

AUBURN CITY COUNCIL

REPORT TO THE JOINT REGIONAL PLANNING PANEL (SYDNEY WEST)

JRPP reference	2013SYW018
Applicant	M M D Construction Consultants
Owner	Ecto Services Pty Limited and others
Application No.	DA-24/2013
Description of Land	Lot 2 DP 6420, Pt Lot 1 DP 1122905, Lot 3 DP 6420, Lot 1 DP 6420, Lot 8 DP 6420, Lot A DP 106948, Lot B DP 106948, 188-194 Parramatta Road and 76-80 Macquarie Road, AUBURN
Proposed Development	Demolition of existing structures, site consolidation and construction of part 8, part 5 storey mixed use building comprising hotel accommodation and ground floor office tenancies over two levels of basement car parking
Site Area	5223m ²
Zoning	Zone B6 - Enterprise Corridor
Disclosure of political donations and gifts	Nil disclosure
Submissions	20
Issues	Height, scale and compatibility Privacy Overshadowing Noise generation Traffic generation & parking Stormwater Public submission

Recommendation

- A. That Development Application No. DA-24/2013 for demolition of existing structures, site consolidation and construction of a part 8, part 5 storey mixed use building comprising hotel accommodation and ground floor office tenancies over two levels of basement car parking on land at 188 - 194 Parramatta Road and 76 – 80 Macquarie Road, AUBURN be granted deferred commencement approval subject to the following ‘deferred commencement’ conditions which must be satisfied before consent can operate:***

DC1. Creation of Drainage Easement

The applicant shall create a stormwater drainage easement to drain water, in favour of the subject development over downstream properties with respect to the disposal of stormwater runoff from the proposed development to Hunter Street.

Such easements and appropriate 88B instrument shall be submitted to Council for approval and then registered with the Land and Property Information. A copy of the registered documents of the drainage easement shall be submitted to and approved by Council.

Auburn City Council shall be nominated as the Authority to vary or modify the easement.

DC2. Stormwater Management Plan

Amended stormwater plan addressing following matters shall be submitted and approved by Council:

- a) Full extent of the easement and invert levels of the proposed pipe within the easement from the site to the street shall be shown on the plan.***
- b) Boundary line levels shall be obtained from Council and the levels shall be incorporated on the plan.***
- c) No above ground detention facility shall be proposed within the front setback area adjacent to Parramatta and Macquarie Roads***
- d) Additional 20% volume shall be provided in above ground OSD basins in accordance with Stormwater DCP requirement.***

History

A private consultancy firm was commissioned by the Auburn Council to undertake a review of employment lands within the Auburn Local Government Area. The study was commissioned to support the preparation of Council's then Comprehensive Local Environmental Plan, which was later adopted and now constitutes the current Auburn Local Environmental Plan 2010.

The recommendations of the report regarding the Parramatta Road corridor suggested the rezoning of the corridor from *4C Industrial Enterprise* to either *B5 – Business Development* or *B6 – Enterprise Corridor* to encourage employment generating uses. The report also recommended a floor space ratio of 3:1 for the zone.

The adopted Auburn Local Environmental Plan 2010 (ALEP) zoned the corridor as *B6 – Enterprise Corridor* with floor space ratio of 1:1. Clause 4.4 (2B) of the ALEP however, provided for an increased floor space ratio for lands within the Parramatta Road Precinct of:

- (a) 1.5:1 for *bulky goods premises, entertainment facilities, function centres and registered clubs, and*
- (b) 3:1 for *office premises and hotel or motel accommodation.*

The ALEP under Clause 4.3(2A)(a) also provided for a maximum height of 27m for office and hotel or motel accommodation within the *B6 – Enterprise Corridor* zone within the Parramatta Road Precinct.

Consultations

Prior to the lodgement of the subject development application, two pre-lodgement applications (PL-58/2011) held on 7 December 2011 and (PL-32/2012) held on 7 August 2012 were submitted to Council for demolition of the existing structures and construction of a 9 storey hotel/office development. Council raised concerns in respect with a number of issues associated with the proposal and advised the applicant to address the issues raised in the event a full development application was lodged with Council.

The subject development application DA-24/2013 was lodged on 31 January 2013. Following a detailed assessment of the proposal a number of issues were identified regarding compliance with Council's Development Control Plan.

A briefing session was held between Council staff and the members of the Joint Regional Planning Panel – Sydney West on 28 February 2013.

Issues that were identified included compatibility of the scale of the development with adjoining residentially zoned land, privacy and shadow impact, parking and loading provision, location of service facilities and stormwater drainage. Following the assessment, the applicant was notified by letter dated 6 March 2013 to address the issues raised.

A formal response to the above correspondence was received by Council on 17 April 2013. The submission provided a new revision of plans that reduced the overall height of the building from 9 storey to 8 storey. The submission also included additional information regarding parking and loading provision, additional privacy measure and amended stormwater plans.

On 30 May 2013, Council advised the applicant the parking and loading, stormwater and some SEPP 55 issues had not be satisfactorily resolved.

The applicant requested by email dated 4 June 2013 that Council consider the option of Deferred Commencement Approval for the stormwater issues as the process of obtaining the required easement and associated legal and valuation processes could be time consuming. In this regards, the applicant was advised that if Council were of the mind to support the proposal, deferred commencement approval may be recommended to the JRPP.

Following further review of the proposal and the amended plans submitted on 17 April 2013, the applicant was advised by letter dated 21 June 2013 that concern was still held by Council staff regarding the scale of the development in relation to adjoining residential zoned land. The applicant was advised to consider reducing the height of the rear wing of the building to not more than 5 storeys, to better relate to the zone interface. It was noted that the subject site adjoins Low Density residential zoned lands to the south (rear), which can only develop to a maximum height of 2 storeys.

The applicant provided amended plans an additional information regarding parking and loading, environmental remediation report and traffic report on 9 July 2013 and 4 September 2013. The amended plans and documentation submitted form the basis of this report.

The amended plans reduce the overall height of the building facing Parramatta Road from 9 storeys to 8 storeys; reduce the western and central wings at the rear from 9 storeys to 5 storeys (the eastern wing is to remain as 5 storey); reduce the number of units from 268 units to 191 units; reduce the available car parking spaces from 341 spaces to 248 spaces and reduce the floor space ratio from 3:1 to 2.3:1.

Site and Locality Description

The subject site is identified as Lot 2 DP 6420, Pt Lot 1 DP 1122905, Lot 3 DP 6420, Lot 1 DP 6420, Lot 8 DP 6420, Lot A DP 106948, Lot B DP 106948 and is known as 188-194 Parramatta Road and 76-80 Macquarie Road, AUBURN. The site is located on the southern side of Parramatta Road at its intersection with Macquarie Road to the east and Braemar Avenue to the west. The site is generally rectangular in shape with a site area of approximately 5223sqm. The site has a frontage of 83m to Parramatta Road and a frontage of 62m to Macquarie Road. The site slopes generally from the north-east (front) to the south-west (rear) boundary.

The site is located within the Parramatta Road Precinct under Auburn Local Environmental Plan 2010. Existing improvements on site include the following:

76 Macquarie Road	Weatherboard dwelling with metal roof and detached garage;
78-80 Macquarie Road	Semi detached dwelling with metal roof;
188 Parramatta Road	Used as a motor showroom and contains a single storey office building with vast concrete surface for the display of motor vehicles;
190-192 Parramatta Road	Vacant allotment; and
194 Parramatta Road	Brick factory building with concrete surface at the front.

There are a number of trees located within the sites which are proposed to be removed. Access to the different sites is either via Parramatta Road or Macquarie Road.

To the immediate west of the site is a single storey building to the front and another single storey mechanical workshop to the rear.

To the immediate east and across from Macquarie Road is a Church building with associated ancillary buildings within the site.

To the immediate south (rear) are generally single storey residential dwellings facing either Macquarie Road or Hunter Street. The site adjoins the R2 Residential zone at its southern boundary.

Vehicular access to the site is to be via Macquarie Road and pedestrian access could be either via Macquarie Road or Parramatta Road.

The site is identified on the map below.





Description of Proposed Development

Council has received a development application for demolition of existing structures on site and the construction of a part 8, part 5 storey building comprising 191 units of hotel accommodation, 9 office tenancies, 248 car parking spaces, 5 loading bays and 1 coach parking bay over 2 levels of basement car parking. The proposal includes landscaping and associated stormwater drainage works.

The detailed breakdown of the development is provided below:

Basement level 2

- 118 car parking spaces including 4 disabled spaces
- Storage area
- Bike storage area
- Exhaust riser
- Associated lifts and stairs

Basement level 1

- 117 car parking spaces including 6 disabled spaces
- Storage areas
- Exhaust riser
- Associated lifts and stairs

Ground floor

- 13 car parking spaces including 1 disabled space and 4 drop off/pick up spaces
- 5 loading bays
- 1 coach/loading bay
- 8 office tenancies
- Garbage storage room
- Reception and restaurant area associated with the hotel
- Service and plant rooms
- Associated lifts and stairs

Level 1

- 6 single units
- 8 dual key units
- 1 office tenancy
- Maid room
- Rubbish chute
- Laundry room
- Plant rooms
- Associated lifts and stairs

Levels 2, 3 & 4

- 9 single units
- 29 dual key units
- Rubbish chute
- Laundry room
- Maid room
- Plant rooms
- Associated lifts and stairs

Level 5, 6 & 7

- 3 single units
- 18 dual key units
- Rubbish chute
- Plant rooms
- Associated lifts and stairs

Referrals

*Internal Referrals*Development Engineer

The development application was referred to Council's Development Engineer for comment who has raised a number of issues with the stormwater details provided. The issues raised may be addressed via deferred commencement conditions. It is noted that additional information will be required showing some amendments to the stormwater plan and the applicant is required to provide documentation showing appropriate easement from the adjoining property has been obtained. It is considered that these amendments/documentation will not have a significant impact on the design for the development. It is noted that the applicant has indicated their willingness to accept deferred commencement conditions with a view to resolving the stormwater issues at a later time.

Building Surveyor

The development application was referred to Council's Building Surveyor for comment who has raised no objections to the proposed development subject to conditions to be incorporated into any consent that may be issued.

Environmental Health

The development application was referred to Council's Environmental Health Officer for comment who has raised no objections to the proposed development subject to conditions to be incorporated into any consent that may be issued.

External Referrals

Roads and Maritime Services

The development constitutes a "Traffic generating development" in accordance with Schedule 3 of the SEPP (Infrastructure) 2007. Therefore the application was referred to the Roads and Maritime Services for consideration. The application was reviewed by the RMS at the SRDAC on the 20 February 2013 and no objections were raised subject to comments/conditions to be included in any consent that may be issued.

The amended proposal was also referred to the Roads and Maritime Services for consideration. The RMS advised the Council by letter dated 8 August 2013 that no objections were raised by the RMS to the proposed amendments, subject to compliance with conditions identified within the original response to Council.

NSW Police

The development was referred to NSW Police by letter dated 7 February 2013 for consideration. By letter dated 15 February 2013, NSW Police raised no objections to the proposed development subject to the comments/conditions to be included in any consent that may be issued.

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

State Environmental Planning Policies

State Environmental Planning Policy No.55 – Remediation of Land

The requirement at clause 7 of SEPP 55 for Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development has been considered in the following table:

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Matter for Consideration	Yes/No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? Acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Details of contamination investigations carried out at the site: 4 lots of contamination reports have been submitted with the application. A Phase II report conducted by Aargus Australia (Ref: ES4146 dated March 2011) was submitted for 194 Parramatta Road. The report concluded that the site is considered suitable for the proposed use; A Remediation Action Plan conducted by Aargus Australia (Ref: E1841 dated June 2007) was submitted for 190-192 Parramatta Road. The report concluded that the site is suitable for industrial/commercial development subject to implementation of remediation and validation works in accordance with the recommendations of the RAP; An Environmental Remediation & Validation Assessment report prepared by Environmental Investigations (Ref: E620.2 AA dated July 2008) was submitted for 188 Parramatta Road. The report concluded that the site is suitable for commercial development; A Phase 1 report conducted by Aargus Australia (Ref: ES5575 dated 21/08/2013) was submitted for 76-80 Macquarie Road. The report concluded that 'the site is considered suitable with regards to contamination, for the proposed development'. Should the application be recommended for approval, appropriate conditions as recommended by Council's Environmental Health officer will be imposed in this regards.</p>	
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

State Environmental Planning Policy No. 64 – Advertising and Signage

Two building identification signs are proposed on the eastern and northern elevations facing Macquarie and Parramatta Roads respectively.

Requirement	Yes	No	N/A	Comment
Part 1 Preliminary				
Clause 3(1)(a)(i) Aims, objectives <i>Signage is compatible with the desired amenity and visual character of an area.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Flush wall signs are proposed in an Enterprise Corridor zone and are in context with land uses along Parramatta Road
Clause 3(1)(a)(ii), Aims, objectives <i>Signage provides effective communication in suitable locations.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signs proposed achieved effective communication in a suitable location. The signs are considered to be building identification signs.
Clause 3(1)(a)(iii), Aims objectives <i>Signage is high quality design and finish.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signs are considered to be of appropriate design and quality
Part 2 – Signage Generally				
Clause 8 Granting of consent to signage <i>A consent authority must not grant consent to an application to display signage unless:</i> (a) <i>that signage is consistent with the objectives of the Policy at clause 3(1)(a)</i> (b) <i>(b) that the signage satisfies the assessment criteria specified in Schedule 1</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	No objection raised in relation to signs in accordance with clause 3(1)(a) for Business Identification Signs.

Requirement	Yes	No	N/A	Comment
Schedule 1 – Assessment Criteria				
<u>Character of the area</u>				
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed 2 x flush wall signs along Parramatta Road frontage and Macquarie Road frontage is considered to be generally in accordance with the locality.
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No particular theme for signage in the local area.
<u>Special areas</u>				
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed signs will not detract from the visual quality of the adjoining heritage item being the Auburn North Public School and Ficus Macrophylla, Morton Fig Tree at 153 – 159 Parramatta Road identified as item no. 14 under ALEP 2010.
<u>Views and vistas</u>				
<i>Does the proposal obscure or compromise important views?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The signage is wholly contained within the boundary of the subject site and the height is less than the height of proposed buildings on the subject site.
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As above
<i>Does the proposal respect the viewing rights of other advertisers?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Signs of other adjacent uses are not affected by the proposal.
<u>Streetscape, setting or landscape</u>				
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The scale of the signage is considered to be in context with the façade and streetscape
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None existing
<i>Does the proposal screen unsightliness?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does not screen any existing unsightliness.
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<u>Site and building</u>				
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which proposed signage is to be located?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Does the proposal respect important features of the site or building, or both?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Positioned within the site boundaries, with minimal impact on the building itself.
<i>Does the proposal show innovation and imagination in its relationship to the site or building or both?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appropriate to the proposed use of the building.
<u>Associated devices and logos with advertisements and advertising structures</u>				
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is displayed?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The signage is to be securely affixed to the building. No associated safety devices are required.
<u>Illumination</u>				

Requirement	Yes	No	N/A	Comment
<i>Would illumination result in unacceptable glare?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The signage is not indicated to be illuminated. An appropriate condition could be imposed in this regards.
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Is the illumination subject to a curfew?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Safety				
<i>Would the proposal reduce the safety for any public road?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The signage is not considered to be any form of hazard to user of the road or footpath.
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The signage is not considered to be any form of hazard to user of the road or footpath.
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sight lines from public areas?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The signage is not considered to be any form of hazard to user of the road or footpath.

State Environmental Planning Policy (Infrastructure) 2007

The development application was referred to the RMS in accordance with the requirements of "Schedule 3 – Traffic Generating Developments to be referred to the RTA" of State Environmental Planning Policy (Infrastructure) 2007. See details provided under the "External Referrals" heading of the report.

Regional Environmental Plans

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

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

Local Environmental Plans

Auburn Local Environmental Plan 2010

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

Clause	Yes	No	N/A	Comment
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. (2) The particular aims of this Plan are as follows:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(a) to establish planning standards that are clear, specific and flexible in their application,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal complies with the stipulated development standards of the ALEP 2010.
(b) to foster integrated, sustainable development that contributes to Auburn's environmental, social and physical well-being,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal is considered to establish an acceptable benchmark of future development in the Parramatta Road Precinct.
(c) to protect areas from inappropriate development,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development is not considered to be inappropriate for the area. The development complies with relevant development standards and will establish the future desired character for the Parramatta Road Precinct.
(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"/>	The proposal has incorporated ESD principles with features. A Section J report has been submitted in this regard.
(f) to protect, maintain and enhance the natural ecosystems, including watercourses, wetlands and riparian land,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(g) to facilitate economic growth and employment opportunities within Auburn,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.

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. Note. 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 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 type="checkbox"/>	<input type="checkbox"/>	Noted
1.8A Savings provision relating to development applications If a development application has been made before the commencement of this Plan in	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The savings provisions of the previous local environmental plan do not apply to this

Clause	Yes	No	N/A	Comment
<p>relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application 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>				application.

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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>State Environmental Planning Policy No 1—Development Standards</i> <i>State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development</i> (clause 6, clause 10 and Parts 3 and 4) <i>State Environmental Planning Policy No 60—Exempt and Complying Development</i> <i>Sydney Regional Environmental Plan No 24—Homebush Bay Area</i>				
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are no known covenants, agreements or instruments applying to the land which will prevent the development proceeding in accordance with the plan. It is noted however that there is an easement 0.9m wide to drain water from the south-western corner of the site through the property at No. 23 Hunter Street.
(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 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The applicant has commenced the process of increasing the easement to 1.2m wide as required by Council. This shall form part of the deferred commencement conditions for JRPP consideration.

Clause	Yes	No	N/A	Comment
(g) to any planning agreement within the meaning of Division 6 of Part 4 of the 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"/>	

Clause	Yes	No	N/A	Comment
<p>2.5 Additional permitted uses for particular land</p> <p>(1) Development on particular land that is described or referred to in Schedule 1 may be carried out:</p> <p style="padding-left: 20px;">(a) with consent, or</p> <p style="padding-left: 20px;">(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"/>	No additional uses in accordance with this clause are being applied for under this application.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<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 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.</p> <p>2 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.</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. Appropriate condition shall be imposed in any consent requiring consolidation of the sites.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<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 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"/>	The demolition component of the development is being considered as part of this application.

Clause	Yes	No	N/A	Comment
Zone B6 Enterprise Corridor 1 Objectives of zone To promote businesses along main roads and to encourage a mix of compatible uses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed land use is envisaged by the Auburn Local Environmental Plan and considered compatible with the objectives of the zone. Compatibility of scale with adjoining residential zone land is discussed later in the report.
To provide a range of employment uses (including business, office, retail and light industrial uses).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Office and hotel accommodation proposed.
To maintain the economic strength of centres by limiting retailing activity.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No retailing activities proposed
To provide for residential uses, but only as part of a mixed use development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No residential use proposed.
2 Permitted without consent Nil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All proposed development requires consent from Council.
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development is defined as Hotel or motel accommodation and commercial premises.</p> <p>Hotel and motel accommodation “means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short term accommodation on a commercial basis and that:</p> <p>(a) comprises rooms or self-contained suites, and</p> <p>(b) may provide meals to guests or the general public and facilities for the parking of guests’ vehicles,</p> <p>but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.</p> <p>Note. Hotel or motel accommodation is a type of tourist and visitor accommodation”</p> <p>Commercial premises “mean any of the following:</p> <ul style="list-style-type: none"> - Business premises - Office premises, - Retail premises” <p>In this instance a hotel accommodation and office premises is proposed. All components of the proposed development are permissible with consent from Council.</p>
4 Prohibited				

Clause	Yes	No	N/A	Comment
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"/>	No prohibited development is proposed.

Clause	Yes	No	N/A	Comment
Part 4 Principal development standards				
4.1 Minimum subdivision lot size				
(1) The objectives of this clause are as follows:				
(a) to ensure that lot sizes are able to accommodate development consistent with relevant development controls, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site can support the development as proposed.
(b) to ensure that subdivision of land is capable of supporting a range of development types.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No subdivision is proposed. The site would however be required to be consolidation, should the application be recommended for approval.
(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3A) Despite subclause (3), the minimum lot size for dwelling houses is 450 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a dwelling house development
(3B) Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3C) Despite subclauses (3)–(3B), the minimum lot size for development on land within the Former Lidcombe Hospital Site, as shown edged blue on the Lot Size Map, is as follows in relation to development for the purpose of:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) dwelling houses:				
(i) 350 square metres, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) if a garage will be accessed from the rear of the property - 290 square metres, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iii) if the dwelling house will be on a zero lot line - 270 square metres,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) semi-detached dwellings - 270 square metres,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) multi dwelling housing - 170 square metres for each dwelling,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
(d) attached dwellings - 170 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There is no height limit specified for the site on the Auburn LEP 2010 height map. (See Clause 4.3 (2A) below for height requirements.)
(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 development is acceptable in this regard. Height and compatibility is discussed later in the report.
(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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As noted earlier in the report, the proposal is for office premises and hotel accommodation hence this clause is applicable.
(a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is within the Parramatta Road Precinct and the height of the proposed development is 26.5m. This is 0.5m below the 27m maximum permissible height limit for the site pursuant to this clause under ALEP 2010.
(b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map—14 metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	<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 office and hotel or motel accommodation to 3:1 as per Clause 4.4 (2B)(b) below.
To ensure that development intensity reflects its locality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development proposed is the type envisaged by the ALEP within the Parramatta Road Precinct.
(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Exemption provided pursuant to Clause 4.4(2B)(b) of ALEP 2010. The development is acceptable in this regard.

Clause	Yes	No	N/A	Comment
<p>(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:</p> <p>(a) for sites less than 1,300 square metres—0.75:1,</p> <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>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a multi dwelling development.
<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"/>	The land is zoned B6 Enterprise Corridor and located within the Parramatta Road Precinct hence this clause is applicable.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal is for office and hotel accommodation with a floor space ratio of 2.3:1. This is 0.7:1 less than the maximum permissible FSR limit for the site under ALEP 2010.
<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"/>	Not in Silverwater Road Precinct.
<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not within the Commercial Precinct.

Clause	Yes	No	N/A	Comment
(b) community land or a public place (except as provided by subclause (7)).				
(5) Strata subdivisions 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Strata subdivision is not proposed.
(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Only the lot affected by the development are included in the floor space ratio calculation.
(7) Certain public land to be separately considered For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(8) Existing buildings The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(9) Covenants to prevent “double dipping” When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(10) Covenants affect consolidated sites If:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and				

Clause	Yes	No	N/A	Comment
<p>(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,</p> <p>the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.</p> <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</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
5.6 Architectural roof features				
(1) The objectives of this clause are:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No distinct architectural roof feature proposed.
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
(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 which a permit was sought.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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"/>	

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(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.				<p>The land is not listed as being a heritage item or part of a heritage group or being an archaeological site. The site is however within the vicinity of known heritage item being:</p> <p>Auburn North Public School and Ficus Macrophylla, Morton Bay Fig Tree, at 153-159 Parramatta Road – item # 14 in Schedule 5 of ALEP 2010.</p> <p>A heritage impact statement prepared by Urbis dated 26 November 2012 was submitted with the application.</p>
(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:				<p>The report concludes that <i>“the subject site is in close vicinity to the heritage item. However an overpass and Parramatta Road are situated between the two sites. The bulk and scale of the overpass and Parramatta Road being a major arterial have greatly reduced the visibility of the heritage item from the subject site and vice versa. Given this, the proposed development’s impact on the heritage significance of the heritage item is negligible.</i></p> <p><i>Whilst the upper levels of the proposed hotel will be visible from the school site the actual understanding and recognition of the school as a heritage item will not be diminished. The school does not rely on the visual curtilage of the subject site to establish its significance.”</i></p> <p>No objection is raised with the conclusions outlined within the heritage report.</p>
(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,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p>(f) subdividing land on which a heritage item is located or that is within a heritage conservation area.</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area or,</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(3) When consent not required</p> <p>However, consent under this clause is not required if:</p> <p>(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:</p> <p>(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</p> <p>(ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or</p> <p>(b) the development is in a cemetery or burial ground and the proposed development:</p> <p>(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</p> <p>(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</p> <p>(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</p> <p>(d) the development is exempt development.</p> <p>(4) Effect on heritage significance</p> <p>The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage</p>				
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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

Clause	Yes	No	N/A	Comment
(in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(9) Demolition of item of State significance				
The consent authority must, before granting 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,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site lies over Class 5 Acid Sulfate Soils and does not lie within 500 metres of an

Clause	Yes	No	N/A	Comment												
<p>expose or drain acid sulfate soils and cause environmental damage.</p> <p>(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.</p> <table><tr><th>Class</th><th>Works of land</th></tr><tr><td>1</td><td>Any works.</td></tr><tr><td>2</td><td>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td></tr><tr><td>3</td><td>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.</td></tr><tr><td>4</td><td>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.</td></tr><tr><td>5</td><td>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.</td></tr></table>	Class	Works of land	1	Any works.	2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.	3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.	4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.	5	Works within 500 metres of 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>adjacent altered classification soil.</p> <p>Class 5 soils are general acceptable to undertake significant excavation without the need for further studies or management plans to manage Acid Sulfate issues during construction. The development is acceptable in this regard.</p>
Class	Works of land															
1	Any works.															
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.															
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.															
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.															
5	Works within 500 metres of 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.															
<p>(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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
<p>(4) Despite subclause (2) Development consent is not required under this clause for the carrying out of works if:</p> <p>(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</p> <p>(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</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													

Clause	Yes	No	N/A	Comment
affect the significance and amenity of the area.				
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and				
(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"/>	The listed services are currently available to the site. Should the development be approved conditions will be imposed requiring that all services be augmented as necessary in accordance with service provider requirements.
(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"/>	
Schedule 1 Additional permitted uses "Nil"				

Discussion of compatibility and scale of the development with regards to adjacent residential zone.

Concern was initially held by Council staff with regard to the height and scale of the development when compared to existing residential dwellings adjoining to the south of the site, which can only develop to a maximum height of two storeys (9 metres).

The applicant contends that the amended building height has been stepped down from 8 storeys along Parramatta Road to 5 storeys along the southern boundary to provide a transition to the lower scale development in Macquarie Road and that a substantial setback has been provided to the southern boundary to continue the transition to the adjoining residential zone and to minimise its impact on adjoining residential properties.

The applicant also contends that whilst the building will be higher than the existing surrounding development, Council's development control encourages a higher scale of development (especially for office and hotel or motel accommodation) within Parramatta Road Precinct. The higher floor space ratio permitted for office and hotel or motel accommodation necessarily means that the scale of this form of development will be higher than other forms of development in the zone (and in adjacent zones). The proposed scale of the building complies with the applicable planning controls and is appropriate given the character of the area is in transition.

Whilst it is noted that the proposed development complies with the relevant development standards in Auburn Local Environmental Plan 2010, a further assessment of the compatibility of the proposal is discussed under the following Planning Principle.

Planning Principle – Compatibility in the Urban Environment [Project Venture Developments v Pittwater Council (2005); NSWLEC 191]

In the aforementioned case, compatibility was defined in an urban design context as “*capable of existing together in harmony*. *Compatibility* is thus different from *sameness*. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.”

The then Commissioner Roseth of the Land and Environment Court indicated that, it should be noted that compatibility between proposed and existing is not always desirable. There are situations where extreme differences in scale and appearance produce great urban design involving landmark buildings. There are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. Finally, there are urban environments that are so unattractive that it is best not to reproduce them.

The court further stated that where compatibility between a building and its surroundings is desirable, its two major aspects are *physical impact* and *visual impact*. In order to test whether a proposal is compatible with its context, two questions should be asked.

- (a) Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- (b) Is the proposal's appearance in harmony with the buildings around it and the character of the street?

In applying the above principles to the subject development, the physical impact of the development that is considered include overlooking, overshadowing, noise and traffic.

In relation to overlooking, whilst it is acceptable that the proposal may result in increased overlooking from the windows of the units to the private open spaces of the dwellings to the south of the subject site, it is considered that this impact can be substantially minimised by requesting the applicant to provide privacy screens to all windows facing south. It is noted that the affected windows are setback over 35m from the southern (rear) boundary. (This matter is further discussed later in the report under “submissions”).

In relation to overshadowing, the amended plan with the reduction in the height of the rear wing of the building has reduced the extent of overshadowing on the surrounding properties.

Overall given the north/south orientation of the site, all surrounding buildings will receive sufficient solar access during either the morning, daytime or afternoon. It is noted that the proposal complies with all of Council's controls that contribute to overshadowing including overall height, setbacks and building envelope. (This matter is further discussed later in the report under "submissions").

In relation to noise and traffic, the RMS and Council's development engineer has not raised any issue with the capacity of the local road network. The local road network is expected to be capable of satisfactorily accommodating the additional traffic volume without significant adverse impacts. Furthermore, any consent that may be issued will include an appropriate condition requesting the applicant to comply with the recommendations of the Acoustic Report regarding management of truck deliveries to the site to minimise delivery truck noise on surrounding uses. (This matter is further discussed later in the report under "submissions").

Following from above, the physical impact of the proposal on surrounding development is not considered unreasonable and therefore the physical compatibility may be considered acceptable.

The visual impact of the development that is considered relevant to the proposed development includes height of the building, setbacks and landscaping.

The Court principle opined that "buildings do not have to be the same **height** to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape."

The height of the proposed development on Parramatta Road is 8 storeys tapering down to 5 storeys on Macquarie Road and along surrounding residential zoned lands. The proposal then provides 11m to 13.5m setback to its rear (south) property boundary. It is noted that the rear boundary is at a zone interface with the R2-Residential zoned land which can develop to a maximum two storeys.

In this instance, the proposal has attempted to reduce the visual impact by reducing the height of the rear wing of the development. Furthermore the proposed landscaping along this boundary including a mix of tall shrubs (up to 8m high) and trees (up to 12m high) will assist in creating screening and differentiation between the Enterprise Corridor zone and the R2 – Residential zone.

The visual impact of the proposal on surrounding development, taking into consideration the height of the rear wing; the setback provided; and the landscaping proposed is not considered unreasonable and therefore the visual compatibility may be considered acceptable.

Following from above, and given that the amended plans has reduced the overall height of the building facing Parramatta Road from 9 storey to 8 storey; reduced the western and central wings at the rear from 9 storey to 5 storey (the eastern wing is to remain as 5 storey); provided increased rear setback of between 11m to 13.5m; reduced the floor space ratio from 3:1 to 2.3:1; and that the proposal does satisfy the Planning Principles established by the Land and Environment Court relating to assessment of compatibility of surrounding development, the proposal is considered acceptable.

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))

Industrial Areas DCP

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

Requirement	Yes	No	N/A
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 under the <i>Auburn LEP 2010</i> . In the case of the Carter Street Precinct, only Sections 8.0 and 9.0 apply.	<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 site is zoned B6 – Enterprise Corridor under ALEP 2010
1.2 Structure of this Part This Part is structured as follows: <ul style="list-style-type: none"> • Section 2.0 addresses built form; • Section 3.0 addresses streetscape and urban character; • Section 4.0 addresses landscaping; • Section 5.0 addresses access and car parking; • Section 6.0 addresses stormwater drainage; • Section 7.0 addresses energy efficiency and water conservation; • Section 8.0 addresses operational restrictions; • Section 9.0 addresses subdivision; and • Section 10.0 addresses Newington Business Park provisions. 			Noted
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 proposed design is considered to be a high quality design of contemporary appearance appropriate to the proposed use of the building.
b.	To ensure that the scale of any new industrial development is compatible with surrounding industrial buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not an industrial 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 building complies with the ALEP 2010 FSR and height controls for office and hotel accommodation. As discussed earlier in the report, the scale and compatibility of the building is considered acceptable given the reduction of the height of the rear wings to 5 storeys; the 11.5m to 13m setback; and proposed landscaping with up to 12m high trees, which will provide additional relief to the zone interface.
Performance criteria					
P1	The built form of proposed development is consistent with the existing character of the locality.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The development, if constructed will have limited relationship with the existing buildings which immediately adjoin the site as it is for office and hotel accommodation whilst existing adjoining building are mainly residential, industrial, place of public worship developments and educational establishment. The proposed development is however permissible on the subject site and is considered appropriate for the reasons detailed earlier in the report.
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 proposed is considered to be an appropriate design given the zoning and use. The proposed materials are considered to be of high quality and contemporary appearance. The development is acceptable in this regard.
	• 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"/>	
	• 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 corner of Parramatta Road and Macquarie Road is appropriately treated.
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"/>	Not on Silverwater Road.
	Development for hotel and motel accommodation and office premises on land zoned B6 Enterprise Corridor on	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Part 8, part 5 storey office and hotel accommodation proposed. The development height standard for office and hotel

Parramatta Road shall be a maximum of six (6) storeys.				accommodation within Parramatta Road Precinct under the ALEP 2010 is 27 metres. The Industrial Areas section of the DCP stipulate that the maximum number of stories for this development is to be 6 storeys however the applicant has achieved a part 8, part 5 storey building without exceeding the development standards. The development is considered acceptable in this regard based on the design being proposed which incorporates an appropriate transition to the zone interface, whereby a reduced 5 storey component adjoins the residential zone.
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. b. To promote industrial development which is both functional and attractive in the context of its local environment through appropriate design. 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.	<input checked="" 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"/>	The scale of the development is considered appropriate with regards to the intended future desired character of Parramatta Road Precinct. Not an industrial development.
3.1 Streetscape <i>Performance criteria</i> P1 The appearance of the development is consistent with the streetscape of the locality. P2 Development conserves and enhances the visual character of the street particularly in relation to architectural themes, landscape themes and fencing styles. <i>Development controls</i> D1 Fencing along street boundaries with a height greater than 1m shall be located at a minimum setback applicable to buildings (refer to setback controls overleaf) and with landscaping in the area available between the fence and the property boundary. D2 Facades of new industrial buildings shall adopt a contemporary appearance.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	The building facade is contemporary and is well articulated in both form and aesthetics to enhance the streetscape with attractive glazing and external architectural elements. The development, if constructed will have no relationship with the existing buildings which immediately adjoin the site as it is for office and hotel development whilst existing adjoining building are mainly dwellings, industrial buildings/ warehouses, educational establishment and a place of public worship No front fence proposed on Parramatta or Macquarie Roads elevation. Not an industrial building. The design of the building however incorporates facades with visual variety in materials and form.

<ul style="list-style-type: none"> • other sensitive land uses; • where rear access is required; or • where land adjoins the M4 Motorway. 	<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"/> 	side setback provided to western elevation.
In such circumstances a 4.5m landscape setback is required.				
D2 Where a site adjoins a residential zone, side and rear setbacks of 3m shall be required.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	Rear setback from adjoining residential zone of between 11m to 13.5m provided.
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.	<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"/> 	
4.0 Landscaping				
Objectives				
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.	<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"/> 	Not an industrial development.
b. To ensure a high standard of environmental quality of individual sites whilst enhancing the general streetscape and amenity of the area.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	Landscaping provided is considered appropriate given the proposed use of the building and its location along Parramatta Road.
c. To ensure that the location and design of driveways, parking and servicing areas are efficient, safe, convenient and suitably landscaped.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	
<i>Performance criteria</i>				
P1 Landscaping forms an integral part of the overall design concept.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	
P2 Landscaped areas soften the impact of buildings and car parking areas as well as for screening purposes.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	
P3 Landscaped areas provide for passive/recreational use of workers of industrial areas.	<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"/> 	
P4 Landscape reinforces the architectural character of the street and positively contributes to maintaining a	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	

consistent and memorable character.				
<i>Development controls</i>				
D1	All areas not built-upon shall be landscaped to soften the impact of buildings and car parking areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D2	Storage areas and other potentially unsightly areas shall be screened from adjacent properties.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D3	Landscaping within setback areas shall be of a similar scale to buildings. All landscaped areas shall be separated from vehicular areas by means of a kerb or other effective physical barriers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D4	Car parking areas, particularly large areas shall be landscaped so as to break up large expanses of paving. Landscaping shall be required around the perimeter and within large carparks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D5	In open parking areas, 1 shade tree per 10 spaces shall be planted within the parking area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D6	A minimum of 15% of the site shall be provided and maintained as soft landscaping, with lawns, trees, shrubs, for aesthetic purposes and the enjoyment of workers of the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D7	Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to provide associated site security.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D8	Landscaping shall promote safety and surveillance of the street. Note: Applicants shall refer to Council's Policy on Crime Prevention Through Environmental Design (CPTED).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D9	Landscaping shall allow sufficient line of sight for pedestrians, cyclist and vehicles.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D10	Paving and other hard surfaces shall be consistent with architectural elements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.0 Access and Car Parking				
Objectives				
a.	To ensure that all car parking demands generated by any particular industrial development are accommodated on the development site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		No objection is raised to the number of parking spaces provided on site. This matter is further discussed later in the report under Parking & Loading DCP		

e. To minimise potable water mains demand of non residential development by implementing water efficiency measures.				
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"/>	
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"/>	A Section J report has been submitted with the application to ensure energy efficient and water conservation principles are incorporated into the overall design of the building. Should the application be recommended for approval, this will be reinforced by appropriate conditions.
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"/>	
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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"/>	
D6 High thermal mass materials shall be used wherever possible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>D7 Roofs and walls shall be well insulated in office components of buildings to reduce winter heat loss and summer heat gain.</p> <p>D8 Low energy lighting shall be used.</p> <p>D9 Energy efficient appliances, fittings and fixtures shall be used.</p> <p>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.</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"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<p>7.2 Ventilation</p> <p>Performance criteria</p> <p>P1 To encourage the design of development to utilise natural breezes for cooling and fresh air during summer and to avoid unfavourable winter winds.</p> <p>Development controls</p> <p>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.</p>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>It is considered that the development meets the Objectives of this clause.</p>
<p>7.3 Water conservation</p> <p>Performance criteria</p> <p>P1 Water use and consumption is reduced.</p> <p>P2 Water efficiency is increased by appropriate building design, site layout, internal design and water conserving appliances.</p> <p>Development controls</p> <p>D1 New buildings shall provide water efficient fixtures to reduce the demand for (mains) water and wastewater discharge.</p> <p>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.</p> <p>D3 Where a property is not serviced by a dual reticulation system, development shall include an onsite rainwater</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>It is considered that the development meets the Objectives of this clause.</p> <p>A Section J report has been submitted with the application to ensure energy efficient and water conservation principles are incorporated into the overall design of the building. Should the application be recommended for approval, this will be reinforced by appropriate conditions.</p>

<p>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.</p> <p>D4 Development shall install all water using fixtures to meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>7.4 Rainwater tanks</p> <p>Performance criteria</p> <p>P1 Collection and reuse of stormwater is encouraged.</p> <p>P2 Stormwater runoff is reduced.</p> <p>Development controls</p> <p>D1 Rainwater tanks installed above ground or underground shall meet the relevant Australian Standards.</p> <p>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.</p> <p>D3 Above ground rainwater tanks installed shall not be visible from a primary road frontage and shall not be visually dominant.</p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>10,000 litre rainwater tank is proposed to be provided within the development site.</p> <p>Underground rainwater tank proposed.</p> <p>Should the application be recommended for approval appropriate condition will be imposed in this regards.</p>
8.0 Operational restrictions				
<p>Objectives</p> <p>a. To ensure that industrial development operates in a manner compatible with adjoining land uses, particularly residential areas.</p> <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Not an industrial development</p> <p>An Acoustic report prepared by West and Associated (Doc. No. 12231, Issue B dated 3/12/2012) included recommendations for noise control and deliveries/truck movement to ensure minimal impact on adjoining residential uses.</p>
<p>8.1 Hours of operation</p> <p><i>Performance criteria</i></p>				

<p>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>8.6 Dangerous goods and hazardous materials</p> <p><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>The development is not identified as being potentially hazardous</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, manoeuvring and landscaping and minimise access points to major roads.</p> <p>b. To encourage the redevelopment of industrial land through lot consolidation.</p> <p>c. To provide lots of sufficient size to satisfy user requirements and to facilitate</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>No subdivision proposed.</p>

development of the land having regard to site opportunities and constraints.				
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A consolidated site area of 5223sqm and frontage of 83m to Parramatta Road is proposed for the site. Should the application be recommended for approval appropriate condition would be imposed requiring the applicant to consolidate the site.
<i>Development controls</i>				
D1 The minimum average width shall be 30m. Direct access onto state roads shall not be granted unless presently provided or if an alternative vehicular access point is unavailable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Average width on Parramatta Road is 83m
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"/>	No direct vehicular access onto Parramatta Road proposed.
D2 New lots shall remove or reduce vehicular driveways and access points to main or arterial roads where alternatives are available.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	The site is currently suitably serviced. Any augmentation required could be resolved by standard conditions should the application be recommended for approval.
<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"/>	No subdivision proposed.
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 – Not Applicable				

Parking and Loading DCP

Brief History

Council's Loading and Parking DCP requires the following for office and hotel or motel accommodation:-

- 1 space for each unit;
+ 1 space per 2 employees;
(if a restaurant is included, add the greater of 15 spaces per 100sqm GFA of the restaurant or 1 space per 3 seats); and
- 1 space per 40sqm GFA for office use

It is noted that the proposed hotel comprises both "single" and "dual" keyed rooms. Given that rates outlined above do not provide any provision for dual keyed rooms, Council advised the applicant (during pre-lodgement meetings) that a discount of 1.5 space per dual keyed room (rather than 2 spaces per dual keyed room) should be provided for the development.

In this regards, the required number of car parking spaces required for the development is summarised in the table below:-

Type	Number/Area	DCP rate requirement	Discount offered	Requirement after discount	Spaces Provided
Hotel					
Single key room	42	1/ single key unit	-	42	219
Dual key room	149	-	1.5 spaces/ dual key unit	224 (Total = 266)	
staff	5	1/ 2 staff	-	3	3
Office					
Office spaces	1036sqm	1/40sqm GFA	-	26	26
			TOTAL	295	248

From the table above, the proposal would require a total of 295 car parking spaces whereas 248 car parking spaces are provided resulting in a deficiency of **47 spaces**. The applicant contents that the parking demand associated with the hotel patrons is expected to be considerably less than the nominated requirements having regard for the following:-

- That the parking rates shown in the table above are based on 100% occupancy rate. It is understood from previous surveys of other hotel developments that the practical peak occupancy rate is actually closer to 90%. Furthermore, it is noted that patrons to the hotel may attend the premises by some other means of public or group transport (taxis, coaches, shared vehicles etc);
- Hotels in general are subject to a high level of management and therefore, can, to an extent, control parking demands. Requirements for car parking can be ascertained in

advance when taking reservations and staff can monitor and forecast total number of parking spaces required at any given time and respond accordingly;

- Peak parking demand for the hotel will generally occur in the evenings, when parking demand associated with the commercial use is reduced. As such there is potential for shared use of the on-site parking through a reciprocal arrangement between uses (eg allocation of shared parking spaces to early checkout patrons); and
- The site is conveniently located with respect to centres such as Parramatta and Sydney Olympic Park and accordingly, it is expected that a number of patrons will utilise the hotel for transient business purposes. In this regards, the development is considering provision of dedicated shuttle bus service for patrons, which will provide connections to centres such as those mentioned above. (This would further reduce parking demand for the hotel)

Given the above, and that the proposed hotel does not have facilities to operate as a function centre (exhibitions, conferences, entertainment etc); and given that there is ample taxi drop off/ pick up spaces and coach bay within the site, there is no objection raised to the 248 car parking spaces provided in this instance.

Whilst it is noted that no parking has been specifically provided for the restaurant use, the applicant has indicated that the restaurant is ancillary to the use of the hotel and should not be required to provide separate car parking spaces. In this regard, an appropriate condition could be imposed on any consent to ensure that the restaurant does not operate as a separate entity.

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

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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	An acceptable level of car parking spaces is provided within the development site.
b. To provide for the reasonable parking needs of business and industry to support their viability, but discourage unnecessary or excessive parking.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Performance criteria				
P1 New development provides adequate off-street parking to service the likely parking demand of that development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	An acceptable level of car parking spaces is provided within the development site.
P2 New development does not introduce unnecessary or excessive off-street parking.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
P3 Parking provided for development which is not defined in this Part on sound and detailed parking assessment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Office and hotel use is defined
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This matter has been discussed earlier in the report. No objection is raised to the 248 car parking spaces provided.
D2 That in circumstances where a land use is not defined by this plan, the application shall be accompanied by a detailed parking assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land use is defined as office and hotel accommodation.

<p>prepared by a suitably qualified professional which includes:</p> <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. 				
<p>3.0 Design of parking facilities This section applies to all development. Objectives</p> <p>a. To promote greater bicycle use, decrease the reliance on private vehicles and encourage alternative, more sustainable modes of transport.</p> <p>b. To provide convenient and safe access and parking to meet the needs of all residents and visitors.</p> <p>c. To provide access arrangements which do not impact on the efficient or safe operation of the surrounding road system.</p> <p>d. To encourage the integrated design of access and parking facilities to minimise visual and environmental impacts.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposal is considered to meet the design of Parking Facilities Objectives.</p>
<p>3.1 Bicycle parking Development controls D1 Bicycle racks in safe and convenient locations are provided throughout all developments with a total gross floor area exceeding 1,000sqm and shall be designed in accordance with AS2890.3 – Bicycle Parking Facilities.</p> <p>3.2 Access driveway and circulation roadway design Performance criteria D1 Vehicular movement to and from the site and within the site reduces potential conflict with other vehicles and pedestrians by creating minimal interference with vehicular and pedestrian movements on public roads, as well as within the site being developed.</p> <p>D2 Access driveways, circulation roadways and open parking areas are suitably landscaped to enhance amenity which providing for security and accessibility to all residents and visitors.</p> <p>D3 Access driveways and circulation roadways shall not be wider than prescribed for their particular use.</p> <p>Development controls D1 Circulation driveways are designed to:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The site is in close proximity to public transport and bicycle parking spaces are provided within the basement area</p> <p>Basement parking proposed in addition to limited ground level car parking spaces.</p>

<ul style="list-style-type: none"> • Enable vehicles to enter the parking space in a single turning movement; • Enable vehicles to leave the parking space in no more than two turning movements; • Comply with AS2890 (all parts); • Comply with AS1429.1 – Design for Access and Mobility; and • Comply with Council's road design specifications and quality assurance requirements. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.3 Sight distance and pedestrian safety				
Performance criteria				
P1 Clear sight lines are provided to ensure pedestrian safety.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls				
D1 Access driveways and circulation roadways shall be design to comply with sight distance requirements specified in AS2890 – Parking Facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2 Obstruction/fences shall be eliminated to provide adequate sight distances.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3.4 General parking design				
Performance criteria				
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P2 The site layout enables people with a disability to use one continuously accessible path of travel:				
<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls				
D1 Visual dominance of car parking areas and access driveways shall be reduced.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2 All basement/underground car parks shall be designed to enter and leave the site in a forward direction.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 Car parking modules and access paths shall be designed to comply with AS2890 – Parking Facilities (all parts).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Note 1: Disabled parking shall comply with AS2890 – Parking Facilities requirements. Parking bay envelope width shall be maintained for the length of the parking bay.				
Note 2: Visitor parking dimensions shall be a minimum 2.6 metres by 5.4 metres.				
D4 All pedestrian paths and ramps shall:			<input checked="" type="checkbox"/>	
<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 type="checkbox"/>	<input checked="" type="checkbox"/>	
5.0 Commercial development				
5.1 General controls – business areas				
Objectives				
a.To provide sufficient vehicular access and car parking on-site to meet user demands.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appropriate conditions shall be imposed in this regard.
b.To ensure the design of access, parking and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

servicing areas is efficient, safe, convenient, discrete and suitably landscaped.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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"/>	
d.To minimise potential conflicts between vehicular movements and pedestrians				
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"/>	
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"/>	
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"/>	
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 Environmental Planning and Assessment Act 1979, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
P2 Development avoids congestion, delay or hazards to traffic movement on adjoining streets.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>	
Development controls				
D1 Car park entries and driveways shall be kept to a minimum and shall not be located on primary or core retail streets.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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"/>	
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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<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; 				

rooms) and office premises					
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				
Service stations	Requirements are additive: 6 spaces per work bay 5 spaces per 100m ² GFA of convenience store (if restaurant present, then greater of 15 spaces per 100m ² GFA, or 1 space per 3 seats)				
Vehicle repair stations	Whichever is the greater of: 3 spaces per 100m ² GFA, or 3 spaces per work bay				
Markets	2.5 spaces per stall (customers only)				
Bulky goods retail	Comparisons should be drawn with similar development				
Industrial retail outlet	1 space per 40 m ²				
Vehicle sales or hire premises	0.75 spaces per 100 m ² site area + 6 spaces per work bay (for vehicle servicing facilities)				
Auction rooms	1 space per 20m ² GFA				
Restaurant	1 space per 40m ² GFA 1 bicycle space per 10 employees				
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				
Function centre	Whichever is the greater of: 15 spaces per 100m ² GFA, or 1 space per 3 seats				
Registered clubs	1 space per 5.0m ² of public or licensed floor area (includes bar, lounges, dining and gaming areas)				
Medical centres Health consulting rooms	3 spaces per surgery				
Child care centres	1 space per 35m ² or 1 space per four (4) children whichever is the greater + drop-off and pick-up facility				
Newington Small Village	Minimum of 1 car space per 38m ² GFA Bicycle parking shall be one (1) per 300m ² of retail space.				
Hospitals	1 space per 2 beds				
7.0 Loading requirements Objectives					
a. To ensure that all development proposals for industry and business are adequately provided with appropriate loading and unloading facilities.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adequate loading bays are provided for the development.
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"/>	General parking and loading is separated.
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"/>	Not an industrial development.
D2 Industrial developments having a floor area greater than 400sqm shall include loading and unloading facilities to accommodate a 'heavy rigid vehicle' as classified under AS2890 – Parking Facilities. Smaller developments shall make a provision for a 'medium rigid vehicle' as classified under the Australian Standard. All development applications shall be accompanied with a		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<p>manoeuvring analysis with 'auto turn or the like' and details of swept paths showing compliance with AS2890 – Parking Facilities.</p> <p>Note: The applicant shall identify the likely service vehicle sizes accessing the site and shall provide service vehicle spaces in accordance with AS2890 – Parking Facilities.</p> <p>D3 Loading/unloading facilities shall be positioned so as to not interfere with visitor/employee or resident designated parking spaces.</p> <p>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.</p> <p>D5 The design of loading docks shall accommodate the type of delivery vehicles associated with the development and potential uses of the development.</p> <p>D6 Buildings shall be designed to allow loading and unloading of vehicles within the building and at all times. Where achievable, loading docks should be situated to the side or rear of buildings. In the case of commercial development access can be provided from a laneway.</p> <p>D7 That loading bays for trucks and commercial vehicles shall be provided in accordance with 9:</p> <table border="1"> <thead> <tr> <th>Land use</th> <th>Loading requirements</th> </tr> </thead> <tbody> <tr> <td>Business and office premises</td> <td>1 space per 4,000m² GFA up to 20,000m² GFA plus 1 space per 8,000m² thereafter</td> </tr> <tr> <td>Retail premises - department stores</td> <td>1 space per 1,500m² GFA up to 6,000m² GFA plus 1 space per 3,000m² thereafter</td> </tr> <tr> <td>Retail premises - shops and food and drink premises</td> <td>1 space per 400m² GFA up to 2,000m² GFA plus 1 space per 1,000m² thereafter</td> </tr> <tr> <td>Hotel and motel accommodation</td> <td>1 space per 50 bedrooms or bedroom suites up to 200 plus 1 space per 100 thereafter plus 1 space per 1,000m² of public area set aside for bar, tavern, lounge and restaurant</td> </tr> <tr> <td>Other</td> <td>1 space per 2,000m²</td> </tr> <tr> <td>Industrial/warehouse, bulky goods retail and wholesale supplies</td> <td>1 space per 800m² GFA up to 8,000m² GFA plus 1 space per 1,000m² thereafter</td> </tr> </tbody> </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>		Land use	Loading requirements	Business and office premises	1 space per 4,000m ² GFA up to 20,000m ² GFA plus 1 space per 8,000m ² thereafter	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	Hotel and motel accommodation	1 space per 50 bedrooms or bedroom suites up to 200 plus 1 space per 100 thereafter plus 1 space per 1,000m ² of public area set aside for bar, tavern, lounge and restaurant	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 plus 1 space per 1,000m ² thereafter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>All loading and unloading are to occur within the site</p>
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>4 loading bays required and provided for the development for hotel or motel use only.</p>															
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The office component of the use being 1036sqm GFA will also require 1 loading bay which is provided.</p> <p>Overall 5 loading bays is provided within the development and is considered acceptable. The restaurant use will not be required to provide a separate loading bay as it is considered ancillary to the</p>															

<p>Larger trucks such as B-Doubles shall be assessed on their individual requirements, but will usually require a minimum loading area dimension of 25 metres (length) by 3.5 metres (width). 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 AS2890.2 – Off-Street Commercial Vehicle Facilities.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	use of the hotel accommodation.
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Access and Mobility DCP

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

Stormwater Drainage DCP

The relevant requirements and objectives of the Stormwater Drainage DCP have been considered in the assessment of the development application. Suitable stormwater plans and specifications have been submitted to accompany the development application. Council's Engineers have raised no objection to the proposed stormwater design subject to appropriate deferred commencement conditions provided to be imposed on any development consent should the application be recommended for approval.

Waste DCP

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

Section 94 Contributions Plan

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

The calculation is based on an employment generating development with capital intensive value of \$36,709,852. As at 5 August 2013, the fee payable is \$367,098.52

Disclosure of Political Donations and Gifts

The NSW Government introduced The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (NSW). This disclosure requirement is for all members of the public relating to political donations and gifts. The law introduces disclosure

requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

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

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

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

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

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

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

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site can be said to be suitable to accommodate the proposal. The proposed development has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

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

Advertised (newspaper) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited for a period of 14 days between 12 February 2013 and 26 February 2013 and notified in the Auburn Review Newspaper on the 12 February 2013. The notification generated 11 submissions in respect of the proposal, including 1 petition with 197 signatories and 1 anonymous submission.

Following the submission of the final set of amended plans by the applicant, the proposal was readvertised for a period of 14 days between 23 July 2013 and 6 August 2013 and notified in the Auburn Review Newspaper on the 23 July 2013. The notification generated 9 submissions in respect of the amended proposal, including 1 petition with 9 signatories, 1 anonymous submission and 1 submission in support of the proposal. The issues raised in the submission are summarised and commented on as follows:

Built Form, Height, Scale and Compatibility

- *Proposed 9 storey budget hotel on the corner of Parramatta Road and Macquarie Road is unthinkable in our opinion. It is a residential area not industrial or commercial and properties adjoining the site are single and two storeys.*
- *No other building anywhere on Parramatta Road from Granville to Broadway is 9 storeys that boarder to a single storey building.*
- *The height of the proposed development will immensely diminish our access to the sun for the entire morning all year round.*

- *To assert that the amended development will lessen the impact on me and neighbours only highlights as has been asserted by the developer that the issue and impact on all residential areas is the reason of trying to hide the tower effects by reducing it by 1 level on Parramatta Road and to hide 8 levels by three 5 storey wings.*
- *Whilst the amended proposal has been reduced to 5 storeys at the rear, the overall height of the building has only been reduced by 1 level and will continue to tower over my property.*
- *Given that all homes along the side of the street that will host this development are one storey, this building is seen to be somewhat of a large eyesore and not favourable for the heritage layout of this area.*

Comment:

The proposed development generally accord with the built form contemplated by the Auburn Local Environmental Plan controls for office and hotel or motel accommodation in the B6 – Enterprise Corridor along the Parramatta Road Precinct. The proposal complies with the height controls and is significantly less than the maximum permissible floor space ratio for the use proposed. (FSR of 2.3:1 proposed whereas FSR of 3:1 is permissible).

This is the first application lodged for the development of office and hotel accommodation taking advantage of the increased floor space ratio and height as envisaged by the ALEP. Whilst it is located at the boundary of adjoining low density residential zoned land, the height, scale and compatibility is not considered unreasonable as discussed earlier in the report. It is consistent with the desired future character of the Parramatta Road Precinct and its amenity impact on adjoining neighbours is not considered unreasonable (as will be discussed later in the report).

The amended plans have had regard to the adjoining residential zoned land by stepping the building down to 5 storeys at the rear and along Macquarie Road. In this instance, the proposal has attempted to reduce the visual impact by reducing the height of the rear wing of the development. Furthermore the 11m -13.5m setback and proposed landscaping along the rear boundary including a mix of tall shrubs (up to 8m high) and trees (up to 12m high) will assist in creating a buffer and differentiation between the Enterprise Corridor zone and the R2 – Residential zone.

As discussed elsewhere in the report, there would be no unreasonable physical or visual compatibility impacts to neighbouring properties, and the effect of the proposal on the setting of the adjoining heritage item is not considered significant.

Privacy Impact

- *Residents would lose their privacy as a result of the development.*
- *The development will greatly impact on my family's privacy and lifestyle.*
- *I do not consider that louvered privacy screens will remedy privacy concerns as they are controlled by other occupying the units or those managing the development.*
- *That our privacy will be lost to 285 pair of eyes looking down our homes and backyards*
- *Privacy will be invaded as our backyards will be exposed and will be overlooked upon.*
- *There will be countless hotel windows overlooking our property which can invade and jeopardise our privacy.*
- *I am concerned at the lack of privacy screen proposed for the amended plan.*

Comment:

The proposed development is located in relatively close proximity to existing residential dwellings. With the building height envisaged by the ALEP for office and hotel or motel accommodation in the Parramatta Road Precinct it is inevitable that there will likely be some degree of overlooking as a result of this type of development.

Measures to mitigate overlooking impacts include provision of privacy screens to western elevation windows of the rear wing building facing adjoining residential and industrial uses; provision of privacy screens to the southern elevation windows of the eastern most rear wing; and proposed 8m to 16m high shrub/trees proposed on the southern boundary of the site.

Appropriate conditions are recommended to be imposed on any consent that may be issued to require the applicant to provide additional privacy measures including (i) to provide privacy screens to all windows facing south; and (ii) that all privacy screening materials shall be fixed and have a minimum density of 85%.

It is considered that these measures including the over 35m setback between the 8 storey portion windows and the adjoining residential zoned land will further minimise potential overlooking impacts.

Overshadowing Impact

- *Residents would have limited amount of sunlight each day due to the height of the building.*
- *My home and many other homes will be under the development's shadow from about 3pm which will prevent reasonable utilisation of my backyard or swimming pool.*
- *Development limits ability to install solar panels on my roof space.*

Comment:

Shadow diagram submitted with the amended plan shows that the shadow impact is greatest at 9.00am affecting 7 properties (68-74 Macquarie Road; 21 -23 Hunter Street; and 196 Parramatta Road). By 12noon the development's shadow will affect the property at 74 Macquarie Road with majority of the shadow cast on the subject site and the public domain. By 3pm the development will cast shadow over the Uniting Church building and the industrial/commercial development fronting Parramatta Road to the east.

Following from above, the most impacted residential building is 74 Macquarie Road, it is noted however that shadows affectation reduces from 12 to portions of the rear yard of the property and by 3.00pm no affectation occurs. All other properties will be afforded sufficient degree of solar access either in the morning, daytime or afternoon.

Given that the proposed development complies with the height control; provided 11m to 13.5m setback to the rear boundary and that the most affected property at 74 Macquarie Road will still receive approximately 2.5 hours of sunlight to the majority of its private open space between 12noon and 3.00pm, solar impact on adjoining properties is not considered unreasonable in this instance.

The development is not considered to limit the ability the adjoining property contemplating the installation of solar panel from doing so as there is no shadow affectation on the adjoining property to the west that raised this issue, from the amended proposal.

Traffic and Parking

- *Traffic will inevitable increase in the immediate area which will pose a risk to the safety of school children.*
- *Parking is already a major concern in the area during busy church services at the Uniting Church.*
- *This development will only increase traffic also with trucks and vans entering and leaving Macquarie Road is not suited for this kind of movement in a residential area.*
- *High traffic flow on Macquarie Road due to other approved projects in the area.*
- *The newly installed set of traffic lights on the corner of Parramatta Road and Macquarie Road has already generated more traffic than usual due to timing of the traffic light. The proposed development will further add traffic catastrophe to the current problem.*
- *Parking is already a major problem for church goers, the proposed development will further add to the problems.*

Comment:

As discussed elsewhere in the report, the proposed development would require 295 car parking spaces whereas 248 car parking spaces are provided resulting in a deficiency of 47 spaces. Given that the proposed hotel does not have facilities to operate as a function centre (exhibitions, conferences, entertainment etc); and given that there is ample taxi drop off/ pick up space and a coach bay within the site, there is no objection raised to the 248 car parking spaces provided in this instance.

A Traffic Impact Assessment was submitted with the original proposal. This assessment examines existing traffic conditions and assesses the transport implications of the proposed development. The report concludes that the traffic impacts arising from the development are considered acceptable and that a reduction in the traffic generation as a result of the amended proposal will result in improvement in the future operation of the critical intersection of Parramatta Road / Macquarie Road, compared to the original proposal, and therefore remains acceptable.

The original Traffic Impact Assessment report has been reviewed by Roads and Maritime Services and Council's Development Engineer. No objection has been raised in relation to the traffic impact or the capability of the local road network to accommodate the additional traffic volumes that would be generated by the development without significant adverse impacts.

There are sufficient car parking spaces and loading bays within the development site to discourage illegal parking or parking on the driveways of adjoining properties by customers to the office/hotel. The development would therefore not be expected to create any significant reduction in the availability of street parking within the locality.

Security, Safety and Crime

- *We are concerned about what a 24 hour hotel will bring to our area. Will our street be safe to walk in the evenings and will children be safe to walk to and from school without worrying about predators and will there be drug dealers and the like roaming the streets.*
- *The development could cause security issues given that my property would be completely exposed.*

- *Potential problem between church goers and hotel clients as vehicles are parked on footpaths during special occasions in the church such as weddings, funerals etc.*
- *There is the potential to use the hotel for illegal activities. High crime rate and other inappropriate behaviour taking place in the area will only increase by a hotel coming into the area.*
- *That the hours of operation need to be restricted to minimise unruly behaviour*

Comment:

There is no evidence to support concerns that the proposed development would result in any direct increase in crime or anti-social behaviour in the locality. A crime risk report was submitted with the proposed development and recommendations were provided in relation Crime Prevention through Environmental Design (CPTED). The proposed development was also referred to NSW Police who has raised no objection to the proposed development.

The proposed 24 hour operation of the hotel is not considered unreasonable and not uncharacteristic of similar uses elsewhere. Hours for the office use shall be subject to a further application that may be lodged for the use of the offices.

Noise Impact

- *The site is only 13m from my front door and will destroy the quiet enjoyment of my property. Further, this noise and disruption will go on 24 hours a day, 7 days a week, 365 days a year.*
- *Increase noise and residents cannot have a good time to relax*
- *Potential 24 hour hotel activities would exacerbate man-made noise/pollution with rowdy parties, tenant arguments/passionate discussions.*
- *May cause future conflict with existing mechanical workshop as a result of hammering or grinding that could emanate from the workshop.*

Comment:

An Acoustic report has been provided with the development application. The report makes recommendations for the internal and external design of the building in order to comply with applicable acoustic standards.

The acoustic report identified potential sources of noise and made recommendations for the management of noise issues which may arise from the development. The recommendations relate to minimising noise associated with commercial vehicles; patron vehicle; patron noise; and plant maintenance noise. The recommendations of the Acoustic report shall be included in any consent that may be issued for the site to ensure compliance with the noise management plan.

With regards to impacts as a result of hammering and grinding from the adjoining mechanical workshop, it is expected that the hotel applicant will consider and mitigate this impact at the construction stage of the development by ensuring appropriate acoustic materials are used on the affected western elevation of the building.

Others

- *Impact on property value*
- *Whether the existing sewerage conduit would withstand such loading from the proposed development.*
- *That the structure may be attractive to telecommunication providers that would seek to erect transceivers on the building.*
- *That the area will benefit by increased employment and the injection of money into the area by people utilizing the development.*

Comment:

With regards to devaluation of property, this is not a planning matter to which weight can be given in Council's consideration under Section 79C of the Environmental Planning and Assessment Act, 1979. Furthermore, no evidence has been submitted which would indicate that the development, if approved, would give rise to reduced property values.

With regards to existing sewerage conduit, the proposed development is considered to be consistent with the capacities envisaged by the Auburn LEP 2010. To this extent, the local sewerage and other services is expected to be capable of accommodating the additional increase in service demand generated by the development. It is noted that development of this type is required by condition to be referred to Sydney Water for Section 73 Compliance Certificate to be obtained for water and sewer services. Satisfactory arrangement is also required to be made for electricity and telephone services to ensure these services are available to the site.

With regards to the use of the building by telecom providers for the installation of transceivers, this is not within the scope of this assessment. Any application to install such device in the building will have to go through appropriate approval procedure in the future.

With regards to the locality benefiting from increased employment and injection of money into the local economy, it is the case that the proposal may create employment opportunities during construction and occupation/use of the building.

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

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

Conclusion

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

The proposed development is appropriately located within a locality earmarked for office and hotel development however some variations (as detailed above) in relation to Industrial Areas Development Control Plan and Parking & Loading Development Control Plan are sought.

Having regard to the assessment of the proposal from a merit perspective, it is considered that the development has been responsibly designed and provides an acceptable amenity for adjoining residents.

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 shall be recommended to the JRPP for a deferred commencement approval subject to conditions requiring resolution of stormwater design and easement requirements.