p>Environmental Management or Zone W1 Natural Waterways, or</p> <p>(b) land within the coastal zone, or</p> <p>(c) land proposed to be developed for the purpose of sex services or restricted premises.</p> <p>(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:</p> <p>(a) the development is not inconsistent with the objectives for development in both zones, and</p> <p>(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.</p> <p>(5) This clause does not prescribe a development standard that may be varied under this Plan.</p>	<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"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
<p>5.4 Controls relating to miscellaneous permissible uses</p> <p>(1) Bed and breakfast accommodation</p> <p>If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.</p> <p>Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the <i>Building Code of Australia</i>.</p> <p>(2) Home businesses</p> <p>If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.</p> <p>(3) Home industries</p> <p>If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.</p> <p>(4) Industrial retail outlets</p> <p>If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:</p>	<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"/> <input checked="" type="checkbox"/>	<p>No miscellaneous uses included in the proposal.</p>

Clause	Yes	No	N/A	Comment
(a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) 400 square metres, whichever is the lesser.				
(5) Farm stay accommodation				
If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) Kiosks				
If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 10 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(7) Neighbourhood shops				
If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(8) Roadside stalls				
If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 8 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(9) Secondary dwellings				
If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:-	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) 60 square metres,				
(b) 25% of the total floor area of the principal dwelling.				

Clause	Yes	No	N/A	Comment
5.6 Architectural roof features				
(1) The objectives of this clause are:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The roof has a satisfactory appearance as existing and is contained within the maximum height limit for the locality.</p> <p>There is no alteration proposed to the roof as existing under this application</p>
(a) To ensure that any decorative roof element does not detract from the architectural design of the building, and				
(b) To ensure that prominent architectural roof features are contained within the height limit.				
(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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the architectural roof feature:				
(i) comprises a decorative element on the uppermost portion of a building, and				
(ii) is not an advertising structure, and				
(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and				
(iv) will cause minimal overshadowing, and				
(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.				
5.8 Conversion of fire alarms				
(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Compliance with the Building Code of Australia is required for the development.
(2) The following development may be carried out, but only with development consent:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Development to which subclause (2) applies is complying development if it consists only of:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) internal alterations to a building, or (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm x 100mm x 100mm.	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
(4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) In this clause: private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.				
5.9 Preservation of trees or vegetation				
(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are no trees being removed from the site.
(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.				
(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) development consent, or (b) a permit granted by the Council.	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
which a permit was sought.				
(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) that is or forms part of a heritage item, or that is within a heritage conservation area, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.				
(8) This clause does not apply to or in respect of:				
(a) the clearing of native vegetation:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(i) that is authorised by a development consent or property vegetation plan under the <i>Native Vegetation Act 2003</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the <i>Native Vegetation Act 2003</i>) that is authorised by a development consent under the provisions of the <i>Native Vegetation Conservation Act 1997</i> as continued in force by that clause, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the <i>Forestry Act 1916</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) action required or authorised to be done by or under the <i>Electricity Supply Act 1995</i> , the <i>Roads Act 1993</i> or the <i>Surveying and Spatial</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
Information Act 2002, or (e) plants declared to be noxious weeds under the <i>Noxious Weeds Act 1993</i> . Note. Permissibility may be a matter that is determined by or under any of these Acts. (9) Not adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.9AA Trees or vegetation not prescribed by development control plan (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council. (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
5.10 Heritage conservation Note. Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.				
(1) Objectives The objectives of this clause are:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is not listed in the Auburn Local Environmental Plan 2010 as containing items of heritage. The heritage provisions stated here will not be applicable to this application.
(a) to conserve the environmental heritage of Auburn, and (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and (c) to conserve archaeological sites, and (d) to conserve places of Aboriginal heritage significance.				
(2) Requirement for consent Development consent is required for any of the following:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,				
(i) a heritage item. (ii) An Aboriginal object. (iii) A building, work, relic or tree within a heritage conservation area.				
(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,				
(c) 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,				
(d) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,				
(e) erecting a building on land:				
(i) on which a heritage item is located or that is within a heritage conservation area or,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,				
(f) subdividing land on which a heritage item is located or that is within a heritage				

Clause	Yes	No	N/A	Comment
conservation area.				
(i) on which a heritage item is located or that is within a heritage conservation area or,				
(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,				
(3) When consent not required				
However, consent under this clause is not required if:				
(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or				
(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				
(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.				
(4) Effect on heritage significance				
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"/>	

Clause	Yes	No	N/A	Comment
<p>(5) Heritage impact assessment</p> <p>The consent authority may, before granting consent to any development on land:</p> <p>(a) on which a heritage item is situated, or</p> <p>(b) within a heritage conservation area, or</p> <p>(c) within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(6) Heritage conservation management plans</p> <p>The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(7) Archaeological sites</p> <p>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act 1977</i> applies):</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(8) Aboriginal places of heritage significance</p> <p>The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:</p> <p>(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</p> <p>(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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(9) Demolition of item of State significance</p> <p>The consent authority must, before granting</p>				

Clause	Yes	No	N/A	Comment
consent for the demolition of a nominated State heritage item:				
(a) notify the Heritage Council about the application, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(10) Conservation incentives				
The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:				
(a) the conservation of the heritage item or Aboriginal place of heritage significance 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 document 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 or the heritage significance of the Aboriginal place of heritage significance, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Part 6 Additional local provisions				
6.1 Acid sulfate soils				
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Generally there is no excavation work proposed in the natural ground. The land is given a Class 2 and Class 5 rating. Due to their being no excavation there is a low risk of exposure to acid sulphate soils.
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Class				
Works of land				
1 Any works.				

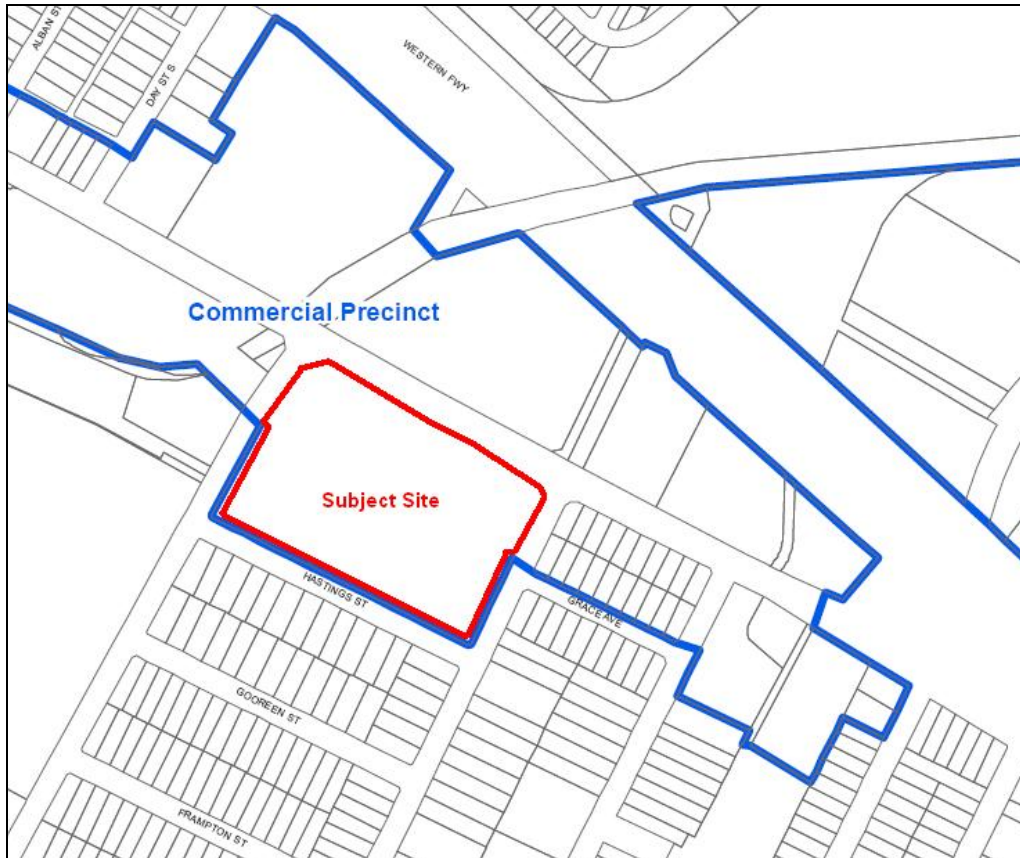
Clause	Yes	No	N/A	Comment
2 Works below the natural ground surface. Works by which the watertable is likely to be lowered.				
3 Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.				
4 Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.				
5 Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.				
(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				
(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				

Clause	Yes	No	N/A	Comment
health and safety, (b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil), (c) minor work, being work that costs less than \$20,000 (other than drainage work). (6) Despite subclause (2), development consent is not required under this clause to carry out any works if: (a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or (b) the works are likely to lower the watertable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6.2 Earthworks (1) The objectives of this clause are as follows: (a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land, (b) to allow earthworks of a minor nature without separate development consent. (2) Development consent is required for earthworks, unless: (a) the work does not alter the ground level (existing) by more than 600 millimetres, or (b) the work is exempt development under this Plan or another applicable environmental planning instrument, or (c) the work is ancillary to other development for which development consent has been given. (3) Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or of the soil to be	<input type="checkbox"/> 	<input type="checkbox"/> 	<input checked="" type="checkbox"/> 	No significant earthworks are proposed.

Clause	Yes	No	N/A	Comment
<p>excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p> <p>Note. The <i>National Parks and Wildlife Act 1974</i>, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.</p>				

Clause	Yes	No	N/A	Comment
(2) This clause applies to land identified as below the foreshore building line on the Foreshore Building Line Map.				
(3) Development consent must not be granted for development on land in the foreshore area except for the following purposes:				
(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 (outdoor).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that:				
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
(g) in the case of development for the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, the extension, alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(h) sea level rise or change of flooding patterns as a result of climate change have been considered.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6.5 Essential Services				
(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage. (d) stormwater drainage or on-site conservation, (e) suitable road access.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Existing Services are provided to the site.
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6.9 Development in the Commercial Precinct				An extract of the Key Sites Map is provided below this assessment table.
(1) This clause applies to the land known as the Commercial Precinct, as shown edged dark blue and marked Commercial Precinct on the Key Sites Map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As can be seen the site is located within the "Commercial Precinct" and accordingly retail premises are permissible with consent in the Zone B6 enterprise Corridor.
(2) Despite any other provision of this Plan, retail premises are permissible with development consent on land to which this clause applies in Zone B6 Enterprise Corridor.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development is acceptable in accordance with this clause.
Schedule 1 Additional permitted uses "Nil"				



Extract of the Auburn LEP 2010 Key Sites Map. The subject site has been added in a different colour.

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))

DCP 2010 Industrial Areas

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

Requirement	Yes	No	N/A	Comments
1.0 Introduction				
1.1 Development to which this Part applies				
This Part applies to land zoned:				
<ul style="list-style-type: none"> IN1 General Industrial, IN2 Light Industrial, B6 Enterprise Corridor and B7 Business Park 	<input type="checkbox"/> <input type="checkbox"/> <input checked="" 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 type="checkbox"/> <input checked="" type="checkbox"/>	The land is within zone B6 Enterprise corridor.
under the <i>Auburn LEP 2010</i> . In the case of the Carter Street Precinct, only Sections 8.0				

and 9.0 apply.					
2.0 Built Form					
Objectives					
a. To ensure that the form, scale, design and nature of development maintains and enhances the streetscape and visual quality of industrial areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		The enlarged building will enhance the visual appearance of the locality.
b. To ensure that the scale of any new industrial development is compatible with surrounding industrial buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		The building is as existing and all additions will not increase the overall visual bulk and scale of the development.
c. To ensure the intensity of development recognises the environmental constraints of the site and its locality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		The development is considered acceptable in this regard.
<i>Performance criteria</i>					
P1 The built form of proposed development is consistent with the existing character of the locality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		The building is as existing and all additions will not increase the overall visual bulk and scale of the development.
Development controls					
D1 Buildings shall be designed to:					
• introduce variations in unit design within building groups.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		The building as existing occupies a prominent position of Parramatta Road and presents a number of high quality visually interesting facades and materials to the street.
• introduce solid surfaces, preferably masonry, incorporate horizontal and vertical modulation including windows in appropriate proportions and configurations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		The proposed additions will not diminish the quality of the existing façade.
• include an appropriate variety of materials and façade treatments so as to create visual interest on a high quality design outcome.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
D2 On corner sites, the building reinforces the corner by massing and facade orientation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		The building is as existing and all additions will not increase the overall visual bulk and scale of the development. this includes the building massing and façade orientation.
D3 Number of storeys - B6 Enterprise Corridor					
Development for hotel and motel accommodation and office premises on land zoned B6 Enterprise Corridor on Silverwater Road shall be a maximum of three (3) storeys.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		There is no alterations to the existing number of storeys to the building.
Development for hotel and motel accommodation and office premises on land zoned B6 Enterprise Corridor on Parramatta Road shall be a maximum of six (6) storeys.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
3.0 Streetscape and Urban Character					
Objectives					
a. To ensure that all new development is compatible with the existing and intended future character of the locality in which it is located.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		The building is as existing and all additions will not increase the overall visual bulk and scale of the development.

<p>b. To promote industrial development which is both functional and attractive in the context of its local environment through appropriate design.</p> <p>c. To encourage innovative industrial design which adds to and enhances the quality of the existing industrial areas of the Auburn local government area whilst recognising the design attributes of traditional industrial development.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	An industrial building is not proposed. This part cannot apply to this application.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The building has a satisfactory appearance to the street.
<p>3.1 Streetscape</p> <p><i>Performance criteria</i></p> <p>P1 The appearance of the development is consistent with the streetscape of the locality.</p> <p>P2 Development conserves and enhances the visual character of the street particularly in relation to architectural themes, landscape themes and fencing styles.</p> <p><i>Development controls</i></p> <p>D1 Fencing along street boundaries with a height greater than 1m shall be located at a minimum setback applicable to buildings and with landscaping in the area available between the fence and the property boundary.</p> <p>D2 Facades of new industrial buildings shall adopt a contemporary appearance.</p> <p>D3 Facades of proposed infill development located in established industrial areas shall reflect the style and architecture of adjoining buildings.</p> <p>D4 Architectural features shall be included in the design of new buildings to provide for more visually interesting industrial areas, including:</p> <ul style="list-style-type: none"> elements which punctuate the skyline; distinctive parapets or roof forms; visually interesting facades; architectural emphasis on the built form; and a variety of window patterns. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The appearance of the building as well as the proposed additions is considered to generally enhance the streetscape of the locality.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All additions are subservient to the overall built form of the existing building.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The existing development has a stepped back podium level to Parramatta Road which is visually enhanced by the existing waterfall features which will be maintained as part of the additions.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The façade as existing and with the proposed additions is considered to be of contemporary appearance.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development is not infill development.
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> elements which punctuate the skyline; <input checked="" type="checkbox"/> distinctive parapets or roof forms; <input checked="" type="checkbox"/> visually interesting facades; <input checked="" type="checkbox"/> architectural emphasis on the built form; and <input checked="" type="checkbox"/> a variety of window patterns. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The façade as existing and with the proposed additions contains all of these features. The development performs well in this regard.
<p>3.2 Front setbacks</p> <p>D1 New buildings within industrial areas shall have a minimum front setback of:</p>				Street setback of the existing building will not be altered as a result of this development. All

<ul style="list-style-type: none"> • 4.5m from other roads, and • 0m from laneways. <p>In the case of a corner allotment, the setback to the secondary road shall be 3m.</p> <p>D2 Front setback areas shall not be used for car parking, storage or display of goods.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	proposed additions are well setback on the podium level of the development above Parramatta Road.
<p>3.3 Side and rear setbacks</p> <p><i>Performance criteria</i></p> <p>P1 Developments are separated to minimise operational constraints imposed by one industrial use upon an adjacent industrial use.</p> <p>P2 New development facilitates foreshore access to Duck River.</p> <p>Development controls</p> <p>D1 Buildings may be built on a nil side or rear setback except where a setback is required to screen buildings from:</p> <ul style="list-style-type: none"> • public places; • adjoining residential properties; • other sensitive land uses; • where rear access is required; or • where land adjoins the M4 Motorway. <p>In such circumstances a 4.5m landscape setback is required.</p> <p>D2 Where a site adjoins a residential zone, side and rear setbacks of 3m shall be required.</p> <p>D3 Development adjacent to Duck River shall provide a 5m easement for public access within the foreshore building line area along Duck River. This easement shall be established under a Section 88B instrument and shall be registered with the NSW Land and Property Management Authority.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>All side and rear setbacks are unchanged.</p> <p>The site is not close to Duck River.</p>
4.0 Landscaping				
<p>Objectives</p> <p>a. To improve the visual quality and amenity of industrial development through effective landscape treatment of individual sites and to achieve a pleasant working environment.</p> <p>b. To ensure a high standard of</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Some minor upgrade works will be carried out to the front landscape beds but generally, no change to the position or size of the landscape beds will be taking place.

<p>D8 Landscaping shall promote safety and surveillance of the street.</p> <p>Note: Applicants shall refer to Council's Policy on Crime Prevention Through Environmental Design (CPTED).</p>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	
<p>D9 Landscaping shall allow sufficient line of sight for pedestrians, cyclist and vehicles.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>The landscaping as existing does not interfere with street traffic</p>
<p>D10 Paving and other hard surfaces shall be consistent with architectural elements.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>Hard paved surfaces to be retained.</p>
<p>5.0 Access and Car Parking</p>				
<p>Objectives</p> <p>a. To ensure that all car parking demands generated by any particular industrial development are accommodated on the development site.</p> <p>b. To ensure that the provision of off-street car parking facilities do not detract from the visual character, particularly the streetscape of an industrial area.</p> <p>c. To ensure that road access facilities are commensurate with the scale and extent of the proposed development and compatible with the surrounding traffic network.</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>The development and use has the potential to create a high car parking demand should the re designed centre become fully utilised.</p> <p>The applicant's traffic consultants have provided a detailed traffic report (including traffic modelling) advising that the existing parking available will be sufficient to service the needs of the development.</p> <p>Council's Development Engineers advise that further parking should be provided to service the proposed change in use and increased retailing area.</p> <p>The issue will be discussed in full detail in the ADCP 2010 Parking and Loading section of this report, however based on a merit assessment it is considered that the existing parking available at the centre will be capable of supporting the proposed change of use and additions.</p>
<p>5.1 Access and car parking requirements</p> <p>Applicants shall refer to the Parking and Loading Part for parking and access requirements.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>5.2 Service areas</p> <p><i>Performance criteria</i></p> <p>P1 Garbage collection is carried out wholly within the site. Suitable collection points within the site are provided at convenient locations.</p> <p><i>Development controls</i></p> <p>D1 In the design of industrial developments, consideration shall be given to the design of garbage storage areas, and other waste provisions held in the Waste Part of this DCP.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>The existing centre has designated temporary waste handling facilities which can be collected from the loading areas as existing. No objection is raised to the proposed additions which will not alter the overall waste handling facilities of the centre.</p> <p>The development is acceptable in this regard.</p>
<p>6.0 Stormwater Drainage</p>				

Applicants shall consult the Stormwater Drainage Part of this DCP for stormwater drainage requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The existing stormwater facilities are capable of accommodating the proposed additions without requiring any alteration. The development is acceptable in this regard.
7.0 Energy Efficiency and Water Conservation				
Objectives				
a. To encourage a high standard of environmental design within new and existing industrial areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There will be adequate light and ventilation into the building.
b. To minimise energy use in buildings while creating a comfortable working environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. To give greater protection to the natural environment by reducing the amount of greenhouse gas emissions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d. 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"/>	
e. 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"/>	The existing development is already serviced with water reuse facilities.
7.1 General requirements				
Performance criteria				
P1 Buildings permit maximum solar access in winter and minimise the heating of buildings during summer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P2 Natural lighting is relied upon to reduce the requirement for artificial lighting.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P3 Buildings employ thermal mass and insulation techniques to reduce energy consumption.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P4 Energy use is minimised by appropriate building design, site layout, internal design and energy efficient appliances, fixtures and fittings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P5 Use of solar hot water heaters and renewable energy sources is considered within non-residential development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Development controls				
D1 Buildings shall be oriented towards the north so that they make best use of solar access to lower heating and cooling costs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shade devices are utilised where appropriate.
D2 Building elevation treatments shall control solar access into the building by the use of appropriate shading devices and methods.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

D3 The amount of exposed glazing to the eastern and western facades of buildings shall be minimised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Due to the existing layout of the building all northern glazed elements of the building are well shielded by the eastern and western wings of the existing building. The development performs well in this regard.
D4 Building design shall minimise reliance on existing energy supplies through the use of renewable energy sources including incorporation of photovoltaic cells, wind turbines, battery storage and solar hot water wherever practicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed additions should not unreasonably increase the demands on energy supplies.
D5 Lighter reflective colours shall be used on external walls of the building to reduce heat gain in summer especially for building facades facing east, west and north.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The majority of outside walls are composed of light coloured materials.
D6 High thermal mass materials shall be used wherever possible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Generally, where the building does not utilise glazing, tilt panel concrete construction was used.
D7 Roofs and walls shall be well insulated in office components of buildings to reduce winter heat loss and summer heat gain.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D8 Low energy lighting shall be used.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Energy efficient lighting, fixtures and fittings could be conditioned if the proposal was considered for approval.
D9 Energy efficient appliances, fittings and fixtures shall be used.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D10 Any hot water heaters to be installed, as far as practicable, shall be solar, and to the extent where this is not practicable, shall be greenhouse gas friendly systems that achieve a minimum 3.5 Hot Water Greenhouse Score.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7.2 Ventilation				
Performance criteria				
P1 To encourage the design of development to utilise natural breezes for cooling and fresh air during summer and to avoid unfavourable winter winds.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No objection is raised to the building with regard to ventilation criteria.
Development controls				
D1 Where applicable, cross ventilation shall be maximised by use of high-level ventilators. Where practical or appropriate sky lights and/or wind powered ventilators shall be installed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7.3 Water conservation				
Performance criteria				
P1 Water use and consumption is reduced.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The use will not result in excessive water consumption.
P2 Water efficiency is increased by	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

appropriate building design, site layout, internal design and water conserving appliances.				
Development controls				
D1 New buildings shall provide water efficient fixtures to reduce the demand for (mains) water and wastewater discharge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water efficient fixtures and fittings could be conditioned if the proposal was considered for approval.
D2 New developments shall connect to recycled 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 industrial purposes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The centre already incorporates water reuse facilities. The proposal is not a wholly new development.
D3 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 industrial purposes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4 Development shall install all water using fixtures to meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7.4 Rainwater tanks				
Performance criteria				
P1 Collection and reuse of stormwater is encouraged.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development as existing incorporated on site detention and water reuse facilities.
P2 Stormwater runoff is reduced.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls				
D1 Rainwater tanks installed above ground or underground shall meet the relevant Australian Standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2 Above ground rainwater tanks shall be constructed, treated or finished in a non-reflective material that blends in with the overall tones and colours of the subject site and surrounding developments.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3 Above ground rainwater tanks installed shall not be visible from a primary road frontage and shall not be visually dominant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D4 The overflow from industrial rainwater tanks shall discharge to the site stormwater disposal system. For details refer to the Stormwater Drainage Part of this DCP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8.0 Operational restrictions				

Objectives a. To ensure that industrial development operates in a manner compatible with adjoining land uses, particularly residential areas. b. To ensure noise, air and water discharges, waste storage and removal, working hours and storage of dangerous goods and hazardous chemicals will not have a detrimental effect on environmental amenity.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	No in principle objection is raised to the proposed uses incorporated as part of this application. Any issues associated with the uses relate to a lack of sufficient detail relating to fit out of the premises.
8.1 Hours of operation <i>Performance criteria</i> P1 The hours of operation are managed to ensure residential amenity is protected. <i>Development controls</i> D1 Where an industrial site is located adjacent to or within 200m of a residential zoned area or where in the opinion of Council truck movements associated with the industry will intrude on residential streets, hours of operation shall generally be restricted to 7:00am to 6:00pm Monday to Saturday. Note: Where an extension to these hours is required due to the nature of the activities to be undertaken, a detailed submission shall be lodged with Council demonstrating how environmental impacts can be minimised to acceptable levels if the extended hours of operation are approved.	<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"/>	The supermarket use is proposed to operate 24 hours. The discount store is proposed to operate 8:00 am to 12:00 pm Monday – Friday and 8:00 am to 10:00 pm Saturday and Sunday. The liquor store is proposed to operate 9:00 am to 10:00 seven days. While residential premises exist directly south of the premises all uses are located on the northern side of the building. Loading facilities are contained within the building and access is via the eastern and western secondary street where no residential premise exist. The car park is mostly contained within the building and located on the southern side of the building and shields the adjoining southern residences from any potential noise generating activities. The capacity of the car park is such that outside of peak operating hours, vehicle noise from the car park is not considered to unreasonably impact upon residential amenity. The development is acceptable in this regard. It is also noted that no objections were received by Council in relation to this matter as a result of the public exhibition of the application.
8.2 Noise <i>Performance criteria</i> P1 Development minimises the possibility of noise to the occupants of adjoining or neighbouring dwellings. The use of premises, any plant, equipment and building services associated with a premise does not create an offensive noise or add significantly to the background noise level of a locality. P2 Where practicable, sources of noise such as garbage collection, machinery, parking areas and air conditioning plants are sited away from adjoining	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	The location of service and loading facilities will not be being altered as a result of the change in use and alterations and are adequately screened from any adjoining residential premises.

<p>D2 All spray painting shall be carried out in a spray booth constructed and ventilated in accordance with the relevant Australian Standards.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>8.5 Water pollution <i>Performance criteria</i></p> <p>P1 Development incorporates discharge systems designed to minimise the discharge of pollutants into the waste water and stormwater system.</p> <p><i>Development controls</i></p> <p>D1 For industrial developments such as mechanical repair workshops and garages, pollution control monitoring equipment, e.g. retention pits, traps, or bunding shall be used to the satisfaction of Council to control the discharge of pollutants into the stormwater system.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The proposal will not give rise to water pollution.</p>
<p>8.6 Dangerous goods and hazardous materials <i>Performance criteria</i></p> <p>P1 Development incorporates measures needed to protect the community from dangerous or hazardous goods storage and hazardous processes or uses.</p> <p><i>Development controls</i></p> <p>D1 For development proposals which can potentially pose a risk to the locality or discharge pollutants, applicants shall demonstrate that consideration has been given to:</p> <ul style="list-style-type: none"> • application guidelines published by the Department of Planning relating to hazardous and offensive development; and • whether any public authority should be consulted concerning any environmental and land use safety requirement. <p>D2 Any premises with storage tanks for oil or dangerous goods outside the building shall submit an emergency spill contingency plan to Council. The DECCW and Work Cover Authority may need to be consulted.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There will be no hazardous or dangerous goods stored or sold from the premises.</p>
9.0 Subdivision				
<p>Objectives</p> <p>a. To ensure that development sites are of a reasonable size to accommodate buildings and adequate car parking,</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>A subdivision is not proposed.</p>

manoeuvring and landscaping and minimise access points to major roads.			<input checked="" type="checkbox"/>	
b. To encourage the redevelopment of industrial land through lot consolidation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. To provide lots of sufficient size to satisfy user requirements and to facilitate development of the land having regard to site opportunities and constraints.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9.1 Lot sizes and access				
<i>Performance criteria</i>				
P1 Proposed lots are of a sufficient area and dimension to allow for the siting of buildings including provision of adequate car parking, landscaping, access and other potential site activity and where possible reduce driveways to main roads.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This part is not relevant to the application.
<i>Development controls</i>				
D1 The minimum average width shall be 30m.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Direct access onto state roads shall not be granted unless presently provided or if an alternative vehicular access point is unavailable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D2 New lots shall remove or reduce vehicular driveways and access points to main or arterial roads where alternatives are available.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9.2 Utility services				
<i>Performance criteria</i>				
P1 All proposed allotments are able to be connected to appropriate public utility services including water, sewerage, power and telecommunications in an orderly, efficient and economic manner.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Existing services are provided to the site. Any required augmentation of services will be required to be undertaken by the applicant as per the service provider's requirements.
<i>Development controls</i>				
D1 Any application for strata subdivision shall demonstrate that each lot is serviced for parking and loading and shall not exceed the requirements of the Parking and Loading Part of this DCP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Note: The applicant shall demonstrate that each proposed lot can be connected to appropriate utility services including water, sewerage, power and telecommunications (and where available gas). This may include advice from the relevant service authority or a suitably qualified consultant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

10.0 Newington Business Park provisions (This part does not apply and excluded)
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DCP 2010 Parking and Loading

The relevant objectives and requirements of the DCP 2010 Parking and Loading have been considered in the assessment of the development application.

Requirement	Yes	No	N/A	Comment
2.0 Off-Street Parking Requirements This section applies to all development. Objectives a. To ensure that an acceptable level of parking is 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 checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	It is the conclusion of this assessment report based on a merit assessment that sufficient parking is available to service the need of the proposal to convert a portion of the existing bulky goods premises to part retail, part bulk goods premises. This is discussed in greater detail later in the next section of this assessment table. Should the provision of additional parking be pursued, it is possible that the development may contravene objective B.
Performance criteria P1 New development provides adequate off-street parking to service the likely parking demand of that development. P2 New development does not introduce unnecessary or excessive off-street parking. P3 Parking provided for development which is not defined in this Part on sound and detailed parking assessment. Development controls D1 All new development shall provide off-street parking in accordance with the parking requirement tables of the respective developments in this Part. D2 That in circumstances where a land use is not defined by this plan, the application shall be accompanied by a detailed parking assessment prepared by a suitably qualified professional which includes: <ul style="list-style-type: none"> • A detailed parking survey of similar establishments located in areas that demonstrate similar traffic and parking demand characteristics; • Other transport facilities included in the development; • Anticipated traffic generation directional distribution and nature of impacts expected; • An assessment as to whether the precinct is experiencing traffic and on-street parking congestion and the implications that development will have on existing situation; • An assessment of existing public transport networks that service the site, particularly in the off-peak, night and weekend periods and initiatives to encourage its usage; • Possible demand for car parking space from adjoining localities; • Occasional need for overflow car parking; and • Requirements of people with a limited mobility, sensory impairment. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	In relation to performance criteria P1 and P2, see discussion regarding objective a and b above. In relation to Performance criteria P3, while parking rates are prescribed in this DCP for the proposed activities, the applicant has submitted a detailed traffic report concluding that sufficient parking is provided to service the development. A detailed discussion is provided later in this assessment table. Specific Parking rates are provided in this DCP for the uses of retail premises, food and drink premises and the existing bowling alley. The DCP does not prescribe a particular rate of parking for Bulky goods Premises, but indicates that “comparisons should be drawn with similar development”. In this regard the applicant has submitted a detailed traffic report (including detailed modelling methodology – SIDRA, loading truck modelling and on site testing) detailing that there will be sufficient parking available to service the development as well as sufficient capacity in the existing loading facilities to accommodate an articulated truck. The report has detailed estimations of regional road usage. It is the contention of Council’s Development Engineers that some additional parking should be provided to the development and further details be submitted relating to the traffic report. A detailed discussion is provided later in this assessment table regarding these matter, however it is the recommendation of this assessment

[illegible]

<p>Development controls</p> <p>D1 Access driveways and circulation roadways shall be design to comply with sight distance requirements specified in AS2890 – Parking Facilities.</p> <p>D2 Obstruction/fences shall be eliminated to provide adequate sight distances.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	are as existing.
<p>3.4 General parking design</p> <p>Performance criteria</p> <p>P1 Parking facilities are designed in a manner that enhances the visual amenity of the development and provides a safe and convenient parking facility for users and pedestrians.</p> <p>P2 The site layout enables people with a disability to use one continuously accessible path of travel:</p> <ul style="list-style-type: none"> • To the site from the street frontage; • To individual or main car parking areas; and • To all buildings, site facilities and communal open space. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All parking area is as existing and contained within the fabric of the existing building. Tactile indicators already exist to guide pedestrians through the parking area to the retail component. The development is acceptable in this regard.
<p>Development controls</p> <p>D1 Visual dominance of car parking areas and access driveways shall be reduced.</p> <p>D2 All basement/underground car parks shall be designed to enter and leave the site in a forward direction.</p> <p>D3 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> <p>D4 All pedestrian paths and ramps shall:</p> <ul style="list-style-type: none"> • Have a minimum width of 1000mm; • Have a non-slip finish; • Not be steep (ramp grades between 1:20 and 1:14 are preferred); • Comply with AS1428.1 – Design for Access and Mobility; and • Comply with AS1428.2 – Standards for blind people or people with vision impairment. 	<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>Visual impact of the car park is as existing and not being altered as a result of this development.</p> <p>All vehicles enter and leave in a forward direction. The application is considered for approval, this will be reinforced via a condition of consent.</p> <p>The parking as existing is generally compliant with this clause.</p>
<p>5.0 Commercial development</p> <p>Section 5.1 contains general controls for commercial development while section 5.2 contains specific controls for Newington Small Village.</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>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>It is accepted on the basis of the applicant's traffic report that the proposal is considered to provide sufficient parking to meet the user demands of the centre.</p> <p>The access and parking facilities are as existing and generally considered to comply with the intent of this objective.</p>

c.	To ensure traffic generation of proposed development is compatible with the surrounding road network.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The applicants traffic consultant has incorporated surrounding road network surveys and nearby development modelling. It is considered that the development will not exceed the capacity of the surrounding road network. The parking area provides tactile pedestrian pathways through the parking areas as existing.
d.	To minimise potential conflicts between vehicular movements and pedestrians	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.1.1 General parking design					
Performance criteria					
P1	Car parking areas are designed to be efficient and appropriately located with regard to the design of the development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Parking is located in a concealed basement and at the rear of the premises as existing. The development is acceptable in this regard. It is the conclusion of this report that sufficient parking has been provided to service the needs of the proposed amended use of the building.
P2	Sufficient car parking is provided on-site for the type of development proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls					
D1	Car parking shall be provided at the rear of the development or be fully underground.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See performance control 5.1.1 P1.
D2	The design of any parking area shall be integrated into the overall site and building design and be integrated with neighbouring properties.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A food court area is proposed however this will not operate outside of normal business hours. It is expected that customers using the food premises will be doing so as part of a broader shopping experience and would not travel to the site solely for the purpose of using the food court.
D4	Council may accept a monetary contribution in lieu of on-site car parking where a contributions plan is in place under Section 94 of the <i>Environmental Planning and Assessment Act 1979</i> , or other relevant legislation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.1.2 Access and driveway design					
Performance criteria					
P1	Vehicular movement to and from the site should be designed to reduce potential conflict with traffic and pedestrians.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has been discussed previously. The development as existing already achieves suitable separation of accesses.
P2	Development avoids congestion, delay or hazards to traffic movement on adjoining streets.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P3	Driveway gradients are sufficient to allow use by all vehicle types, in a safe and convenient manner.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development achieves this already as existing. For example a slip lane is provided for the car entry point from Parramatta Road frontage and all other vehicle access points are from secondary streets with suitable distances from the Parramatta Road intersections.
Development controls					
D1	Car park entries and driveways shall be kept to a minimum and shall not be located on primary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All vehicle access points are as existing.

or core retail streets.					
D2	Driveways shall be designed to allow vehicles to enter and leave in a forward direction.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All vehicles associated with the development can enter and leave in a forward direction. This is as existing and has been further demonstrated by the applicants traffic report. Has been noted previously as complying in this regard.
D3	Vehicular access shall be designed to avoid conflicts with pedestrians.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D5	Driveways shall be located and designed so as to avoid the following: <ul style="list-style-type: none"> ■ being located opposite other existing access ways with significant vehicle usage; ■ restricting sight distances; ■ on-street queuing; ■ an intersection controlled by traffic signals within 25m on the approach side; ■ a signalled intersection of any major roads within 90m; ■ an intersection controlled by a stop or give way sign within 12m on the approach side; ■ the approach side of any intersection within 10m; ■ a property boundary on the departure side of any intersection within 10m; and ■ the commencement of a median island within 6m. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All vehicles associated with the development can enter and leave in a forward direction. This is as existing and has been further demonstrated by the applicants traffic report. All driveways are as existing and are generally compliant in this regard.
D6	The maximum grade of manoeuvring areas and all access roadways shall comply with AS 2890 – Parking Facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D7	Where sites front on to main or arterial roads, driveways shall be minimised or located on side or rear road frontages where available.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D8	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D9	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.1.3 Access driveway design					
Performance criteria					
PI	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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All access driveways are as existing and generally suitable for their intended function and volume of use.

Parts of this DCP.																																
Development controls																																
D1	Access driveways with a length exceeding 50m shall incorporate: <ul style="list-style-type: none">■ a driveway width, that allows for the passing of vehicles in opposite directions. This can be achieved by intermittent passing bays; and■ turning areas for service vehicles.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Ramps in the centre are generally two way and provide appropriate passing and manoeuvring area for the intended traffic of the ramp (cars for car parking or trucks to the loading bay areas).</p> <p>Council's Development Engineers have indicated that 1086 parking spaces are required to service the development and that insufficient loading area is provided to service the development.</p> <p>The applicant's traffic report, modelling and surveys, indicate that 998 spaces are currently available and are sufficient to meet the demand of the proposed development.</p> <p>It is the traffic consultants conclusion based on regional road surveys, comparison to similar developments and applicable Council and RTA parking rates, that the total number of spaces provided will exceed the calculated demand of between 969 and 974 spaces. Loading areas have been demonstrated by computer modelling and also tested on site to be capable of accommodating an articulated 14.2 metre truck. The development can, at any one time, accommodate 4 articulated trucks and 4 large rigid vehicles in the two loading bay areas with the opportunity for off street queuing of the trucks on the access ramp if required. In addition, a further 12 smaller vehicles can be accommodated simultaneously with the larger vehicles.</p> <p>The conclusions of the Councils Development Engineers are based on strict numerical compliance with applicable RTA and Council standards.</p> <p>Council's Planning staff however, contend that given the variety of uses being proposed and given that the premises are existing, it is inappropriate to require strict compliance with DCP parking rates based purely on the floor space calculations. Where it is unclear as to the appropriate levels of parking required by a development, Council typically requests that the applicant submits a traffic report to address the site specific traffic and parking issues. In this instance, a report has been undertaken with appropriate modelling, surveys and comparisons. This report is considered satisfactory and addresses the relevant issues for the site.</p>																											
5.1.4 Number of car parking spaces																																
Development controls																																
D1	Car parking for commercial development shall comply with the requirements in Table 6:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																												
Table 6 - Summary of parking requirements																																
<table><tr><th>Land use</th><th colspan="2">Parking requirements</th></tr><tr><td>Retail premises (other – not specified in this table) including shops</td><td colspan="2">1 space per 40m² GFA 1 bicycle space per 10 employees</td></tr><tr><td>Retail premises – shopping centres</td><td>GLFA (m²)</td><td>Spaces per 100m² GLFA</td></tr><tr><td></td><td>0-10,000</td><td>6.1</td></tr><tr><td></td><td>10,000-20,000</td><td>5.6</td></tr><tr><td></td><td>20,000-30,000</td><td>4.3</td></tr><tr><td></td><td>Over 30,000</td><td>4.1</td></tr><tr><td>Bulky goods retail</td><td colspan="2">Comparisons should be drawn with similar development</td></tr><tr><td>Take away food and drink premises</td><td colspan="2">Drive-in take-away food outlets – developments with no on-site seating: 12 spaces per 100m² GFA Drive-in take-away food outlets – developments with on-site seating 12 spaces per 100m² 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</td></tr></table>		Land use	Parking requirements		Retail premises (other – not specified in this table) including shops	1 space per 40m ² GFA 1 bicycle space per 10 employees		Retail premises – shopping centres	GLFA (m ²)	Spaces per 100m ² GLFA		0-10,000	6.1		10,000-20,000	5.6		20,000-30,000	4.3		Over 30,000	4.1	Bulky goods retail	Comparisons should be drawn with similar development		Take away food and drink premises	Drive-in take-away food outlets – developments with no on-site seating: 12 spaces per 100m ² GFA Drive-in take-away food outlets – developments with on-site seating 12 spaces per 100m ² GFA plus greater of: 1 space per 5 seats (internal and external), or 1 space per 2 seats (internal) Drive-in take-away food outlets – developments with on-site seating and drive-through facilities: greater of: 1 space per 2 seats (internal), or 1 space per 3 seats (internal and external) plus queuing area for 5 to 12 cars					
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				<p>Planning staff also consider it important for consideration be given to the nature of the development as follows:</p> <ul style="list-style-type: none">• The existing bulky goods premise was approved in 2004. Since this time, Council has been aware of the on-going difficulties experienced by the operators of the site in attempting to lease the premises. This is evidenced by the large number of individual change of use and fit-out DA's approved by Council for this site, which have subsequently not acted upon. Given that this situation has been on-going for a number of years, the premises are now considered to be operating "at full capacity" even though all tenancies may not be utilised at all times.• The nature of the operation being proposed in this instance involves a broad range of complementary retail activities. It is therefore considered inappropriate to assume that each tenancy will generate traffic and parking demand in its own right. It is more appropriate to assume that each vehicle trip will be undertaken as part of a broader shopping experience, where each customer will likely visit a range of tenancies within one trip. This will likely have the effect of reducing the total number of traffic movements and parking demand requirements for the site overall.• The actual parking on site (998 spaces) lies between the Consultant Traffic Engineers lowest calculated figure (969 spaces) and Council's Development Engineers highest calculated amount (1086 spaces). On balance, and in view of the matters raised above it is considered appropriate to accept the consultant traffic engineers report and concur that an acceptable amount of parking loading as existing is provided to service the needs of the overall development.				
<p>8.2 - Miscellaneous development parking rates</p> <p>Table 10 - Miscellaneous development parking requirements</p> <table><tr><th>Land use</th><th>Parking requirements</th></tr><tr><td>Bowling Alley</td><td>3 spaces per alley</td></tr></table>	Land use	Parking requirements	Bowling Alley	3 spaces per alley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>This section has been included to incorporate Council's rate for Bowling Alley from the existing use of the tenancy on site. All relevant discussion is provided above.</p>
Land use	Parking requirements							
Bowling Alley	3 spaces per alley							
<p>7.0 Loading requirements</p> <p>This section applies to all commercial and industrial development.</p>								

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"/>	The amount of loading area provided within the existing development is considered appropriate in this instance. It is considered that the existing loading bays can accommodate the needs of all service vehicles associated with the development. If approval of the development is being considered, a condition can be imposed requiring all service vehicles associated with the development to be accommodated on site.
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"/>	Separation between the loading and parking is provided as existing. It has been demonstrated by the applicant's Traffic Engineer that the maximum sized vehicle can be successfully accommodated on site and that sufficient capacity exists to service the proposed uses on site.
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"/>	
Development controls					
D1	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	It has been demonstrated through detailed modelling and on site testing that all vehicles associated with the development can enter and leave the site in a forward direction. The centre is not defined as a industrial development.
D2	Industrial developments having a floor area greater than 400m ² shall include loading and unloading facilities to accommodate a 'heavy rigid vehicle' as classified under AS 2890 – Parking Facilities. Smaller developments shall make a provision for a 'medium rigid vehicle' as classified under the above 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 AS 2890 – Parking Facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Note: The applicant shall identify the likely service vehicle sizes accessing the site and shall provide service vehicle spaces in accordance with AS 2890 – Parking Facilities.					
D3	Loading/unloading facilities shall be positioned so as to not interfere with visitor/employee or resident designated parking spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Separation of loading and parking has been provided as existing.
D4	The service area shall be a physically defined location which is not used for other purposes, such as the storage of goods and equipment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There is no dual purpose of the loading areas proposed.
D5	The design of loading docks shall accommodate the type of delivery vehicles associated with the development and potential uses of the development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This has been demonstrated by the consultant Traffic Engineer.
D6	Buildings shall be designed to allow loading and unloading of vehicles within the building and at all times. Where achievable, loading docks should be situated to the side or rear of buildings. In the case of commercial development access can be provided from a	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All loading is undertaken from within the building as existing. There is no proposal to load from on street areas.

laneway.				It was the conclusion of Council's Development Engineers that insufficient loading area is provided to service the development. Based on the applicant's traffic report, the loading areas have been demonstrated by computer modelling and also tested on site to be capable of accommodating an articulated 14.2 metre truck for the proposed supermarket (western) loading dock. The development at any one time can accommodate 4 articulated trucks and 4 large rigid vehicles in the two loading bay areas with the opportunity of off street queuing of the trucks on the access ramp if required. In addition to this a further 12 smaller vehicles can be accommodated simultaneously with the larger vehicles. Based on their analysis the loading bay areas could be successfully managed to ensure that all loading operations could be undertaken on site. The loading bay areas, as existing generally comply with the AS in this regard.									
<p>D7 That loading bays for trucks and commercial vehicles shall be provided in accordance with Table 9</p> <p>Table 9 - Loading and service vehicle requirements for specific land uses</p> <table><tr><th>Land use</th><th>Loading requirements</th></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>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 thereafter</td></tr></table> <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 25m length by 3.5m 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>D8 Loading/unloading areas shall be provided in accordance with AS 2890.2 – Off-Street Commercial Vehicle Facilities</p>	Land use	Loading requirements	Retail premises - department stores		1 space per 1,500m ² GFA up to 6,000m ² GFA plus 1 space per 3,000m ² thereafter	Retail premises - shops and food and drink premises	1 space per 400m ² GFA up to 2,000m ² GFA plus 1 space per 1,000m ² thereafter	Other	1 space per 2,000m ²	Industrial/warehouse, bulky goods retail and wholesale supplies	1 space per 800m ² GFA up to 8,000m ² GFA 1 space per 1,000m ² thereafter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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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.

Disclosure of Political Donations and Gifts

The NSW Government introduced The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (NSW). This disclosure requirement is for all members of the public relating to political donations and gifts. The law introduces disclosure requirements for individuals or entities with a relevant financial interest as part of the

lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

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

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

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

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

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

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

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. 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 fourteen (14) days between 16 August 2011 and 30 August 2011. The notification generated a total of three (3) separate submissions from the same objector in respect of the proposal with nil (0) disclosing a political donation or gift. The issues raised in the public submissions are summarised and commented on as follows:

Submission 1 Received 30 August 2011

"We have reviewed the documentation lodged in support of DA-266/2011. We wish to make the following comments relating to the Traffic Report (submitted in support of the DA) prepared by Colston Budd Hunt & Kafes Pty Ltd, dated July 2011.

*In recent years, a significant issue has arisen in relation to the capacity of the local road system. This issue was raised in the assessment of the Costco development and in the protracted preparation of Auburn LEP 2010 – Amendment No. 1, which was in large part delayed because of issues surrounding the TMAP for the Commercial Precinct within the B6 Enterprise Corridor along Parramatta Road, within which the subject site, and our client's site at *Name Intentionally Omitted*, are both located. It is generally well-recognised that the Costco development has had a significant impact on traffic volumes on the local road system. We note that the TMAP for the commercial precinct is to be posted on Council's web-site today.*

We are seeking specialist traffic and parking advice on the subject DA and on the TMAP from a traffic consultant. Once that advice is received, we intend to make a further submission to Council in relation to the subject DA.

In the interim, we ask that you note that our concern that the core issue of traffic generation from the proposal and its impact on the existing road network in the commercial precinct may not have been adequately addressed in the DA documentation."

Comment: the submission and concerns raised are noted. As per the submission contents the further submissions received cover the concerns raised in more detail and are discussed in the following section.

Submission 2 Received 21 September 2011

A copy of this submission was obtained by the applicant and a response was provided to the issues in their submission of additional information dated the 25 October 2011. Some of the responses provided by the applicant are included below as appropriate.

"There is no information concerning the following matters:

- 1. No Sidra modelling results are provided to be able to verify or otherwise critique the veracity of the modelling assumptions and hence conclusions that have been made;*
- 2. There is no discussion concerning the basis of the distribution of trips and in this regard we note that the future distributions at each access driveway vary significantly (as a proportion of the total traffic);*
- 3. No details are provided concerning the assumptions made about the traffic generation associated with the Costco development which is immediately opposite the site and impacts on the same intersections. In addition, as this development is a substantial traffic generator that has significant implications for road network performance, the opportunity is now available to update the assessment based on surveys, rather than its predicted generation as undertaken by CBHK;*
- 4. No assessment has been made of the additional demands for loading facilities that will arise from the development, which is to rely on the existing docks that are unlikely to have been designed to accommodate the frequencies associated with retail uses such as those proposed; and*
- 5. No assessment has been made of the performance of driveways*

Comment: The SIDRA modelling was submitted directly to the Roads and Traffic authority for their consideration. No further modelling was requested in the RTA's official response dated the 6 October 2011.

With regard to point 2, the applicant advised that this matter was addressed in their original submission to Council. Council's Planning staff accepts that sufficient modelling of the traffic impact was undertaken.

With regard to point 3, the applicant advised that the additional traffic loading was taken from the report and traffic estimates submitted with the original Costco application. Further traffic generation surveying found that on the afternoon of 20 October 2011 actual traffic generation was less than factored into the traffic assessment for the subject application.

With regard to point 4, the applicant advised that the matter was discussed in the original report and with appropriate management, the number of bays was appropriate to service the needs of the overall development. Council Planning staff concurs with this conclusion; see the ADCP 2010 Parking and Loading assessment section of the report.

With regard to point 5, the applicant advised that the information was included in the SIDRA models. Summaries of the modelling were included in this the applicants response dated 20 October 2011. As per the ADCP 2010 Parking and Loading assessment section of the report sufficient driveway and access point with sufficient capacity and generally accepted to be provided to the development.

"The adopted parking rates for the DDS/large specialty retail, supermarket and specialty shops are based on RTA rates and these are considered appropriate. The bulky goods use has been assessed on the basis of a single survey on one Thursday and Saturday, presumably on or about June/July 2011. Demands at these times of the year are typically 8% lower than the peak seasonal demands (at the 85th percentile demand level) and on this basis, the demand that will need to be accommodated will increase from 963 spaces as assessed, to 988 spaces. There will therefore be no capacity for any further expansion, contrary to the statement made in Paragraph 3.13 of the report."

Comment: 998 spaces are provided as existing to service the development. The applicant's surveys were undertaken in July. There is no further proposal to increase the floor area of the development beyond that proposed and Council Planning staff concurs that sufficient parking has been provided to service the needs of the development. See the ADCP 2010 Parking and Loading assessment section of the report for further discussion.

"The traffic generation is also based on RTA trip rates, again with the bulky goods use potentially understated due to seasonal factors. Of more significance however is the fact that trips on the external road network have been reduced without explanation. Having regard for the above and based on assessment relying on the information made available, the conclusions made in the report concerning external traffic impacts cannot be relied upon and further assessment is required by the applicant. In particular, the assumptions, methodology, distributions and analysis need to be more transparent to allow a proper assessment to be undertaken. The performance of driveways also requires assessment based on the correct (no discounted) trips."

Comment: The applicant advises that the appropriate rates were applied in their assessment and that no discounting was applied however was reduced in accordance with RTA guidelines.

As discussed above, the impacts of Costco are now able to be surveyed (and has been since July 2011) and this should be undertaken to overcome the inherent problems associated with reliance on predicted trips. This is a substantial traffic generator and the cumulative impacts of both developments should be assessed on the basis of the best available data. It is possible that the applicant has benefitted from traffic projections that are substantially underestimated.

Comment: Estimations of the traffic were applied from the Costco traffic report and an onsite traffic count was undertaken on the 20 October 2011 which resulting in less than the estimated rates applied in the development application. The single survey was considered appropriate given the length of time Costco had been in operation.

The adequacy of the existing loading docks, which were designed for more moderate truck frequencies, has not been assessed in the traffic report."

Comment: the applicant advised that the matter was discussed in the original report and with appropriate management, the number of bays was appropriate to service the needs of the overall development. Council Planning staff concurs with this conclusion; see the ADCP 2010 Parking and Loading assessment section of the report.

Submission 3 Received 18 November 2011-11-21

The issue raised in the cover letter is identified as follows:

*"We also note that *Name Intentionally omitted* has been invited by Council to contribute to the cost of the TMAP. *Name Intentionally omitted* is keen to ensure that any works required as a result of the TMAP are equitably apportioned, and ask that Council take this into account when assessing the DA and drafting conditions."*

Comment: Conditions to ensure the appropriate contribution from the applicant for payment to the TMAP plan can be imposed as a condition upon any consent notice.

The issues as raised in the further Submitters Traffic Consultant are as follows:

"We agree (as previously advised) with the findings of CBHK that the provision of 998 spaces is satisfactory for the overall site following the proposed development for a change of use of Tenancies T1, T18 and T32. We note however that there is no spare capacity for any future application that would increase this demand."

Comment: This is noted. Any proposal for further centre capacity increases would require the submission of further traffic assessment for consideration.

"We note that the swept path analysis for the supermarket dock relates to a 14.4m long articulated truck which demonstrates satisfactory operation and this has been confirmed by a field trial. This is therefore satisfactory subject to an appropriate condition that limits the supermarket to a maximum length of 14.4m for any articulated truck and a maximum of 12.5m for any rigid truck."

Comment: This is noted. It is the conclusion of this report that sufficient loading facilities are available on site to service the development. See the ADCP 2010 Parking and Loading assessment section of the report for further discussion.

"The DDS dock is said to be accessible by a 19m articulated truck. However, the swept paths provided show a 14.4m truck using the DDS dock and it is therefore assumed that the use of this dock would also be conditioned in the same way as the supermarket dock."

Comment: This is noted. For the purposes of this application any condition relating to the maximum vehicular capacity would be for 14.4 metre maximum vehicle size only. Any alteration would be required to be justified by the applicant prior to alteration.

"It is noted that the applicant provided the SIDRA files to the RTA. As the RTA has not raised any issues with these results, it is reasonable to assume that the RTA is satisfied with their validity. In the absence of these files, we are unable to comment further."

Comment: This is noted. Council Planning staff also accepts that the modelling was factual and that the RTA was satisfied with the content. Council does not possess the software to check the veracity of the modelling.

"Based on the available information, it is considered that the predicted traffic generation adopted for the modelling by CBHK at the driveways has been incorrectly applied. Specifically, based on the areas in Para 3.10 and the trip rates in Para 3.20 of the original CBHK traffic report, the site will generate 1,802 veh/hr during the Thursday peak and 2,062 veh/hr during the Saturday peak. These trips will be distributed onto all driveway crossings and are a net increase over existing traffic volumes and will be shared by these driveways. No corrections or adjustments are permitted for these volumes at driveways."

These increases may be compared with the existing site generation of 260 veh/hr and 500 veh/hr respectively as stated in Para 2.12 of the original traffic report. Accordingly, the net increase in traffic generation that will be shared between all driveways will be as follows:

- *1,802 veh/hr future minus 260 veh/hr existing = +1,542 veh/hr on Thursday*
- *2,062 veh/hr future minus 500 veh/hr existing = +1,562 veh/hr on Saturday*

The net additional development traffic at all access driveways as assessed by CBHK is however set out in brackets in Figures 2 and 3 of the original traffic report for the Thursday and Saturday peak periods respectively. The summation of the additional development traffic using all accesses is as follows:

- *+1,200 veh/hr on Thursday (rather than the +1,542 veh/hr derived above); and*
- *+1,140 veh/hr on Saturday (rather than the +1,562 veh/hr derived above)*

It can be seen that CBHK have underestimated traffic using the driveways by 22% on Thursday and 27% on Saturday. These are very significant discrepancies that require clarification and further analysis as appropriate. These issues were raised previously and in our view remain unanswered, so that any approval based on the current assessment methodology would be unreliable. It is emphasised that these discrepancies arise using the CBHK data and may be regarded as internal inconsistencies within the report."

Comment: This is noted. It is also noted that had the RTA have issue with the veracity of the traffic modelling then the RTA would have advised Council accordingly and requested further modelling be undertaken. As per the RTA advice of the 6 October 2011 no further request were made.

"The additional traffic generated on the external road network is 'nominally' 1,802 veh/hr on Thursday and 2,062 veh/hr on Saturday. However, as some of these trips will be 'linked' trips which are drawn from passing trade (i.e. traffic already on the road network) it is permissible to reduce these by 20%, so that the increases are reduced to 1,460 veh/hr and 1,640 veh/hr respectively as stated in Para 3.21 of the original traffic report.

These increases may similarly be compared with the existing site generation of 260 veh/hr and 500 veh/hr respectively as stated in Para 2.12 of the original traffic report. Accordingly, the increased generation will be as follows:

- *1,460 veh/hr future minus 260 veh/hr existing = +1,200 veh/hr on Thursday; and*
- *1,640 veh/hr future minus 500 veh/hr existing = +1,140 veh/hr on Saturday*

The additional traffic generation that has been adopted by CBHK for modelling purposes is however shown in Figures 2 and 3 of the original traffic report. In this regard, the total additional trips in the overall 'system' can be established by adding the volume increases on all available approach roads, as if an 'external cordon' were drawn around the figures. When this is done, the total additive volume increases on all external road approaches are as follows:

- *+1,090 veh/hr on Thursday (whereas it should be +1,200 veh/hr); and*
- *+ 955 veh/hr on Saturday (whereas it should be +1,140 veh/hr).*

It can be seen that CBHK have underestimated traffic on the road network by 9% on Thursday and 16% on Saturday. This is a very significant issue, particularly in circumstances where the road network is operating close to capacity at peak times on both days. These

discrepancies therefore also require clarification and further analysis as appropriate and at this time any approval based on the current assessment methodology would be unreliable. Again, they arise from internal inconsistencies within the CBHK report.”

Comment: This is noted. It is also noted that had the RTA have issue with the veracity of the traffic modelling then the RTA would have advised Council accordingly and requested further modelling be undertaken. As per the RTA advice of the 6 October 2011 no further request were made.

“We note that additional surveys have been undertaken which have demonstrated that the surveyed trips on a Thursday are less than those adopted for assessment. Accordingly, we accept that the Costco development has been appropriately considered for Thursday conditions. This may not be the case on Saturday and we note that additional surveys were not undertaken for this critical period.”

Comment: Estimations of the traffic were applied from the Costco traffic report and an onsite traffic count was undertaken on the 20 October 2011 which resulting in less than the estimated rates applied in the development application. The single survey was considered appropriate given the length of time Costco had been in operation. Council also notes that the RTA did not request further surveying of the existing Costco development.

“We note that the applicant relies on the fact that there are presently 20 loading docks. In our view, a survey of existing demands would be a more useful method of establishing whether any spare capacity exists and whether this is sufficient for the needs of the proposed development.”

Comment: This is noted. It is the conclusion of this report that sufficient loading facilities are available on site to service the development subject to adequate management of the loading dock facilities. See the ADCP 2010 Parking and Loading assessment section of the report for further discussion.

“We note the matters raised by the RTA and confirm that these may be able to be dealt with by inclusion of appropriate conditions of consent. Nevertheless, the RTA would in our view be concerned with the analysis undertaken to date in the event that there is no acceptable explanation for the discrepancies in the trip rates as discussed above, both on the external road network and at all access driveways.”

Comment: This is noted. Council notes that from the RTA submission dated 6 October 2011 that there was no requirement for any further information requests or re referral of information from the applicant back to the RTA. The RTA left the provisions of parking to be to Council's satisfaction and raised no objection to the traffic modelling as submitted.

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

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

Conclusion

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

The proposed development is appropriately located within B6 Enterprise Corridor under the provisions of the Auburn Local Environmental Plan 2010, however variations in relation to the total amount of parking required under the Auburn Development Control Plan 2010 Parking and Loading is sought.

Having regard to the assessment of the proposal from a merit perspective, the Joint Regional Planning Panel may be satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future occupants of the building. 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 for approval to the to the Joint Regional Planning Panel subject to conditions.

ATTACHMENTS Trim Number T057114/2011 Architectural Plans and Elevations