

AUBURN CITY COUNCIL

(Report to the Joint Regional Planning Panel)

32 Parramatta Road, LIDCOMBE NSW 2141

SUMMARY

Applicant	Urban Link Pty Limited.
Owner	JEC Management Pty Limited.
Application No.	DA-357/2013.
Description of Land	A number of allotments are affected by the proposed development known as 32 Paramatta Road Lidcombe as follows:- Lot 119 in DP 8683. Lot 120 in DP 8683. Lot 121 in DP 8683. Lot 122 in DP 8683. Lot 123 in DP 8683. Lot 124 in DP 8683. Lot 125 in DP 8683. Lot 126 in DP 8683. Lot 127 in DP 8683. Lot 196 in DP 8683. Lot 197 in DP 8683. Lot 198 in DP 8683.
Proposed Development	Demolition of the site improvements and construction of a four (4) to eight (8) storey hotel development with commercial premises, two function rooms, restaurant and associated car parking, landscaping and stormwater works.
Site Area	7,389.7 Square metres.
Zoning	Zone B6 - Enterprise Corridor.
Disclosure of political donations and gifts	Nil disclosure.
Issues	Permissibility. Car parking numbers. Internal design. Submissions.

Recommendation

That development application Number 357/2013 for the demolition of the site improvements and construction of a four (4) to eight (8) storey hotel development with commercial premises, two function rooms, restaurant and associated car parking, landscaping and stormwater works on land at 32 Parramatta Road Lidcombe be approved subject to conditions.

History

A private consultancy firm was commissioned by the Auburn City 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:

- 1.5:1 for *bulky goods premises, entertainment facilities, function centres and registered clubs*, and
- 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.

20 November 2013

The development application is lodged to the Council for determination.

26 November 2013

Referrals completed and notification undertaken.

28 November 2013

The application is referred to the Joint Regional Planning Panel and Roads and Maritime Service.

3 December 2013 to 17 December 2013

Notification is undertaken for 14 days and Council receives two (2) objections and one (1) petition in relation to the project.

9 December 2013 to January 2013

An assessment of the development application is undertaken and correspondence is prepared in relation to a number of issues that are identified.

11 December 2013

The matter is referred to Flemington Police Command for assessment on the crime prevention matters. The Flemington Police Command responds in writing on the 18 December 2013.

23 December 2013

The Roads and Maritime Services responds in writing and generally no objection to the project is raised.

30 January 2014

The Joint Regional Planning Panel is briefed on the project.

13 February 2014

Correspondence is issued to the applicant on 13 February 2014 raising issues with the development including:-

- Matters of permissibility.
- Preparation of a Phase Two contamination audit.
- Compatibility of the scale, and height of the building and relationship to the adjacent residential zone to the south.
- Privacy and overshadowing issues.
- Design and appearance.
- Architectural treatment.
- Position of the driveway.
- Parking and stormwater issues.
- Height.
- Site operations.

February to July 2014

The development is redesigned and remodelled by the architects. New reports are prepared including the critical contamination audits and noise audits.

18 July 2014

Amended documentation is lodged to the Council for determination. The development application is renotified and the application is referred back to the Roads and Maritime Services for assessment because the number of car parking spaces proposed for the development is increased from 282 spaces to 522 spaces and an extra car park basement level is incorporated into the development.

The amended plans are assessed which forms the report provided below.

3 September 2014

Correspondence is issued to the applicant to undertake changes to stormwater drainage and to resolve outstanding traffic matters.

16 October 2014

Amended plans are submitted addressing car parking issues and it is determined that the application can proceed towards conclusion.

Site and Locality Description

The site has the following dimensions:-

- 80.73 metres to Parramatta Road occupying the entire block between the intersection of Ostend Street to the east and Mons Street to the west.
- 80.46 metres along the southern boundary.
- 88.97 metres along the eastern boundary.
- 95 metres along the western boundary.

This provides a site area of 7,389.7 square metres.

A significant two storey factory / warehouse building with a car park occupies the site.

There are industrial / warehouse buildings and other car based related industries situated along the southern side of Parramatta Road. The M4 Motorway including the associated road carriageway and road verges are located to the immediate north. There are residential areas situated to the south mainly on land within zone - R2 Low Density Residential.

The location of the site is shown below.



Description of Proposed Development

Development application 357/2013 proposes the demolition of the site improvements and construction of a four (4) to eight (8) storey hotel development with commercial premises, two function rooms, restaurant and associated car parking, landscaping and stormwater works.

The development comprises the following works:-

Demolition works

The building currently on site as well as the carpark and access driveway from Mons Street is earmarked for demolition. This will provide a clean site for excavation work.

Excavation / Basement

The plans show Basement Level One (Lower Basement) having room for 237 vehicles and provision of four lifts for accessing the remainder of the building.

The basement level Two is provided with room for 233 vehicles and provision of four lifts for accessing the remainder of the building.

A significant amount of excavation will be undertaken to a maximum depth of 11 metres below the natural ground level. It is estimated that some 64,400 cubic metres of spoil will be excavated from the site to create the void required for the basement levels.

The excavation is not designated development on the basis that it is ancillary to the primary development and it is not independent of that other development.

The excavation will extend down three levels effectively permitting a three storey basement car park to be constructed, especially along the southern side of the site with two levels along the northern side of the site.

Lower Ground Level:

The lower ground level encompasses a further car park area for 52 vehicles but also provides room for:-

- A loading zone.
- Parking of four small rigid vehicles.
- Parking of two large rigid vehicles.
- Parking of one medium rigid vehicle to support the restaurant / function rooms.
- Waste bin storage.
- Room for storing 48 bicycles.
- Room for parking five motorcycles.
- Seven storage rooms of various sizes.
- Room for six lifts to access the upper levels of the building.

There are thirteen (13) commercial tenancies facing Parramatta Road to the north, Ostend Street to the east and Mons Street to the west. The tenancies wrap around much of the north and west side of the car park. The tenancies have the following areas:-

The tenancies provide 1,019 square metres of commercial space to the building. The development application only provides for the shell of each tenancy and no use is applied for. Separate consent will be required for the fitout and use of each tenancy.

Additionally, there is a major foyer facing the east towards Ostend Street. There are also some ancillary office rooms facing Ostend Street associated with the day to day operations of the hotel complex.

A room adjacent to the basement vehicular entry / exit point is earmarked for a "Services" room.

Of particular importance is the presence of a function room with its own kitchen, amenities, cool room and room for 37 tables and seating for 222 guests.

Ground Floor

The ground floor incorporates 36 hotel rooms which faces every direction (North, south, east and west). There is an internal area which incorporates the following:-

- A restaurant occupying an area of 200 square metres including the kitchen with seating for 48 guests across 12 tables. There is also outdoor dining with an additional twelve (12) tables and seating for a further 48 guests.
- Common outdoor space that wraps around the northern, eastern and western perimeter of the restaurant.
- A function room situated on the southern side of the building is provided with its own kitchen facilities, bar and amenities as well as indoor seating for 264 guests at 52 tables.

There is a hotel foyer facing towards the west.

A porte cochere structure is situated on the western side of the building facing Mons Street. The structure includes a hotel drop off zone. The structure will be serviced via two driveways from Mons Street.

There is landscaping provided especially along the southern curtilage of the building complex.

First Floor

The first floor incorporates 49 hotel rooms which faces every direction (North, south, east and west). Additionally, there is common open space which is situated across the roof of the restaurant below. The common space occupies an area of 420.28 square metres excluding the landscped planter boxes and a series of skylights.

Second Floor

The second floor incorporates 54 hotel rooms which faces every direction (North, south, east and west) with the super structure of the building wrapping around the central courtyard space.

Third Floor

The floor is relatively similar to the second floor below but has 51 hotel rooms and a balcony facing towards the south.

Fourth Floor

The fourth floor incorporates 45 hotel rooms but there are no hotel rooms facing the south. The fourth floor of the building is now stepped back further away from the southern property boundary and takes the form of a "Horse shoe shape". There are two south facing balconies and planter box elements which screens the balconies.

Fifth Floor

At this level, the building divides into two separate entities with one facing the east (East wing) and one facing west (West wing). There are 24 hotel rooms combined. There is a large roof top garden / common space featuring a swimming pool situated between the two building elements but facing north along the Parramatta Road frontage.

The whole garden area including swimming pool and landscped planter box elements occupies an area of 627.6 square metres.

There are two south facing open space areas provided with one attached to both east and west wings of the building. One open space area occupies 119.7 square metres while the other one occupies an area of 219.27 square metres.

Sixth Floor

The sixth floor incorporates 20 hotel rooms combined across the east and west wings of the building. Similar to the fifth floor below, there is a garden area situated along the southern side of both wings of the building with one occupying an area of 95.34 square metres and the other occupying an area of 94.23 square metres.

The table below shows the development in greater detail.

Levels	Commercial	1 Bedroom	2 Bedroom	Rooms with
--------	------------	-----------	-----------	------------

	tenancies	rooms	rooms	balconies / terraces
Lower Ground	13			
Ground Floor		30	6	26
Level One		41	8	37 although 7 of these are terraces.
Level Two		45	9	41
Level Three		42	9	41
Level Four		38	7	36
Level Five		20	4	21
Level Six		17	3	19
Total Number		233	46	221

Other features

All the rooms will include a kitchenette although many one bedroom rooms are to be provided with kitchen facilities.

The complex as one entity is provided with services such as:-

- Lifts connecting all the floors.
- Service rooms.
- Fire stairs.
- Utilities room.

Roof level

There is access to the roof of the east and west wings of the building complex with each wing having open space as follows:-

- Eastern building:- 508.8 square metres excluding the landscaping elements.
- Western building:- 478.2 square metres excluding the landscaping elements.

The open space areas are to include planter beds that largely wrap around both common areas.

Referrals

The development application was referred to relevant internal Council departments for comment as follows:-

Health and Building Surveyor:

The development application is supported subject to conditions. There are conditions recommended for any consent addressing important Building Code of Australia issues.

Environment and Health:

The development application is supported subject to conditions. There are conditions recommended for any consent addressing the kitchen and restaurant including the fit out, the acoustic report, swimming pool and food preparation.

Fire Officer:

The development application is supported subject to conditions. There are conditions recommended for any consent addressing important fire safety for the building.

Drainage and Development Engineer:

Council's Development Engineer has determined that the development is provided with adequate access, car parking spaces, on site waste collection and appropriate stormwater drainage systems. A number of conditions are provided to address stormwater drainage and other engineering matters.

Strategy (Design)

The initial design for the building was referred to Strategy to obtain suggestions specific to design, massing and appearance. A number of comments were provided specific to:-

- An appropriate transition to the low density residential development should be provided towards the south. To achieve this, a reduction in the height of the building on the eastern and western facades specifically the south east and south west portions should be investigated.
- The position of the roof top open space areas should be relocated to improve aspect.
- The driveway along the eastern side of the site should be relocated further away from the southern boundary of the site and away from the residents which would create an improved sound buffer between the residential area and the noise from traffic movements in and out of the development.
- Building massing especially along the southern side should be reduced to address the impact of shadowing towards the residents to the south.
- The scale of the development along the southern side of the site should be reduced which would assist the development of the landscaping and planting regime of that area.
- Additional information should be supplied that shows the colours and building materials to be used in the development.

Additional comments:

The amended design is generally in accordance with the comments and suggestions provided by the Strategy Unit. The south west and south east portions of the building have been reduced in height which in turn reduces the adverse impact onto the residents towards the south. In particular, the shadow diagrams now show an acceptable level of shadowing towards the south.

External Referrals

Roads and Maritime Services

The initial development application was referred to the Roads and Maritime Services on 28 November for assessment as the development application falls under Schedule 3 of State Environmental Planning Policy "Infrastructure" 2007 on a number of grounds as follows:-

Purpose of development	Size or capacity-site with access to any road	Size or capacity-site with access to classified road or to road that
------------------------	---	--

Note: The development may be the erection of new premises or the enlargement or extension of existing premises.		connects to classified road (if access within 90m of connection, measured along alignment of connecting road)
Area used exclusively for parking or any other development having ancillary parking accommodation	200 or more motor vehicles	50 or more motor vehicles.
Parking	200 or more motor vehicles	50 or more motor vehicles
Refreshment Rooms	200 or more motor vehicles	300 square metres.
Shops and commercial premises	4,000 square metres	1,000 square metres.
Tourist facilities, recreation facilities, showgrounds or sportsgrounds	200 or more motor vehicles	50 or more motor vehicles

Comments

The development has all of the features in Column one "Purpose of the Development" and as the site is situated on Parramatta Road being an arterial road, the development application effectively falls under the size criteria of each land use stated in Column Three. Formal referral to the Roads and Maritime Services for assessment is required.

The Roads and Maritime Services responded on the 23 December 2013 and a number of general comments were provided. There was no objection to the development.

Since that time, the development application has been substantially remodelled which includes the addition of a second basement car park level and an increase in the number of car parking spaces to 522.

The modified development was referred back to the Roads and Maritime Services for assessment on Friday 25 July 2014 for assessment. The Roads and Maritime Services provided the following comments:-

- All construction activity associated with the development is to be contained on site or on Mons Street or Ostend Street and no construction zones will be permitted on Parramatta Road in the vicinity of the site.
- A Road Occupancy Licence should be obtained from the Transport Management Centre for any works that may impact on traffic flows on Parramatta Road during construction.
- A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Roads and Maritime for determination prior to the issue of the construction certificate.
- The swept path of the longest vehicle entering and exiting the site as well as manoeuvrability through the site shall be in accordance with AUSTROADS.
- Should the post development storm water discharge from the subject site into the RMS drainage system exceed the pre development discharge, then detailed design plans and hydraulic calculations or any changes are to be submitted to Roads and Maritime Services for approval prior to the commencement of works.
- The layout of the proposed car parking areas associated with the development should be in accordance with AS 2890.1-2004.

- The development should be designed such that road noise from the adjacent public roads is mitigated by durable materials in accordance with EPA criteria for new land use developments.
- The developer is to submit all documentation relating to the excavation of the site and support structures at least six (6) weeks prior to the commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.
- Any excavation below the level of the base of the footings of the adjoining roadways, the owner of the roadway will require seven day notice prior to excavation occurring.
- All works, regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime Services.

Comment:

Appropriate conditions may be attached to any consent addressing the matters raised by Roads and Maritime Services.

Flemington Police Command

Crime Risk Analysis

The Crime Risk Analysis statement submitted with the development application identifies that:-

- Clear sightlines have been provided for the development especially at the entrance to the site.
- There are openings at the lower ground level and ground level to allow casual surveillance of the areas.
- The shop windows are fully glazed to allow views toward the streets.
- There are no major entrapment areas from within the development.
- Spaces within the development including the vehicle entry are wide to avoid hidden concealed areas.
- The development is provided with adequate lighting at the entry areas to the front and rear.
- There is no vegetation that is likely to create significant entrapment areas.

The development application was referred to Flemington Police Command on a number of grounds as follows:-

- Crime and safety.
- The likelihood that liquor will be sold and consumed at the premises.
- A crime Risk Statement has been provided with the development application.

Flemington Police Command responded on Thursday 18 December 2013 and provides a number of recommendations as follows:-

Business identification

It is requested that the property addresses be displayed at the front of the premises.

Lighting

Light levels should be appropriate for the users, activities and tasks of an area. Higher lighting levels may be required for vulnerable areas. Adequate uniform lighting should cover the entire property.

Closed Circuit Television

Closed circuit television can enhance the physical security of the location and assist in the identification of people involved in antisocial or criminal behaviour. It can act as a deterrent and improve surveillance. Cameras should be installed in and around all premises especially at the entry / exit points to maximise surveillance opportunities.

- Digital and monitored technology should be used to record images from the cameras.
- Installed surveillance equipment should be maintained in working order and regularly maintained and tested.

Signage

Warning signs should be strategically posted around the perimeter of the property particularly near entry points to warn intruders of the security measures provided.

Directional signage should be posted at decision making points such as entry / egress points to provide guidance to patrons.

Landscaping

Trees and shrubs should be trimmed to reduce concealment opportunities and increase visibility to and from the business. Any obstacle or rubbish should be removed from the property boundaries, footpaths, driveways, car parks and buildings to restrict concealment and prevent offenders scaling any building within the confines of the site.

Security Officers

The use of onsite random patrols using security guards will assist in reducing the opportunity of crime. The capability of a security guard to detect, challenge or apprehend is an important consideration as their actual presence is a strong deterrent for any offender.

Comment:

The matters can be addressed as conditions where appropriate should the development application be supported.

Further Comments:

The plans show the following:-

- The commercial tenancies on the lower ground are to be finished in glazed elements.

- The main basement car park is open floor plan which minimises entrapment areas being created.
- Landscaping is arranged on site which avoids entrapment areas.
- There are two storage rooms situated beneath a driveway and porte cocher structure. The storage rooms are linked via a pathway and travel path. The comments regarding security cameras by the Flemington Police Command will be relevant to this part of the development due to location. The area adjacent to the storage rooms are less likely to be heavily trafficked with people than others areas of the development and hence this area will need to be monitored.

In addition, a door structure will be required for the travel path situated between two store rooms on the lower ground level to ensure an entrapment space is not created. Should the development application be supported, then an appropriate condition will be required addressing the matter.

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

State Environmental Planning Policies

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

(a) State Environmental Planning Policy No. 55 - Remediation of Land

The requirement at clause 7 of SEPP No. 55 for Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development has been considered in the following table:

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the development going to be used for a sensitive land use (eg: residential, educational, recreational, childcare or hospital)? <u>Comment:</u> The development is for a hotel complex and associated uses as well as commercial use.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Details of contamination investigations carried out at the site:	

Matter for Consideration	Yes/No
<p><u>Comment:</u></p> <p>A phase one preliminary environmental assessment prepared by Benviron Group and dated November 2013 has been prepared. The report on Page 28 of 35 recommends that a further investigation be undertaken to determine the extent of any soil or groundwater impact in the form of a Phase 2 Environmental Site Assessment.</p> <p><u>Phase Two Contamination Report</u></p> <p>A Phase Two Environmental Site Assessment has been prepared by Benviron Group which is dated May 2014. The assessment identifies the following site conditions:-</p> <ul style="list-style-type: none"> • Site coverage of approximately 100% with the hard stand areas in good condition. • No above ground and underground storage tanks are identified. • There are no trade waste pits situated on the site. • No significant soil staining is evident from site inspections. <p>Soil samples have been taken across the site then referred to Eurofins MGT and Envirolab for testing. It is identified that testing has found some concentrations of arsenic, lead, zinc, chromium and copper however the concentrations is not significant. The values detected are at low concentrations.</p> <p>During investigation, groundwater concentrations were not encountered.</p> <p>Based on testing, it is considered that the risks to human health and the environment associated with soil contamination at the site are low in the context of the proposed use of the site. The site is determined as being suitable for the proposed development subject to the following recommendation:-</p> <p>Any soils proposed for removal from the site should initially be classified in accordance with the Waste Classification Guidelines, Part 1 Classifying Waste NSW DECC (2009).</p> <p><u>Comment:</u></p> <p>Council's Environment and Health Officers have reviewed the document as discussed above. No objection is raised to the project and a number of conditions are provided addressing excavation procedures for the project.</p>	
<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?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

(b) State Environmental Planning Policy "Infrastructure" 2007

The proposed development is affected by the State Environmental Planning Policy at the following clauses:-

101 Development with frontage to classified road

(1) *The objectives of this clause are:*

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

*(i) the design of the vehicular access to the land, or
(ii) the emission of smoke or dust from the development, or
(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment:

Vehicle access to the complex is provided from Ostend Street and not from Parramatta Road.

As previously described, the Roads and Maritime Services have reviewed the development application and conclude that the development is satisfactory. A number of conditions are provided to address outstanding concerns. This is addressed earlier in the report.

Acoustic matters

An acoustic report prepared by Acoustic Solutions (Reference Number 2013-357) and dated 27 June 2014 has been submitted with the development application to address the internal noise likely to be generated by the development. The following recommendations are made:-

- All external air conditioning units should be acoustically enclosed or set away by more than 3 metres from the boundary.
- Internal fans should be quiet and the fan shaft should be enclosed with 50 mm thick insulation batts (eg 50 mm rigid fibre glass). A qualified acoustic consultant may be required to progressively inspect the installation of the various suppression components and certify to Council that it meet installation requirements.
- A gap free sound barrier fence with a minimum height of 1.8 metres should be installed on the southern boundary of the hotel and restaurant. The fence should be steel or brick finish and the planting of mature trees along the boundaries will also help to reduce the noise impacts.
- Signs reminding staff and visitors to minimise noise should be installed at entry and hallways of the hotel and restaurant to ensure that all music and sounds are restricted within the property and not transmitted into adjoining residents.
- Any music played within the restaurant should be limited to background music with no live bands to be played. Volume control should be implemented by the management and there should be no music after 10 pm.
- Guests and patrons are to be informed of the neighbouring receivers and encouraged to keep noise levels to a minimum. This will require supervision. Windows and doors of the restaurant are to be closed during the hours of operation and restaurant patrons are to be seated inside the restaurant only.

Noise Management Plan

A noise management plan should be implemented and should include the following:-

Install a contact number at the front of the hotel so that complaints regarding the centre operation can be made.

Implement a complaint handling procedure with complaints recorded on a complaint form. This should include a permanent register of complaints to be reviewed to ensure all complaints are responded to and action taken and the complainant notified of the action taken.

Comment:

Should the development application be supported, then it would be crucial to incorporate the Acoustic Solutions Acoustic Report Reference Number 2013-357 and dated June 27 2014 into the bundle of plans to be approved due to the recommendations made.

There is another acoustic report prepared by Acoustic Solutions for "Traffic Noise" which addresses impacts from external noise sources to the development. The report which is dated September 6 2013 is also relevant to the project. A number of recommendations are made on Page 8 of the report which includes the following:-

- The windows in the commercial tenancies 3, 4 and 5 should be laminated using 12 mm thick full perimeter Schlegel Q-Lon acoustic seals.
- The windows in the commercial tenancies 2 and 6 should be laminated using 10 mm thick full perimeter Schlegel Q-Lon acoustic seals.
- The windows in the commercial tenancies 1 and 7 should be laminated using 6 mm thick full perimeter Schlegel Q-Lon acoustic seals.
- The windows and sliders in the hotel rooms facing Parramatta Road are to be a double glazed system that is 6 mm thick laminated with 20 mm air gap then 6 mm laminated with full perimeter Schlegel Q-Lon acoustic seals.
- The windows and sliders in the hotel rooms facing Mons Street and Ostend Streets are to be laminated using 10 mm thick full perimeter Schlegel Q-Lon acoustic seals.
- The windows and sliders in the hotel rooms facing the internal courtyard and the rear of the property are to be laminated using 6 mm thick full perimeter Schlegel Q-Lon acoustic seals.
- The windows and bathrooms and ensuites of all the hotel rooms are unrestricted and should be in accordance with AS2047 (Windows in Buildings).
- The external walls are to be double skin cavity brick walls, brick veneer at the minimum 270/250 mm double brick / brick veneer construction or any other method of wall construction with an RW of 44.
- The roof is to be a minimum 150 mm thick concrete roof and or galvanised steel trough roofing (0.5 mm) on a 10 mm thick gypsum plasterboard ceiling with 300 mm gaps and 50 mm thick, 15 kg/m³ mineral wool batts between the ceiling joists.

Additionally, the windows and doors must be closed to avoid traffic noise intrusion. There is a need to provide quiet mechanical or natural ventilation systems to all habitable spaces. The noise from the mechanical or natural ventilation systems are to be at least 10dB(A) less than the recommended indoor sound level for residents affected by traffic noise intrusion. It

is recommended that the units be installed near the entry and include insulation ducts with 50 mm thick insulation blankets to minimise noise propagation.

Comment:

The appropriate management plan and reports should be incorporated into any consent that may be issued.

102 Impact of road noise or vibration on non-road development

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:

- (a) a building for residential use,*
- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or child care centre.*

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building-35 dB(A) at any time between 10 pm and 7 am,*
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)-40 dB(A) at any time.*

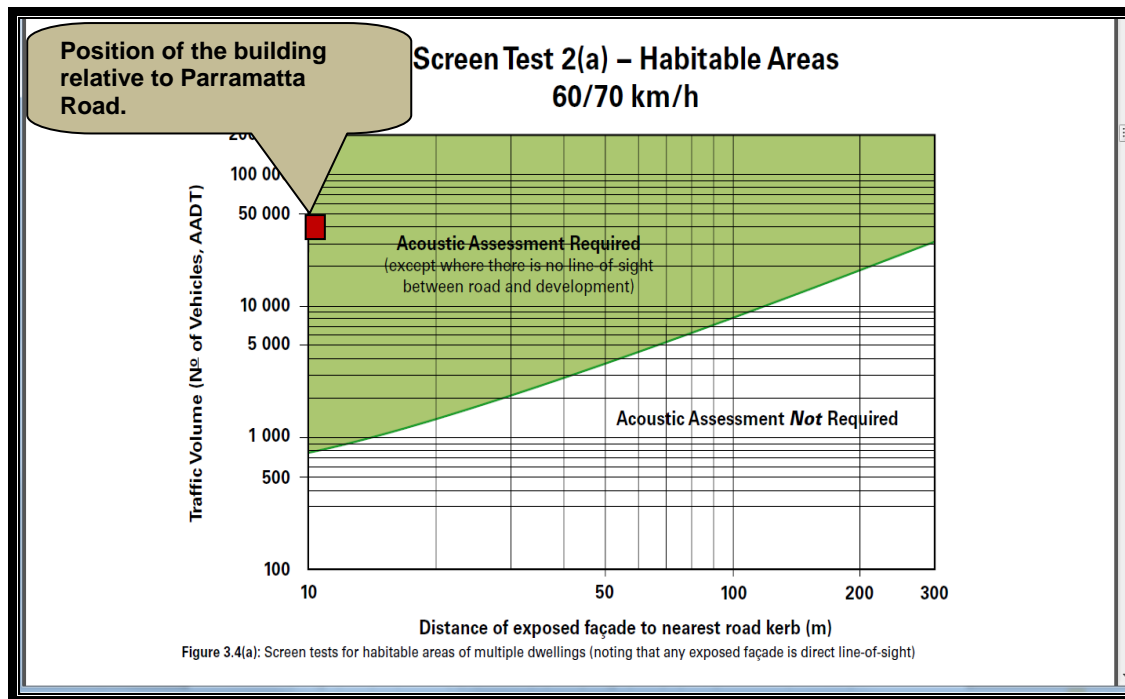
(4) In this clause,

*"freeway",
"tollway" and
"transitway" have the same meanings as they have in the Roads Act 1993.*

Comment:

Parramatta Road is a road that carries more than 40,000 vehicles per day. The guidelines "Development Near Rail Corridors and Busy Roads Interim Guidelines have been reviewed during the processing of the development application.

It is determined that Screen Test 2(a) for Habitable Areas with speed limits of 60 to 70 km/h is relevant to the development application as follows.



The recommendations made in the acoustic report prepared by Acoustic Solutions Pty Ltd (Reference Number 2013-357) and dated 6 September 2013 will form part of any consent that may be issued.

104 Traffic-generating development

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

- (a) new premises of the relevant size or capacity, or
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

(2) In this clause,

"relevant size or capacity" means:

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road-the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or
- (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection-the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.

(3) Before determining a development application for development to which this clause applies, the consent authority must:

- (a) give written notice of the application to the RTA within 7 days after the application is made, and
- (b) take into consideration:

- (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and
- (ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

- (iii) any potential traffic safety, road congestion or parking implications of the development.

(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.

Comment

This is addressed under the heading “External Referrals” above. It is determined that the provisions of Clause 104 have been addressed in the assessment of the development application.

(c) Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the area within the Sydney Harbour Catchment and SREP (Sydney Harbour Catchment) 2005 is applicable to the development application. The development application raises no issues as to consistency with the requirements and objectives of the planning instrument and associated development control plan.

(d) Other State Environmental Planning Policies and Regional Environmental Planning Policies

SEPP/REP	Applicable	SEPP/REP	Applicable	SEPP/REP	Applicable
SEPP 1 - Development Standards	N	SEPP 4 (Exempt and Complying Development Codes) 2008	N	SEPP 6 - No. of Storeys in a Building	N
SEPP 32 - Urban consolidation (Redevelopment of Urban Land)	N	SEPP 19 - Bushland in Urban Areas	N	SEPP 33 - Hazardous & Offensive Development	N
SEPP (State and Regional Development) 2010	N	SEPP 55 - Remediation of Land	Y	SEPP 64 - Advertising & Signage	N
SEPP 65 - Design Quality of Residential Flat Development	N	SEPP (Housing for Seniors & People with a Disability) 2004	N	SEPP (Building Sustainability Index: BASIX) 2004	N
SEPP (Major Developments) 2005	N	SEPP (Temporary Structures) 2007	N	SEPP (Infrastructure) 2007	Y
REP No. 24 - Homebush Bay	N	Sydney REP (Sydney)	Y	SEPP (Affordable	N

Area		Harbour Catchment) 2005		Housing)	
------	--	-------------------------------	--	----------	--

Local Environmental Plans

Auburn Local Environmental Plan 2010

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

Clause	Yes	No	N/A	Comment
Part 1 Preliminary				
1.1 Name of Plan				
This Plan is <i>Auburn Local Environmental Plan 2010</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.1 AA Commencement				
This Plan commences on the day on which it is published on the NSW legislation website.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The plan was gazetted on 29 October 2010.
1.2 Aims of Plan				
(1) This Plan aims to make local environmental planning provisions for land in Auburn in accordance with the relevant standard environmental planning instrument under section 33A of the Act.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) The particular aims of this Plan are as follows:				
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 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 for future development within 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 area.
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 including:
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"/>	- Use of louvres where appropriate. - Insulation for walls and roof with an R value of 3.7 between roofing and ceilings (RC roof and ceiling R0.46). - Glazing as per the Building Code of Australia.
g) to facilitate economic growth and employment opportunities within Auburn,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	- Building sealing of the building. - Time switches, thermostats, air dampers and heat transfer equipment.

Clause	Yes	No	N/A	Comment
<p>h) to identify and conserve the natural, built and cultural heritage,</p> <p>i) to provide recreational land, community facilities and land for public purposes.</p>	<p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>A Section J Report addressing energy efficiency is prepared by Aminga Holdings Sustainability Consultants is provided with the development application. The report should be incorporated into the bundle of plans to be approved should the development application be supported.</p> <p>The development will make a major contribution to economic growth and employment opportunities in the area.</p> <p>There will be no impact to existing natural, built or cultural heritage within the locality.</p> <p>No existing recreational land will be affected by the proposal.</p>
<p>1.3 Land to which Plan applies</p> <p>(1) This Plan applies to the land identified on the Land Application Map.</p> <p>Note. Part 23 of Schedule 3 to the State Environmental Planning Policy (Major Development) 2005 applies to certain land identified on the Land Application Map.</p> <p>(2) Despite subclause (1), this Plan does not apply to the land identified on the Land Application Map as “Deferred matter”.</p>	<p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>The plan will apply to the site.</p> <p>Subclause 2 is not applicable to the development application.</p>
<p>1.6 Consent authority</p> <p>The consent authority for the purposes of this Plan is (subject to the Act) the Council.</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The consent authority for this development is the Joint Regional Planning Panel due to the Capital Investment Value of the development being calculated at \$49,821,789 including GST.</p>
<p>1.9 Application of SEPPs and REPs</p> <p>(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.</p> <p>(2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies:</p> <p><i>State Environmental Planning Policy No 1—Development Standards</i></p> <p><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)</p> <p><i>State Environmental Planning Policy No 60—Exempt and Complying Development</i></p>	<p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>The State Policies stated below are not relevant to this application.</p> <p>However, there are a number of State Environmental Planning Policies that are applicable to the development application but these have been addressed earlier in the report.</p>

Clause	Yes	No	N/A	Comment
<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. A survey plan submitted with the development application shows no easements crossing through the site.
(2) This clause does not apply:				
(a) to a covenant imposed by the Council or that the Council requires to be imposed, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) to any prescribed instrument within the meaning of section 183A of the <i>Crown Lands Act 1989</i> , or				
(c) to any conservation agreement within the meaning of the <i>National Parks and Wildlife Act 1974</i> , or				
(d) to any Trust agreement within the meaning of the <i>Nature Conservation Trust Act 2001</i> , or				
(e) to any property vegetation plan within the meaning of the <i>Native Vegetation Act 2003</i> , or				
(f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995</i> , or				
(g) to any planning agreement within the meaning of Division 6 of Part 4 of the 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"/>	
Part 2 Permitted or prohibited development				
2.1 Land use zones				
The land use zones under this Plan are as follows:				
Residential Zones				
R2 Low Density Residential				
R3 Medium Density Residential				
R4 High Density Residential				
Business Zones				
B1 Neighbourhood Centre				
B2 Local Centre				
B4 Mixed Use				
B6 Enterprise Corridor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The land is within zoned B6 - Enterprise Corridor. There are a number of issues that need to be addressed under the Clause.
B7 Business Park				
Industrial Zones				
IN1 General Industrial				

Clause	Yes	No	N/A	Comment
IN2 Light Industrial Special Purpose Zones SP1 Special Activities SP2 Infrastructure Recreation Zones RE1 Public Recreation RE2 Private Recreation Environment Protection Zones E2 Environmental Conservation Waterway Zones W1 Natural Waterways				<p>The applicant is proposing a hotel and it is identified that a hotel is permissible with consent in the zone. Notwithstanding this, the following other land uses and developments form part of the development as follows:</p> <p><u>Commercial tenancies.</u> The plans show thirteen (13) commercial tenancies.</p> <p><u>Function rooms.</u> A function centre is proposed due to the presence of two function rooms that are capable of holding functions such as wedding receptions.</p> <p><u>Hotel.</u> There are numerous rooms that have kitchens and most have at the minimum, kitchenettes. Additionally, the larger rooms or apartment style rooms are provided with laundries which could imply a development for serviced apartments.</p> <p><u>A restaurant.</u> The restaurant is an ancillary component to the complex. If it was to be a standalone use, then it would still be a permissible use with consent in the zone. It is clear that the restaurant forms part of the development and not necessarily a standalone use.</p> <p>A function centre and commercial land uses are not identified as being prohibited in the zone.</p> <p>The applicant is requesting that the hotel complex include rooms that are defined as “Self contained suites”.</p> <p>The permissibility is discussed in greater detail below.</p>
2.3 Zone objectives and land use table (1) The Table at the end of this Part specifies for each zone: (a) the objectives for development, and (b) development that may be carried out without consent, and (c) development that may be carried out only with consent, and (d) development that is prohibited. (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. (3) In the Table at the end of this Part:	<div> <input checked="" type="checkbox"/> </div> <div> <input checked="" type="checkbox"/> </div>	<div> <input type="checkbox"/> </div> <div> <input type="checkbox"/> </div>	<div> <input type="checkbox"/> </div> <div> <input type="checkbox"/> </div>	<p>The zone objectives have been considered during the assessment of the development application.</p>

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

Clause	Yes	No	N/A	Comment
<p>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"/>	
<p>2.6 Subdivision - consent requirements</p> <p>(1) Land to which this Plan applies may be subdivided, but only with consent.</p> <p><u>Notes:-</u></p> <p>1 <i>If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.</i></p> <p>2 <i>Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.</i></p> <p>(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>A subdivision of the land is not proposed. An appropriate condition will be required addressing the need to consolidate the allotments into one large land parcel should the development application be supported.</p>
<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"/>	<p>The development application incorporates the demolition of the industrial / warehouse building as well as the car park on the site.</p> <p>The demolition component of the development forms part of the assessment report for consideration.</p>
<p>Zone B6 Enterprise Corridor</p> <p>1 Objectives of zone</p> <p>To promote businesses along main roads and to encourage a mix of compatible uses.</p> <p>To provide a range of employment uses (including business, office, retail and light industrial uses).</p> <p>To maintain the economic strength of</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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 to the south is discussed later in the report.</p>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A mixed use development is proposed

Clause	Yes	No	N/A	Comment
<p>centres by limiting retailing activity.</p> <p>To provide for residential uses, but only as part of a mixed use development.</p> <p>2 Permitted without consent</p> <p>Nil</p> <p>3 Permitted with consent</p> <p>Building identification signs; Bulky goods premises, 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.</p> <p>4 Prohibited</p> <p>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;</p>	<p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>being a hotel / function centre with commercial suites. There are a number of land uses that will need to be described as follows:-</p> <p><u>Commercial premises:</u></p> <p>The plans show thirteen (13) commercial suites largely facing Parramatta Road to the north and Mons Street to the west. The plans specify each tenancy as "Com" for commercial.</p> <p>The Auburn Local Environmental Plan 2010 defines "Commercial premises" as:-</p> <ul style="list-style-type: none"> - <i>Business premises.</i> - <i>Office premises.</i> - <i>Retail premises.</i> <p>A retail premise is not permitted in the zone but a business premise is permitted with consent. In addition, the Auburn Local Environmental Plan 2010 does not identify an office premise as being prohibited.</p> <p>Thus, if the uses are "Commercial premises" then such uses would be supported. A separate application in the form of a complying development certificate or development application would be required for the fit out of each tenancy and it is at this point in time when the nature of the use of each tenancy can be ascertained.</p> <p><u>Restaurant:</u></p> <p>The restaurant is an ancillary component to the complex and is permissible with consent. If it was to be a standalone use, then it would still be a permissible use with consent in the zone.</p> <p><u>Function centre:</u></p> <p>The Auburn Local Environmental Plan 2010 does not identify a function centre as being a prohibited use / development. Such a development is considered to be permissible with consent.</p> <p><u>Proposed hotel:</u></p> <p>The bulk of the proposed development is defined as Hotel or motel accommodation and commercial premises.</p> <p>Hotel and motel accommodation is</p>

Clause	Yes	No	N/A	Comment
Signage; Tourist and visitor accommodation ; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities.				<p>defined as “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 (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>A hotel is permitted with consent. The plans show most hotel rooms containing kitchens or at the very least kitchenettes. In addition there are many rooms containing laundries and a number of the rooms could be capable of being used as “serviced apartments” which would not be permitted in the zone.</p> <p>The term “Serviced apartment” is not specified under the land use table but the term is defined by the Auburn Local Environmental Plan 2010 and the definition falls under the broader term of “Tourist and visitor accommodation”.</p> <p>The applicant is requesting that the development be supported as “Self contained suites”.</p> <p>Should the use be supported, then certain conditions would be required addressing permissibility as well as specifying that rooms cannot be changed to “Serviced apartments”. In this regard, each room would be required to operate as a hotel room and laundries / washing machines would need to be removed.</p>
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 will need to be consolidated into one allotment should this application be supported. The matter is capable of being addressed as a condition should the development application be supported.
(b) to ensure that subdivision of land is	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
capable of supporting a range of development types.				
(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3A) Despite subclause (3), the minimum lot size for dwelling houses is 450 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3B) Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes 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"/>	
(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 a height limit specified under Clause 4.3(2A)(a) which is specified at 27 metres for hotel developments situated on land edged orange on The Height of Buildings Map (Sheet 006).
(b) to ensure that the height of buildings				

Clause	Yes	No	N/A	Comment
is compatible with the character of the locality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The building has a maximum height of 26.7 metres which has been verified. Thus, the maximum height limit is not breached.
(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"/>	
(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"/>	
(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:				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 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"/>	
To ensure that development intensity reflects its locality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2A) Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) for sites less than 1,300 square metres—0.75:1,				
(b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1,				
(c) for sites that are 1,800 square metres or greater—0.85:1.				
(2B) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows:				
(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) 3:1 for office premises and hotel or motel accommodation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2C) Despite subclause (2), the maximum floor				

Ordinarily, the floor space ratio applicable to the site is 1:1 however an exemption is provided for office and hotel or motel accommodation

Clause	Yes	No	N/A	Comment
<p>space ratio for the following development on land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Floor Space Ratio Map, is as follows:</p> <p>(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and</p> <p>(b) 2:1 for office premises and hotel or motel accommodation.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>being 3:1 as per Clause 4.4 (2B)(b).</p> <p>The development proposed is the type envisaged by the ALEP within the Parramatta Road Precinct.</p>
<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"/>	<p>Exemption provided pursuant to Clause 4.4(2B)(b) of ALEP 2010. The development is acceptable in this regard.</p> <p>The floor space ratio of the development is calculated at 21,274.6 square metres or 2.878:1 and thus compliance is achieved.</p> <p>It is identified that the floor space ratio of the entire development remains under 3:1.</p> <p>The land is within zone B6 Enterprise Corridor and located within the Parramatta Road Precinct. The site is not situated within the Silverwater Road Precinct. The clause is not applicable to the development application.</p> <p>Finally, the site is not situated within the Commercial Precinct.</p>
<p>4.5 Calculation of floor space ratio and site area</p> <p>(1) Objectives</p> <p>The objectives of this clause are as follows:</p> <p>(a) to define floor space ratio,</p> <p>(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:</p> <p>(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and</p> <p>(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and</p> <p>(iii) require community land and public places to be dealt with separately.</p> <p>(2) Definition of “floor space ratio”</p> <p>The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site area.</p> <p>(3) Site area</p> <p>In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p>(a) if the proposed development is to be carried out on only one lot, the area of that lot, or</p> <p>(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.</p> <p>In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>(4) Exclusions from site area</p> <p>The following land must be excluded from the site area:</p> <p>(a) land on which the proposed development is prohibited, whether under this Plan or any other law,</p> <p>(b) community land or a public place (except as provided by subclause (7)).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development is permitted.
<p>(5) Strata subdivisions</p> <p>The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Strata subdivision is not proposed.
<p>(6) Only significant development to be included</p> <p>The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Only the lots affected by the development are included in the floor space ratio calculation.
<p>(7) Certain public land to be separately considered</p> <p>For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(8) Existing buildings</p> <p>The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
ratio, whether or not the proposed development relates to all of the buildings.				
<p>(9) Covenants to prevent “double dipping”</p> <p>When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(10) Covenants affect consolidated sites</p> <p>If:</p> <p>(a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and</p> <p>(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,</p> <p>the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<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</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The clause will not be applicable to the application. The development does not contravene any applicable development standards.</p>

Clause	Yes	No	N/A	Comment
by demonstrating:				
Part 5 Miscellaneous provisions				
5.3 Development near zone boundaries				
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The provisions of the clause are not applicable to this application.
(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) This clause does not apply to:				
(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) land within the coastal zone, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) land proposed to be developed for the purpose of sex services or restricted premises.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the development is not inconsistent with the objectives for development in both zones, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) This clause does not prescribe a development standard that may be varied under this Plan.				
5.4 Controls relating to miscellaneous permissible uses				
(1) Bed and breakfast accommodation				No miscellaneous uses included in the proposal.
If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the <i>Building Code of Australia</i> .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p>(2) Home businesses</p> <p>If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(3) Home industries</p> <p>If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(4) Industrial retail outlets</p> <p>If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:</p> <p>(a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or</p> <p>(b) 400 square metres,</p> <p>whichever is the lesser.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(5) Farm stay accommodation</p> <p>If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(6) Kiosks</p> <p>If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 10 square metres.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(7) Neighbourhood shops</p> <p>If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(8) Roadside stalls</p> <p>If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 8 square metres.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(9) Secondary dwellings</p> <p>If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:-</p> <p>(a) 60 square metres,</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
(b) 25% of the total floor area of the principal dwelling.				
5.6 Architectural roof features				
(1) The objectives of this clause are:				
(a) To ensure that any decorative roof element does not detract from the architectural design of the building, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no distinct architectural roof features proposed within the development.
(b) To ensure that prominent architectural roof features are contained within the height limit.				Notwithstanding the matter, the roof of the building complex is flat but do contain access points being lifts and common space including gardens.
(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"/>	The roof level situated between the east and west wings of the building facing Parramatta Road incorporates a swimming pool which is 1.2 metres deep as well as gardens and open space areas.
(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"/>	There is another open space area situated across the roof of the restaurant at Level one.
(a) the architectural roof feature:				
(i) comprises a decorative element on the uppermost portion of a building, and				
(ii) is not an advertising structure, and				
(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and				
(iv) will cause minimal overshadowing, and				
(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.				
5.8 Conversion of fire alarms				
(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Compliance with the Building Code of Australia is required for the development.
(2) The following development may be carried out, but only with development consent:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) converting a fire alarm system from connection with the alarm monitoring system of	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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

Clause	Yes	No	N/A	Comment
the carrying out of the activity for which a permit was sought.				
(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) that is or forms part of a heritage item, or that is within a heritage conservation area, or (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 type="checkbox"/> <input type="checkbox"/>	<input checked="" 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				
(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the <i>Native Vegetation Act 2003</i>) that is authorised by a development consent under the provisions of the <i>Native Vegetation Conservation Act 1997</i> as continued in force by that clause, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the <i>Forestry Act 1916</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) action required or authorised to be done by or under the <i>Electricity Supply Act 1995</i> , the <i>Roads Act 1993</i> or the <i>Surveying and Spatial</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p><i>Information Act 2002, or</i></p> <p>(e) plants declared to be noxious weeds under the <i>Noxious Weeds Act 1993</i>.</p> <p>Note. Permissibility may be a matter that is determined by or under any of these Acts.</p> <p>(9) Not adopted</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>5.9AA Trees or vegetation not prescribed by development control plan</p> <p>(1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.</p> <p>(2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>5.10 Heritage conservation</p> <p>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.</p> <p>(1) Objectives</p> <p>The objectives of this clause are:</p> <p>(a) to conserve the environmental heritage of Auburn, and</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and</p> <p>(c) to conserve archaeological sites, and</p> <p>(d) to conserve places of Aboriginal heritage significance.</p> <p>(2) Requirement for consent</p> <p>Development consent is required for any of the following:</p> <p>(a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,</p> <p style="padding-left: 40px;">(i) a heritage item.</p> <p style="padding-left: 40px;">(ii) An Aboriginal object.</p> <p style="padding-left: 40px;">(iii) A building, work, relic or tree within a heritage conservation area.</p> <p>(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,</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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 not close to a heritage item or a site listed within the Auburn Local Environmental Plan 2010.</p>

Clause	Yes	No	N/A	Comment
(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,				
(d) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,				
(e) erecting a building on land:				
(i) on which a heritage item is located or that is within a heritage conservation area or,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,				
(f) subdividing land on which a heritage item is located or that is within a heritage conservation area.				
(i) on which a heritage item is located or that is within a heritage conservation area or,				
(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,				
(3) When consent not required				
However, consent under this clause is not required if:				
(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or				
(b) the development is in a cemetery or burial ground and the proposed development:				
(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) would not cause disturbance to human remains, relics, Aboriginal objects in				

Clause	Yes	No	N/A	Comment
the form of grave goods, or to a place of Aboriginal heritage significance, or				
(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) the development is exempt development.				
(4) Effect on heritage significance				
The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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				

Clause	Yes	No	N/A	Comment
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 (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				The site lies over land given "Class 5"

Clause	Yes	No	N/A	Comment												
that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	for Acid Sulfate Soils but lies some 450 metres from land given another Class.												
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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.</p> <p>The basement level is to be at RL 3.5 metres. The degree of excavation is as much as 11 metres below the natural ground level and at a point where acid sulphate soils could in theory be encountered.</p> <p>A Phase Two Environmental Site Assessment has been prepared by Benviron Group which is dated May 2014. The report suggests on Page 56 of 73 under Part 12.3 that groundwater was not encountered during the site investigation and is unlikely to be a cause of concern for the site.</p> <p>The report outlines on Page 22 of 73 a review of the site and soil profile indicates that there is no known occurrence of acid sulphate soil materials.</p> <p>Furthermore, during site investigations, no indicators of acid sulphate soils were identified (Page 22 of 73).</p> <p>The development is acceptable in this regard.</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.				
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.															
(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
(4) Despite subclause (2) Development consent is not required under this clause for the carrying out of works if:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and																
(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.																
(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													

Clause	Yes	No	N/A	Comment
works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):				
(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,				
(b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),				
(c) minor work, being work that costs less than \$20,000 (other than drainage work).				
(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or				
(b) the works are likely to lower the watertable.				
6.2 Earthworks				
(1) The objectives of this clause are as follows:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Development consent is required for the proposed basement level excavation.
(a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land,				
(b) to allow earthworks of a minor nature without separate development consent.				
(2) Development consent is required for earthworks, unless:				A significant amount of excavation will be undertaken to a maximum depth of 11 metres below the natural ground level to a minimum level of 3.5 metres AHD. It is estimated that some 64,400 cubic metres of spoil will be excavated from the site to facilitate the construction of the basement car park to support the development.
(a) the work does not alter the ground level (existing) by more than 600 millimetres, or				
(b) the work is exempt development under this Plan or another applicable environmental planning instrument, or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The excavation is not designated development on the basis that it is ancillary to the primary development and it is not independent of that other development.
(c) the work is ancillary to other development for which development consent has been given.				
(3) Before granting development consent for earthworks, the consent authority must consider the following matters:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or of the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p> <p>Note. The <i>National Parks and Wildlife Act 1974</i>, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.</p>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>A geotechnical statement has been provided with the development application from SMEC Testing Services Pty Ltd. The statement suggests that the soils of the site consist of natural silty clays to a depth of 2 to 3 metres with weathered shale underlying the silty clay layer.</p> <p>The excavation work will be close to the property boundaries and some form of temporary support will be required. Concrete piles or shotcrete infill would be required.</p> <p>It is suggested that minimal if any groundwater seepage will be encountered.</p> <p>The statement provides for a small number of recommendations during excavation.</p> <p><u>Other comments:</u></p> <p>The proposed excavation is not anticipated to disrupt local drainage patterns.</p> <p>The proposed development is in accordance with the desired future character of the Parramatta Road Precinct.</p> <p>Should the application be approved, appropriate conditions will be imposed to ensure that all fill taken from the site are taken to an approved landfill site.</p> <p>Should the application be approved, appropriate noise, construction and traffic control conditions will be imposed to ensure minimal impact on the amenity of adjoining uses.</p> <p>Soil has been tested in accordance with SEPP 55 requirements. All off site soil disposal to be to an approved landfill site.</p> <p>The site is not identified as a potential archaeological site.</p> <p>There are no waterways or environmentally sensitive areas in vicinity of the site.</p>
<p>6.3 Flood planning</p> <p>(1) The objectives of this clause are:</p> <p>a) to minimise the flood risk to life and property associated with the use of land,</p> <p>b) to allow development on land that is</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The site is not identified as being flood prone as per the maps in the ALEP 2010. This clause is not applicable to the development.</p>

Clause	Yes	No	N/A	Comment
<p>compatible with the land's flood hazard, taking into account projected changes as a result of climate change, to avoid significant adverse impacts on flood behaviour and the environment.</p> <p>c) This clause applies to:</p> <p>a) land that is shown as "Flood planning area" on the Flood Planning Map, and</p> <p>b) other land at or below the flood planning level.</p> <p>(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>a) is compatible with the flood hazard of the land, and</p> <p>b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the NSW Government's Floodplain Development Manual published in 2005, unless it is otherwise defined in this clause.</p> <p>In this clause:</p> <p>flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.</p> <p>Flood Planning Map means the Auburn Local Environmental Plan 2010 Flood Planning Map.</p>				
<p>6.4 Foreshore building line</p> <p>(1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.</p> <p>(2) This clause applies to land identified as below the foreshore building line on the Foreshore Building Line Map.</p> <p>(3) Development consent must not be granted for development on land in the foreshore area except for the following purposes:</p> <p>(a) the extension, alteration or rebuilding of</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is not affected by a foreshore building line

Clause	Yes	No	N/A	Comment
an existing building wholly or partly in the foreshore area,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoor).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that:				
(a) the development will contribute to achieving the objectives for the zone in which the land is located, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) the development is not likely to cause environmental harm such as:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(i) pollution or siltation of the waterway, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iii) an adverse effect on drainage patterns, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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"/>	

Clause	Yes	No	N/A	Comment
6.5 Essential Services				
<p>(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage.</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable road access.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The listed services are currently available to the site.</p> <p>Should the development be approved conditions will be imposed requiring that all services be augmented as necessary in accordance with service provider requirements.</p> <p><u>Electricity Substation</u></p> <p>It is likely that an electricity substation will be required to support the new development as well as a fire hydrant booster system.</p> <p>There is a room labelled "Services" situated at the south east corner of the building on the Ground Level facing towards Ostend Street. The plans suggest a design conducive for the placement of such services for the building and the position of the room is considered appropriate for the building.</p>
Schedule 1 Additional permitted uses "Nil"				

Summary of variations to the Auburn Local Environmental Plan 2010

Comments:

The relevant matters have been discussed in the table above and it is considered that no further assessment is required.

Other Matters

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

It is important that the development fits the locality in relation to height and scale. It is identified that the dwellings to the south on land zone R2 Low Density Residential can only be rebuilt to a maximum height of 9 metres or two storeys.

The development has been stepped down from 8 storeys close to Parramatta Road to 4 storeys towards the rear to provide suitable transition to the lower scale development towards the south.

This in turn reduces the shadow impact towards the south. In addition, a 12.4 metre setback is provided from the southern property boundary and this area is expected to be planted with trees and other vegetation.

Council's development controls encourage 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 that 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 should be considered which includes overlooking, overshadowing, noise and traffic.

Overlooking

The impact of overlooking towards the south is mitigated by:-

- Providing a 12.4 metre setback between the property boundary and the building line. This enables the area to be landscaped with appropriate tree species that screens the building.
- The upper levels of the building being setback further from the southern property boundary from 12.8 metres to 32 metres.
- Providing screening in the form of planter boxes to the terraces that are oriented towards the south.

Overshadowing

The dwelling houses at Number 67 Ostend Street and 68 Mons Street would be most impacted by overshadowing by any large development across the site.

It is determined that shadowing to the south at Number 67 Ostend Street is not unreasonable given that:-

- An east facing lounge room of that dwelling house will be affected by shadowing during the morning period but a west facing family room is not adversely affected by shadowing.
- The rear lawn is not adversely affected by shadowing especially from late morning through to the late afternoon period.
- The north facing part of the roof of the dwelling house is substantially shaded during the morning period but a section of roof is in sunlight. From late morning onwards, the roof of the dwelling is largely free from shadowing.

Overall, a minimum of 3 hours of sunlight is achieved during winter.

It is determined that shadowing at Number 68 Mons Street is within acceptable limits. In this regard:-

- Much of the dwelling house and rear lawn is in sunlight from late morning to 3 pm.
- No adverse shadowing is identified.

Noise and traffic

The Roads and Maritime Services and Council's development engineer have 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 require an appropriate condition requiring the applicant to comply with the recommendations of the two Acoustic Reports as discussed earlier in the report.

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 suggested 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 4 storeys towards the south which is considered appropriate to avoid an abrupt change to building height. This reduces the visual change towards the south which is further reduced via the inclusion of a landscaped buffer along the southern side of the site.

Furthermore the proposed landscaping along the boundary includes a mix of tall shrubs (up to 8m high) and trees (up to 15m high) will assist in creating screening and differentiation between the Enterprise Corridor zone and the R2 - Low Density Residential zone.

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

Following from above, it is considered that the development satisfies the Planning Principles established by the Land and Environment Court relating to assessment of compatibility of surrounding development.

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

There are no draft planning instruments that will apply to the development application.

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

Auburn Development Control Plan 2010 - Industrial Areas

The relevant objectives and requirements of the development control plan for industrial areas have been considered in the following assessment table:

Requirement	Yes	No	N/A	Comments
1.0 Introduction				
1.1 Development to which this Part applies				
<p>This Part applies to land zoned:</p> <ul style="list-style-type: none">IN1 General Industrial,IN2 Light Industrial,B6 Enterprise Corridor andB7 Business Park <p>under the <i>Auburn LEP 2010</i>. In the case of the Carter Street Precinct, only Sections 8.0 and 9.0 apply.</p>	<div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input type="checkbox"/></div>	<div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div>	<div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input checked="" type="checkbox"/></div>	<p>The site is zoned B6 - Enterprise Corridor under the Auburn Local Environmental Plan 2010.</p>
2.0 Built Form				
Objectives				
<p>a. To ensure that the form, scale, design and nature of development maintains and enhances the streetscape and visual quality of industrial areas.</p>	<div><input checked="" type="checkbox"/></div>	<div><input type="checkbox"/></div>	<div><input type="checkbox"/></div>	<p>The design is acceptable and in accordance with the suggestions made in the correspondence dated 13 February 2014.</p>
<p>b. To ensure that the scale of any new industrial development is compatible with surrounding industrial buildings.</p>	<div><input type="checkbox"/></div>	<div><input type="checkbox"/></div>	<div><input checked="" type="checkbox"/></div>	<p>Generally a strong urban edge is created towards Parramatta Road with the two corners at either end of the development presented with eight storey building elements. The development tapers down to a maximum height of 4 storeys at the rear which provides a satisfactory transition to the low density residential land use towards the south.</p>
<p>c. To ensure the intensity of development recognises the environmental constraints of the site and its locality.</p>	<div><input checked="" type="checkbox"/></div>	<div><input type="checkbox"/></div>	<div><input type="checkbox"/></div>	
Performance criteria				
<p>P1 The built form of proposed development is consistent with the existing character of the locality.</p>	<div><input checked="" type="checkbox"/></div>	<div><input type="checkbox"/></div>	<div><input type="checkbox"/></div>	<p>It is considered that the development is satisfactory when reviewed under the Planning Principle - Compatibility in the Urban Environment [Project Venture Developments v Pittwater Council</p>

				(2005); NSWLEC 191] described above.
				An industrial / warehouse building is not proposed.
Development controls				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.
D1 Buildings shall be designed to:				
• introduce variations in unit design within building groups.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• introduce solid surfaces, preferably masonry, incorporate horizontal and vertical modulation including windows in appropriate proportions and configurations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is however permissible on the subject site and is considered appropriate for the reasons detailed earlier in the report.
• 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"/>	The building complex 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 has an acceptable appearance to the locality.
D2 On corner sites, the building reinforces the corner by massing and facade orientation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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"/>	A material sheet has been provided with the information package which is considered to be satisfactory. In particular, building materials suggested for the development includes:- Timber especially for portions of the porte cochere element facing Mons Street. Some of the proposed louvres and screening devices are to be finished with timber screens.
Development for hotel and motel accommodation and office premises on land zoned B6 Enterprise Corridor on Parramatta Road shall be a maximum of six (6) storeys.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Excluding the glazed elements, the development will be constructed of masonry material (concrete) which in turn will be rendered a grey colour (Plans Show Jolly Roger) and a white colour (Akimbo). Generally, the would have the following colours:- <ul style="list-style-type: none"> • Grey. • White. • Brown. • Glazing (Windows and awnings). • Aluminium (Louvres). • Timber soffits.
				<u>Height of the development</u> The development is up to eight storeys in height. In this regard, the east and west building wings reach eight storeys in height.

				<p>The development height standard for office and hotel accommodation within Parramatta Road Precinct under the ALEP 2010 is 27 metres.</p> <p>The Industrial Areas section of the DCP state that the maximum number of stories for this development is to be 6 storeys. A variation is identified but it is identified that the eight storey building including the lift over runs is achieved within the twenty seven (27) metre height limit.</p> <p>Further to this point, the eight storey elements are relatively limited in extent to the east and west wings of the building complex and much of the building is lower in height.</p>
3.0 Streetscape and Urban Character				
Objectives				
a. To ensure that all new development is compatible with the existing and intended future character of the locality in which it is located.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The scale of the development is considered appropriate with regards to the intended future desired character of Parramatta Road Precinct.
b. To promote industrial development which is both functional and attractive in the context of its local environment through appropriate design.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	An industrial development is not proposed.
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3.1 Streetscape				
Performance criteria				
P1 The appearance of the development is consistent with the streetscape of the locality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.
P2 Development conserves and enhances the visual character of the street particularly in relation to architectural themes, landscape themes and fencing styles.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There is a defined porte cochere design element on the western side of the hotel which is designed to allow pick up and drop offs at the main door of the hotel. The structure allows vehicles to be driven to the main front door of the building complex from the street. Such design will require two driveways from Mons Street to be constructed.
Development controls				
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A front fence is not proposed on any road frontage.

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"/>	The design of the building incorporates facades with visual variety in materials and form. As discussed elsewhere, the design and appearance of the development is in accordance with Council's recommendation specified in correspondence of 13 February 2014.
D3 Facades of proposed infill development located in established industrial areas shall reflect the style and architecture of adjoining buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D4 Architectural features shall be included in the design of new buildings to provide for more visually interesting industrial areas, including:				
• elements which punctuate the skyline;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The building is modulated with the provision of recesses and distinctive pedestrian entrance to the hotel lobby from Mons Street.
• distinctive parapets or roof forms;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• visually interesting facades;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The east and west elevations step down from Parramatta Road to no more than four storeys in height. This reduces the mass and bulk of the building presented to the side streets which in turn reduces the impact to the residents immediately to the south of the site.
• architectural emphasis on the built form; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• a variety of window patterns.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.2 Front setbacks				
D1 New buildings within industrial areas shall have a minimum front setback of:				The development is setback 4.2 to 6.6 metres from Parramatta Road being the setback to the walls from the front property boundary.
• 4.5m from other roads, and	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The development generally follows the correct setback except at the front of proposed Tenancy Numbered "COM 4" where the setback briefly drops to 4.2 metres. The variation is limited to a 4 metre section of the building.
• 0m from laneways.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
In the case of a corner allotment, the setback to the secondary road shall be 3m.				
D1 Front setback areas shall not be used for car parking, storage or display of goods.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The maximum variation is 300 mm but varies from 0 mm to 300 mm. Generally, there is a stepping effect presented along the Parramatta Road frontage to achieve the 4.5 metre setback as much as possible. The small variation is not considered excessive. The upper levels are generally setback 4.5 metres or more from the property boundary although there are a small number of balconies that partially encroaches into the setback area but by no more than 500 mm. The variation is considered to be minor and having little or no adverse impact to the streetscape or locality.

				<u>Side setbacks:</u> The setbacks from Mons Street and Ostend Street are 3 metres respectively which is satisfactory. The setbacks are taken to the balconies and blade walls of the building.
3.3 Side and rear setbacks				
Performance criteria				
P1 Developments are separated to minimise operational constraints imposed by one industrial use upon an adjacent industrial use.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed setbacks considered appropriate given the use of the building for office and hotel accommodation.
P2 New development facilitates foreshore access to Duck River.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Development controls				
D1 Buildings may be built on a nil side or rear setback except where a setback is required to screen buildings from:				The building has a rear setback of 12.4 metres. The large setback is necessary to reduce the impact of the development onto the residential properties to the south such as shadowing and to improve the degree of privacy between the two differing land uses. The rear setback has been addressed earlier in the report and considered to meet the relevant Planning Principles as discussed.
• public places;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• adjoining residential properties;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• other sensitive land uses;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• where rear access is required; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• where land adjoins the M4 Motorway.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
In such circumstances a 4.5m landscape setback is required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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"/>	
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 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 checked="" type="checkbox"/>	Landscaping provided is considered appropriate given the proposed use of the building and its location along Parramatta Road.
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"/>	
c. To ensure that the location and design of driveways, parking and servicing areas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

are efficient, safe, convenient and suitably landscaped.			
Performance criteria			
P1 Landscaping forms an integral part of the overall design concept.	<input checked="" 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"/>
P3 Landscaped areas provide for passive/recreational use of workers of industrial areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P4 Landscape reinforces the architectural character of the street and positively contributes to maintaining a consistent and memorable character.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development controls			
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 car parks.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Note: Applicants shall refer to Council's Policy on Crime Prevention Through Environmental Design (CPTED).			
<p>A substantial landscape buffer is provided along the southern side of the site to separate the building from the residential area to the south. The landscape buffer is required to screen the building and to provide a sense of privacy between competing building elements.</p> <p>The car park area is situated within a basement area which is not directly visible from the street.</p> <p>The plans show landscaping at grade and it is calculated that 1,258 square metres of landscaping is provided on site. This equates to 17% of the site being landscaped.</p> <p>The landscaping is situated across the car park podium and hence there is no "Deep soil zone" provided on site. The basement car park occupies the entire footprint of the site and there is no room for deep soil zone.</p> <p>The development will require substantial supports and water proofing membranes to prevent water seepage into the basement car park below. Further, the</p>			

<p>D9 Landscaping shall allow sufficient line of sight for pedestrians, cyclist and vehicles.</p> <p>D10 Paving and other hard surfaces shall be consistent with architectural elements.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>podium will be supporting a substantial weight of soil above due to soil depths in excess of 600 mm.</p> <p><u>Crime risk report</u></p> <p>A crime risk report has been submitted with the application. The report was referred to NSW Police who has raised no objection to the proposed development subject to imposition of conditions on any consent that may be issued.</p>
<p>5.0 Access and Car Parking</p>			
<p>Objectives</p> <p>a. To ensure that all car parking demands generated by any particular industrial development are accommodated on the development site.</p> <p>b. To ensure that the provision of off-street car parking facilities do not detract from the visual character, particularly the streetscape of an industrial area.</p> <p>c. To ensure that road access facilities are commensurate with the scale and extent of the proposed development and compatible with the surrounding traffic network.</p>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>The plans show a development with two basement levels and as well as an enclosed car park level at grade for a total of 522 vehicles.</p> <p>The plans show:-</p> <ul style="list-style-type: none"> - Basement Level One 237 car parking spaces. - Basement Level Two 233 car parking spaces. - At grade enclosed or basement 52 car parking space. <p>This is a development that requires assessment by the Roads and Maritime Services because the development is one which is affected by the requirements of State Environmental Planning Policy Infrastructure 2007.</p> <p>The detailed car parking needs for the development area provided below.</p>
<p>5.1 Access and car parking requirements</p> <p>Applicants shall refer to the Parking and Loading Part for parking and access requirements.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The car parking needs for the development are specified below.</p> <p>There are 279 hotel rooms which will require 279 car parking spaces.</p> <p>The commercial premises will occupy 1,019 square metres which will require 25.4 car parking spaces.</p> <p>There are two function rooms within the development. The lower ground function room will require 74 spaces at the higher figure.</p> <p>The ground floor function room will require 127 car spaces at the higher figure.</p> <p>The restaurant will require 16 spaces at the higher figure. This figure excludes the external seating arrangements. Only the internal seating arrangements require car</p>

				parking. The applicant suggests 20 staff and hence 10 additional spaces are required. Total number of spaces required: The total number of spaces required to meet the various components is calculated at 531.4 spaces or 532 when rounded up. There is a minor shortfall of 10 spaces. The shortfall is determined as being minor given the size and scale of the development. It is identified that the development application has received support from the Roads and Maritime Services and Council's engineer. There is no objection to the minor shortfall identified.
5.2 Service areas				
Performance criteria				
P1 Garbage collection is carried out wholly within the site. Suitable collection points within the site are provided at convenient locations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A waste area is provided adjacent to the Loading zone. The bins are provided for the commercial tenancies and for the hotel complex.
Development controls				
D1 In the design of industrial developments, consideration shall be given to the design of garbage storage areas, and other waste provisions held in the Waste Part of this DCP.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There is room available for manoeuvring trucks and medium rigid vehicles within the site.
6.0 Stormwater Drainage				
Applicants shall consult the Stormwater Drainage Part of this DCP for stormwater drainage requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stormwater Drainage is determined as being satisfactory for the development.
7.0 Energy Efficiency and Water Conservation				
Objectives				
a. To encourage a high standard of environmental design within new and existing industrial areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A report has been submitted with the application to ensure energy efficient and water conservation principles are incorporated into the overall design of the building. Should the application be recommended for approval, this will be reinforced by appropriate conditions.
b. To minimise energy use in buildings while creating a comfortable working environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. To give greater protection to the natural environment by reducing the amount of greenhouse gas emissions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d. To reduce the consumption of non-renewable energy sources for the purposes of heating water, lighting and temperature control.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

e. To minimise potable water mains demand of non residential development by implementing water efficiency measures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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"/>	<p>A 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>A Section J Report addressing energy efficiency is prepared by Aminga Holdings Sustainability Consultants is provided with the development application. The report should be incorporated into the bundle of plans to be approved should the development application be supported.</p>
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"/>	
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"/>	
D7 Roofs and walls shall be well insulated in office components of buildings to reduce winter heat loss and summer heat gain.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D8 Low energy lighting shall be used.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D9 Energy efficient appliances, fittings and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>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 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"/>	<p>Skylights have been used in the development where appropriate. The plans show a covered link on the Ground Floor being provided with skylights to lessen the use of artificial lighting within the building.</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 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 checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input 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 checked="" type="checkbox"/> <input type="checkbox"/>	<p>It is considered that the development meets the Objectives of Part 7.3.</p> <p>A 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>The Section J Report specifies that the new hot water service shall be designed in accordance with Section 8 of AS/NZ 3500.4.</p>
<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>An 18,000 litre rainwater tank is proposed to be installed within the development site.</p>
<p>P2 Stormwater runoff is reduced.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>Development controls</p>				
<p>D1 Rainwater tanks installed above ground or underground shall meet the relevant Australian Standards.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<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>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Underground rainwater tank proposed.</p>
<p>D3 Above ground rainwater tanks installed shall not be visible from a primary road frontage and shall not be visually dominant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<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>Should the application be recommended for approval appropriate condition will be imposed to address the matter.</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>An acoustic report prepared by Acoustic Solutions (Reference Number 2013-357) and dated 6 September 2013 has been submitted with the development application. A number of recommendations are made on Page 8 of the report. The report would be incorporated into any consent that may be issued.</p>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>An acoustic report prepared by Acoustic Solutions (Reference Number 2013-357) and dated 27 June 2014 has been submitted with the development application to address the internal noise likely to be generated by the development. Should the development application be supported, then the report to be incorporated into the consent that is issued.</p>
8.1 Hours of operation				
<p>Performance criteria</p>				
<p>P1 The hours of operation are managed to ensure residential amenity is protected.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed use will effectively be a 24 hour daily operation mainly due to the hotel accommodation complex.</p>
<p>Development controls</p>				
<p>D1 Where an industrial site is located adjacent to or within 200m of a residential zoned area or where in the opinion of Council truck movements associated with the industry will intrude on residential streets, hours of operation shall generally</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The commercial tenancies would have shorter hours of operation but no specific use of the tenancies is proposed. The fit out and use of the tenancies would need to be addressed as separate development applications or Complying Development Certificates.</p>

<p>be restricted to 7:00am to 6:00pm Monday to Saturday.</p> <p>Note: Where an extension to these hours is required due to the nature of the activities to be undertaken, a detailed submission shall be lodged with Council demonstrating how environmental impacts can be minimised to acceptable levels if the extended hours of operation are approved.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>8.2 Noise</p> <p>Performance criteria</p> <p>P1 Development minimises the possibility of noise to the occupants of adjoining or neighbouring dwellings. The use of premises, any plant, equipment and building services associated with a premise does not create an offensive noise or add significantly to the background noise level of a locality.</p> <p>P2 Where practicable, sources of noise such as garbage collection, machinery, parking areas and air conditioning plants are sited away from adjoining properties and, where necessary screened by walls or other acoustical treatment.</p> <p>Development controls</p> <p>D1 All development applications for potential noise generating industries adjacent to residential zoned land shall be accompanied by relevant documentation from a qualified acoustic engineer. The documentation shall also comply with the relevant Acts, Regulations, Australian Standards and guidelines by the NSW Department of Environment, Climate Change and Water (DECCW) below, as applicable for noise, vibration and quality assurance.</p> <ul style="list-style-type: none"> • NSW Industrial Noise Policy • Interim Construction Noise Guideline • Noise from Rail Infrastructure Projects • Environmental Criteria for Road Traffic Noise. 	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>Both acoustic reports prepared by Acoustic Solutions make recommendations for addressing internal and external noise. The matter of noise is addressed earlier in the report.</p> <p>The development application submission addresses noise sources. A number of conditions will be required should development consent be issued addressing noise.</p>
<p>8.3 Storage yards</p> <p>Performance criteria</p> <p>P1 Unsightly storage yards are not established within industrial areas of the Auburn local government area.</p> <p>Development controls</p> <p>D1 Storage yards, junk yards or waste depots shall be screened by suitable fencing to a height of 2.5m and setback 4.5m from any street alignment and will</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>A storage yard or a waste depot is not proposed.</p>

require: <ul style="list-style-type: none"> • suitable site sealing; • runoff and silt trap controls; and • dense screen landscaping between the street alignment and the fence. 	<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"/>	
8.4 Air pollution Performance criteria P1 Any machinery or processes used should not result in air pollution emissions that have a detrimental impact on the environment. Development controls D1 Details of any equipment, processes and air pollution control or monitoring equipment shall be submitted to Council with a development application. D2 All spray painting shall be carried out in a spray booth constructed and ventilated in accordance with the relevant Australian Standards.	<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"/>	It is recommended that conditions be imposed on any consent issued requiring the development to comply with the Protection of the Environment Operations Act.
8.5 Water pollution Performance criteria P1 Development incorporates discharge systems designed to minimise the discharge of pollutants into the waste water and stormwater system. Development controls 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.	<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"/>	It is recommended that conditions be imposed on any consent issued requiring the development to comply with the Protection of the Environment Operations Act.
8.6 Dangerous goods and hazardous materials Performance criteria P1 Development incorporates measures needed to protect the community from dangerous or hazardous goods storage and hazardous processes or uses. Development controls 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: <ul style="list-style-type: none"> • application guidelines published by the Department of Planning relating to hazardous and offensive development; 	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	The development is not identified as being potentially hazardous. Subpart 8.6 will not apply to the development application.

<p>and</p> <ul style="list-style-type: none"> 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"/>	
9.0 Subdivision				
Objectives				
<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 development of the land having regard to site opportunities and constraints.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A subdivision of the land is not proposed.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9.1 Lot sizes and access				
Performance criteria				
<p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>A consolidated site area of 7,389.7 square metres is provided. The site has the following dimensions:-</p> <ul style="list-style-type: none"> 80.73 metres to Parramatta Road occupying the entire block between the intersection of Ostend Street to the east and Mons Street to the west. 80.46 metres along the southern boundary. 88.97 metres along the eastern boundary. 95 metres along the western boundary. <p>Should the application be supported, then an appropriate condition would be required addressing the consolidation of allotments onto one parent allotment.</p> <p>There is no direct vehicle access from Parramatta Road.</p>
<p>D1 The minimum average width shall be 30m.</p> <p>Direct access onto state roads shall not be granted unless presently provided or if an alternative vehicular access point is unavailable.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>D2 New lots shall remove or reduce vehicular driveways and access points to main or arterial roads where alternatives are available.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9.2 Utility services				
Performance criteria				
<p>P1 All proposed allotments are able to be connected to appropriate public utility services including water, sewerage, power</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Services are provided to the site although it is expected that certain services would need to be augmented

and telecommunications in an orderly, efficient and economic manner.				to support the development.
Development controls				
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"/>	<u>Electricity Substation</u>
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"/>	It is likely that an electricity substation will be required to support the new development as well as a fire hydrant booster system.
				There is a room labelled "Services" situated at the south east corner of the building on the Ground Level facing towards Ostend Street. The plans suggest a design conducive for the placement of such services for the building and the position of the room is considered appropriate for the building.
10.0 Newington Business Park provisions - Not Applicable				

Auburn Development Control Plan 2010 - Parking and Loading

The parking and loading provisions of the development control plan requires the following for office, function centre and hotel or motel accommodation:-

1 space for each hotel room;
+ 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 / retail use.

Function Centre - The greater of 15 spaces per 100 square metres gross floor area or 1 space per 3 seats.

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

For 279 hotel rooms - 279 car parking spaces.

For commercial premises occupying 1,019 square metres 25.4 car parking spaces.

Function rooms and restaurant

- The lower ground function room will require 74 spaces at the higher figure.
- The ground floor function room will require 127 car spaces.
- The restaurant will require 16 spaces at the higher figure.
- The applicant suggests 20 staff and hence 10 additional spaces are required.

The total number of spaces required to meet the various components is calculated at 532 spaces. With 522 spaces provided in the development, it is identified that there is a shortfall of 10 spaces which is not considered to be excessive.

Comments

The relevant objectives and requirements of the Parking and Loading provisions of the development control plan 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"/>	A minor shortfall of car parking spaces is identified but given the size of the development and the nature of the mixed uses involved, it is determined that the shortfall is minor and not impacting on the functioning of the building complex.
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"/>	The comments provided above are relevant to this Part.
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"/>	
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"/>	A minor shortfall of car parking spaces is identified but given the size of the development and the nature of the mixed uses involved, it is determined that the shortfall is minor and not impacting on the functioning of the building complex
D2 That in circumstances where a land use is not defined by this plan, the application shall be accompanied by a detailed parking assessment prepared by a suitably qualified professional which includes: <ul style="list-style-type: none"> • A detailed parking survey of similar establishments located in areas that demonstrate similar traffic and parking demand characteristics; • Other transport facilities included in the development; • Anticipated traffic generation directional distribution and nature of impacts expected; • An assessment as to whether the precinct is experiencing traffic and on-street parking congestion and the implications that development will have on existing situation; • An assessment of existing public transport networks that service the site, particularly in the off-peak, night and weekend periods and initiatives to encourage its usage; • Possible demand for car parking space from adjoining localities; • Occasional need for overflow car parking; and • Requirements of people with a limited mobility, sensory impairment. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3.0 Design of parking facilities				

<p>D1 Access driveways and circulation roadways shall be design to comply with sight distance requirements specified in AS2890 - Parking Facilities.</p> <p>D2 Obstruction/fences shall be eliminated to provide adequate sight distances.</p>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	
<p>3.4 General parking design</p> <p>Performance criteria</p> <p>P1 Parking facilities are designed in a manner that enhances the visual amenity of the development and provides a safe and convenient parking facility for users and pedestrians.</p> <p>P2 The site layout enables people with a disability to use one continuously accessible path of travel:</p> <ul style="list-style-type: none"> • To the site from the street frontage; • To individual or main car parking areas; and • To all buildings, site facilities and communal open space. <p>Development controls</p> <p>D1 Visual dominance of car parking areas and access driveways shall be reduced.</p> <p>D2 All basement/underground car parks shall be designed to enter and leave the site in a forward direction.</p> <p>D3 Car parking modules and access paths shall be designed to comply with AS2890 - Parking Facilities (all parts).</p> <p><u>Note 1:</u> Disabled parking shall comply with AS2890 - Parking Facilities requirements. Parking bay envelope width shall be maintained for the length of the parking bay.</p> <p><u>Note 2:</u> Visitor parking dimensions shall be a minimum 2.6 metres by 5.4 metres.</p> <p>D4 All pedestrian paths and ramps shall:</p> <ul style="list-style-type: none"> • Have a minimum width of 1000mm; • Have a non-slip finish; • Not be steep (ramp grades between 1:20 and 1:14 are preferred); • Comply with AS1428.1 – Design for Access and Mobility; and <p>Comply with AS1428.2 – Standards for blind people or people with vision impairment.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>Where practical, the car parking spaces for people with disabilities are located close to lift wells.</p>
<p>5.0 Commercial development</p> <p>5.1 General controls - business areas</p> <p>Objectives</p> <p>a.To provide sufficient vehicular access and car parking on-site to meet user demands.</p> <p>b.To ensure the design of access, parking and servicing areas is efficient, safe, convenient, discrete and suitably landscaped.</p> <p>c.To ensure traffic generation of proposed development is compatible with the surrounding</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"/>	

road network. d.To minimise potential conflicts between vehicular movements and pedestrians	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.1.1 General parking design				
Performance criteria				
P1 Car parking areas are designed to be efficient and appropriately located with regard to the design of the development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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"/>	The whole car park is situated below ground or within the site that cannot be seen from outside the site.
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"/>	The Section 94 Contribution for car parking does not apply to the site.
5.1.2 Access and driveway design				
Performance criteria				
P1 Vehicular movement to and from the site should be designed to reduce potential conflict with traffic and pedestrians.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P2 Development avoids congestion, delay or hazards to traffic movement on adjoining streets.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P3 Driveway gradients are sufficient to allow use by all vehicle types, in a safe and convenient manner.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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"/>	The driveways servicing the site are 7.6 metres wide.
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"/>	There is no vehicular access from Parramatta Road.
<ul style="list-style-type: none"> being located opposite other existing 				The proposed driveways are located in an

<p>access ways with significant vehicle usage;</p> <ul style="list-style-type: none">• restricting sight distances;• on-street queuing;• an intersection controlled by traffic signals within 25m on the approach side;• a signalled intersection of any major roads within 90m;• an intersection controlled by a stop or give way sign within 12m on the approach side;• the approach side of any intersection within 10m;• a property boundary on the departure side of any intersection within 10m; and• the commencement of a median island within 6m. <p>D6 The maximum grade of manoeuvring areas and all access roadways shall comply with AS 2890 - Parking Facilities.</p> <p>D7 Where sites front on to main or arterial roads, driveways shall be minimised or located on side or rear road frontages where available.</p> <p>D8 Driveways servicing car parking shall comply with AS 2890 – Parking Facilities or similar designs for car turning paths unless otherwise advised by Council’s Engineering Department.</p> <p>D9 The maximum gradient for a driveway shall be 20% (with appropriate transitions). However, in extreme circumstances, gradients up to 25% (with appropriate transitions) will be considered.</p> <p>5.1.3 Access driveway design</p> <p>Performance criteria</p> <p>P1 The width of an access driveway reflects its function and anticipated volume of use, and provides safe and efficient ingress and egress to individual lots for both pedestrian and vehicle movements, unless otherwise specified in other Parts of this DCP.</p> <p>Development controls</p> <p>D1 Access driveways with a length exceeding 50m shall incorporate:</p> <ul style="list-style-type: none">• a driveway width, that allows for the passing of vehicles in opposite directions. This can be achieved by intermittent passing bays; and• turning areas for service vehicles. <p>5.1.4 Number of car parking spaces</p> <p>Development controls</p> <p>D1 Car parking for commercial development shall comply with the requirements in Table 6:</p> <p>Table 6 - Summary of parking requirements</p> <table><tr><th>Land use</th><th>Parking requirements</th></tr></table>	Land use	Parking requirements	<div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div></div>
Land use	Parking requirements		

Hotel or motel accommodation	1 space for each unit + 1 space per 2 employees if a restaurant is included, then add the greater of 15 spaces per 100m2 GFA of the restaurant/function room, or 1 space per 3 seats				
Retail premises (other – not specified in this table) including shops	1 space per 40m2 GFA 1 bicycle space per 10 employees				
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"/>	
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"/>	This is 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 manoeuvring analysis with 'auto turn or the like' and details of swept paths showing compliance with AS2890 – Parking Facilities. Note: The applicant shall identify the likely service vehicle sizes accessing the site and shall provide service vehicle spaces in accordance with AS2890 – Parking Facilities.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3 Loading/unloading facilities shall be positioned so as to not interfere with visitor/employee or resident designated parking spaces.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4 The service area shall be a physically defined location which is not used for other purposes, such as the storage of goods and		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>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 - 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> </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> <p>Larger trucks such as B-Doubles shall be assessed on their individual requirements, but will usually require a minimum loading area dimension of 25 metres (length) by 3.5 metres (width).</p> <p>The heights of the loading area, platform in the service bay and of the service bay itself will vary with vehicle type and loading/unloading methods.</p> <p>D8 Loading/unloading areas shall be provided in accordance with AS2890.2 - Off-Street Commercial Vehicle Facilities.</p>		Land use	Loading requirements	Business and office premises	1 space per 4,000m2 GFA up to 20,000m2 GFA plus 1 space per 8,000m2 thereafter	Retail premises - shops and food and drink premises	1 space per 400m2 GFA up to 2,000m2 GFA plus 1 space per 1,000m2 thereafter	Hotel and motel accommodation	1 space per 50 bedrooms or bedroom suites up to 200 plus 1 space per 100 thereafter plus 1 space per 1,000m2 of public area set aside for bar, tavern, lounge and restaurant	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>All loading and unloading are to occur within the site</p>
Land use	Loading requirements												
Business and office premises	1 space per 4,000m2 GFA up to 20,000m2 GFA plus 1 space per 8,000m2 thereafter												
Retail premises - shops and food and drink premises	1 space per 400m2 GFA up to 2,000m2 GFA plus 1 space per 1,000m2 thereafter												
Hotel and motel accommodation	1 space per 50 bedrooms or bedroom suites up to 200 plus 1 space per 100 thereafter plus 1 space per 1,000m2 of public area set aside for bar, tavern, lounge and restaurant												
<table border="1"> <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 - 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> </tbody> </table>		Business and office premises	1 space per 4,000m2 GFA up to 20,000m2 GFA plus 1 space per 8,000m2 thereafter	Retail premises - shops and food and drink premises	1 space per 400m2 GFA up to 2,000m2 GFA plus 1 space per 1,000m2 thereafter	Hotel and motel accommodation	1 space per 50 bedrooms or bedroom suites up to 200 plus 1 space per 100 thereafter plus 1 space per 1,000m2 of public area set aside for bar, tavern, lounge and restaurant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>One space is required to support the commercial suites that are proposed.</p>		
Business and office premises	1 space per 4,000m2 GFA up to 20,000m2 GFA plus 1 space per 8,000m2 thereafter												
Retail premises - shops and food and drink premises	1 space per 400m2 GFA up to 2,000m2 GFA plus 1 space per 1,000m2 thereafter												
Hotel and motel accommodation	1 space per 50 bedrooms or bedroom suites up to 200 plus 1 space per 100 thereafter plus 1 space per 1,000m2 of public area set aside for bar, tavern, lounge and restaurant												
<p>The hotel based on number of rooms will require six (6) loading bays.</p> <p>The restaurants and function centres will require a further two (2) spaces.</p> <p>The development is required to be serviced with nine (9) loading and unloading bays.</p> <p>The plans show room for seven (7) loading and unloading bays for the development.</p> <p>A shortfall of two loading bays is identified but determined by the engineers as being acceptable.</p>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									
<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"/>									

Auburn Development Control Plan 2010 - Access and Mobility

A Statement of Compliance Report for access for people with disabilities has been prepared by Accessible Building Solutions and dated 25/10/2013. It is determined that the development will be compliant or alternatively capable of complying with the relevant provisions of the Building Code of Australia or the relevant Australian Standards.

Auburn Development Control Plan 2010 - Stormwater Drainage

The relevant requirements and objectives of the development control plan for Stormwater Drainage 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 conditions provided to be imposed on any development consent should the application be recommended for approval.

Auburn Development Control Plan 2010 - Waste

The relevant requirements and objectives of the development control plan for Waste have been considered during the assessment of the development application.

The development plans show a storage room for the storage of nineteen (19) garbage bins. There is room on site to manoeuvre a garbage truck as part of the waste collection.

Demolition of the existing building on site will generate substantial waste. A substantial amount of spoil will be removed from the site. The waste management plan identifies the following location for various waste generated during the demolition and construction phase:-

- Enviroguard at Erskine Park.
- Ecocycle at Wetherill Park.
- Brandown at Kemps Creek.
- Parramatta Scrap metal at North Parramatta.
- Chromford at Pendle Hill.

Of critical importance, the soil excavated from the site is to be taken to Enviroguard for disposal.

Section 94 Contributions Plan

A Section 94 Contribution is payable for such a development 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 amount calculated is \$498,217.89.

The calculation is based on an employment generating development with capital intensive value of \$49,821,789.

Disclosure of Political Donations and Gifts

The NSW Government introduced The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (NSW). This disclosure requirement is for all members of the public relating to political donations and gifts. The law introduces disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

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

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

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

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

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

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

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

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

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

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited for a period of fourteen (14) days from Tuesday 3 December 2013 to Tuesday 17 December 2013. There were two (2) submissions including one submission containing forty (40) signatures to the proposed development as follows:-

1 - The development is well outside the height limit of developments in the adjacent area and the development will place an undue loss of privacy for my property. The building towers over my backyard creating adverse privacy and shadow issues.

Comment:

Whilst the initial development application plans raised a number of localised issues including height, shadow impacts and privacy issues, the development application has been substantially amended and the plans have been renotified. The initial issues of privacy and shadowing raised have been addressed in the modified plans presented to the Council for assessment.

The matters addressing privacy and shadowing are addressed within the main body of the report.

2 - The development will create noise and congestion in a quiet street.

Comment:

The residents are referring to the position of the driveway to the residents at 67 Ostend Street which if approved may have caused some nuisance.

The development application has been substantially modified and the driveways relocated away from dwelling houses. The position of the driveways to the development is more appropriate. The plans and modifications made have been renotified to the residents within the locality.

3 - Concern is raised to the hotel having a liquor license and the increased noise at night.

Comment:

The matter of noise is addressed in the main body of the report. An acoustic report prepared by Acoustic Solutions (Reference Number 2013-357) and dated 27 June 2014 has been submitted with the development application to address the internal noise likely to be generated by the development. The report addresses internal noise created by the development and makes a series of recommendations for addressing likely noise sources. Should the development application be supported, the acoustic report and noise management plan will be incorporated into any consent that is issued.

4 - The building will shadow my rear yard allowing no sunlight to penetrate my garden.

Comment:

The shadow impact in the modified development is much improved when compared to the initial proposal. The development addresses the shadow concern raised. Detailed shadow diagrams and shadow analyses diagrams are provided showing a satisfactory level of shadowing offered towards the south.

5 - The flow of traffic will increase within a street that cannot meet the current demand.

Comment:

The traffic flows and car parking requirements have been addressed by the Roads and Maritime Services and Council engineers. Based on the technical reports submitted with the development application, it is determined that the local area is capable of supporting the development and its expected traffic generation.

6 - The development is out of scale to the surrounding buildings because there are no buildings in the area that are as large as this one.

Comment:

There is a height limit of 27 metres specified for the site under Clause 4.3(2A)(a) of the Auburn Local Environmental Plan 2010. The development is found to be acceptable because it falls within the maximum height limit specified by the Auburn Local Environmental Plan. When considering level changes and position of the lift over runs as well as the cut away drawings on Plan Number 301, it is identified that the whole development sits below the 27 metre maximum height level.

The building has a maximum height of 26.7 metres and thus, the maximum height limit is not breached.

While the scale of the building is significant when compared to surrounding buildings, it is identified that the development is consistent with the planning controls that applies to the site and the future intentions for Parramatta Road.

7 - If the application is approved, it will be in breach of the LEP where it states that Council shall not grant consent to development unless it is satisfied that the development will:-

- Not unreasonably deprive adjoining buildings of sunlight or privacy which it will.

- Generally be compatible with its setting having regard to the nature and use of adjoining buildings and to the streetscape - The proposed DA will not be compatible.
- The design will be compatible with the existing character of the neighbourhood. It does not as there are no units in the area and there are no hotels in the area at all to justify the development.

Comment:

The development plans have been modified and the shadow impact has now been addressed.

The development is consistent with the planning controls that apply to the site and the future intentions for Parramatta Road.

8 - There are no hotels in the area and the site is not suitable for a hotel. Parramatta Road is congested at the best of times and the flow of traffic will be enormous.

Comment:

As stated above, the development is consistent with the future intentions for the corridor. Hotel / motel developments are a permissible form of development and a type of development envisaged for the Parramatta Road corridor.

9 - The development is a breach of the zoning laws.

Comment:

The planning controls for the site permit a hotel complex such as this and therefore such development is permissible with consent. The matters of permissibility are addressed in the Auburn Locality Environmental Plan 2010 above.

10 - The demolition and construction works associated with the proposed development will result in increase of debris and asbestos dust that will be a great problem for us.

Comment:

A waste management plan submitted with the development application addresses waste management and where waste will be transferred to for appropriate disposal.

Second notification

The plans for the development have been substantially modified. As a result, the development application has been renotified for a period of fourteen (14) days between Tuesday 5 August and Tuesday 19 August 2014. There was one submission to the proposed development as follows:-

1 - The development is well outside the height of other developments in the adjacent area and poses an undue loss of privacy for my property.

Comment

The matter of height is addressed under the first notification period at Point 6. The matter of height does not need to be reviewed.

The initial development application plans raised a number of localised issues including height, shadow impacts and privacy issues which have now been addressed. The matters of height, privacy and shadowing are addressed in the main body of the report.

2 - The development raises the following issues:-

- Excessive high density of apartments.
- Liquor licensing.
- Increased level of night activity.

Comment:

The following are provided:-

- ***The matter of height and floor space ratio has been addressed in the body of the report.***
- ***Liquor will be sold on site and a liquor license will be required but this is a matter for the Office of Liquor, Gaming and Racing to address.***
- ***The two acoustic reports addressing internal and external noise will be incorporated into any consent issued because a number of recommendations are made to address internal and external noise sources including a noise management plan.***

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 the B6 Enterprise Corridor zone under the provisions of the Auburn Local Environmental Plan 2000, however variations in relation to Auburn Development Control Plan 2010 - Industrial Areas and Parking and Loading as detailed above are sought.

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

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

