

**AUBURN COUNCIL****9, 11 & 13 Gelibolu Parade and 2, 2A, 4 & 6 St Hilliers Road, AUBURN****INFORMATION REPORT FOR JRPP DA-189/2015****SUMMARY**

<b>Applicant</b>	NSW Auburn Turkish Islamic Cultural Centre Inc
<b>Owner</b>	NSW Auburn Turkish Islamic Cultural Centre Inc
<b>Application No.</b>	DA-189/2015
<b>Description of Land</b>	Lot C DP 374304, Lot B DP 374304, Lot 13 DP 16298, Lot 12 DP 16298, Lot A DP 374304, Lot 11 DP 16298, Lot 10 DP 16298, 9, 11 & 13 Gelibolu Parade and 2, 2A, 4 & 6 St Hilliers Road, AUBURN
<b>Proposed Development</b>	Demolition of existing buildings and construction of a 3 storey residential aged care facility comprising 102 beds and a neighbourhood shop over one level of basement parking and associated stormwater, landscaping works and tree removal
<b>Site Area</b>	3,872.5sqm
<b>Zoning</b>	Zone R2 - Low Density Residential
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Issues</b>	Clause 4.6 Variations to SEPP (Housing for Seniors or People with a Disability) 2004 - Location and access to facilities - Building Height Submissions

**Recommendation**

That Development Application No. DA-189/2015 for the demolition of existing buildings and construction of a 3 storey residential aged care facility comprising 102 beds and a neighbourhood shop over one level of basement parking and associated stormwater and landscaping works on land at 9, 11 & 13 Gelibolu Parade and 2, 2A, 4 & 6 St Hilliers Road, Auburn be approved on a deferred commencement basis to address issues relating to stormwater design, access, waste collection and loading.

**DC1. Stormwater Plan**

*A detailed stormwater plan shall be submitted to Auburn City Council for approval. The stormwater plan shall comply with Auburn Development Control Plan 2010 – Stormwater Drainage. In this regard:*

- a) The detention facility shall be redesigned to comply with Auburn Development Control Plan 2010 – Stormwater Drainage and Council's standard drawings. A high early discharge mechanism shall be incorporated;*
- b) The grade of the stormwater outlet pipes to the street pits shall be at a minimum slope of 1.0%;*

- c) *A dry platform shall be provided within the high early discharge control pit;*
- d) *Grated drains shall be provided behind the flap valve in accordance with Council's standard OSD tank sections;*
- e) *The existing pit location on the plan shall be updated to ensure that the stormwater outlet from the OSD does not oppose the flow direction in the street drainage system;*
- f) *The pump out drainage system for the basement shall comply with Council requirements; and*
- g) *The details shall be prepared by a qualified practising Civil/Hydraulic Engineer in accordance with Auburn Development Control Plan 2010 – Stormwater Drainage and Australian Rainfall & Runoff 1987.*

**Reason:-** to prevent localised flooding.

#### **DC2. Parking and Access Design**

*Amended architectural plans and other related documentation shall be submitted to comply with the following:*

- a) *Written consent from the relevant authority shall be submitted for the proposed relocation of the power poles;*
- b) *The width of the Gelibolu Parade driveways shall be limited to 4.0m and the driveways shall be separated by a minimum distance of 12.0m. The driveways shall be designed for the use of ambulance and car access only. Vehicles shall access the site perpendicular to the kerb alignment;*

*Note: Delivery truck access through the Gelibolu Parade driveway is not supported.*

- c) *Transition lengths of the basement ramp shall comply with Australian Standard AS2890.2 for medium rigid vehicle access. Associated turning paths shall be shown on the plan;*
- d) *The proposed median on the basement ramp shall be removed as this interferes with the truck access; and*
- e) *A crest shall be provided in the access ramp within the site to prevent stormwater runoff from the site entering into the basement. The crest shall be a minimum of 100mm above the adjacent top of kerb level.*

#### **DC3. Waste & Loading**

- a) *Waste generated from the site shall be collected within the site. In this regard:*
  - i) *A waste collection area shall be provided within the basement for a medium rigid vehicle size waste collection truck; and*
  - ii) *A minimum 4.0m headroom clearance is required within the basement for the garbage truck access, including the traversing and manoeuvring path and loading bay.*

- b) Garbage and delivery trucks shall enter and leave the site in a forward direction. In this regard, a detailed swept path analysis for a medium rigid vehicle shall be submitted; and***

***Note: Medium Rigid Vehicle requires a minimum of 4.5m head room clearance as per Australian Standards.***

- c) An access path shall be provided for the deliveries from the loading area to the proposed shop. Details shall be marked on the plan.***

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## History/Consultations

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- The proposal for an aged care facility on the site was the subject of several meetings with Council Officers and two (2) pre-lodgement applications (PL-24/2014 and PL-11/2015).
- The subject development application DA-189/2015 was lodged on 22 May 2015.
- The development application was publicly exhibited between 17 June 2015 to 1 July 2015. Council received 3 written objections to the proposal, including a petition containing 13 signatures, raising objection to the proposal on the grounds that inadequate on-site parking would exacerbate existing on-street parking issues associated with the operation of the Gallipoli Mosque. One letter of support was also received.
- At a briefing meeting of the JRPP on 29 July 2015 the Panel requested that the setback of the third storey of the development be increased from the northern side boundary. The intent being to reduce the bulk of the development when viewed from the adjoining residential property and so as to comply with the provisions of SEPP (Housing for Seniors and People with a Disability) 2004 for development to be a maximum of two (2) storeys in height adjacent to a boundary. It was also requested that the treatment of the windows in the northern elevation be addressed so as to prevent overlooking of the adjoining residential property.
- In correspondence dated 4 and 10 August 2015 the applicant was requested to address the matters of the building setback and various issues relating to stormwater, parking layout, access, loading and adequate headroom clearance in the basement for on-site waste collection. During a telephone discussion the applicant advised that notations on the plans indicated that the windows in the northern elevation would be covered with an external decorative metal screen.
- Amended plans were submitted on 18 September 2015 and, at the applicant's initiation, included an additional 16 basement car parking spaces.
- The amended plans were publicly exhibited from 29 September to 13 October 2015. No submissions were received.
- The applicant was again requested to address the head height in the basement for waste collection on 30 October 2015. The applicant responded on 5 November 2015. This matter is discussed in further detail in the report.

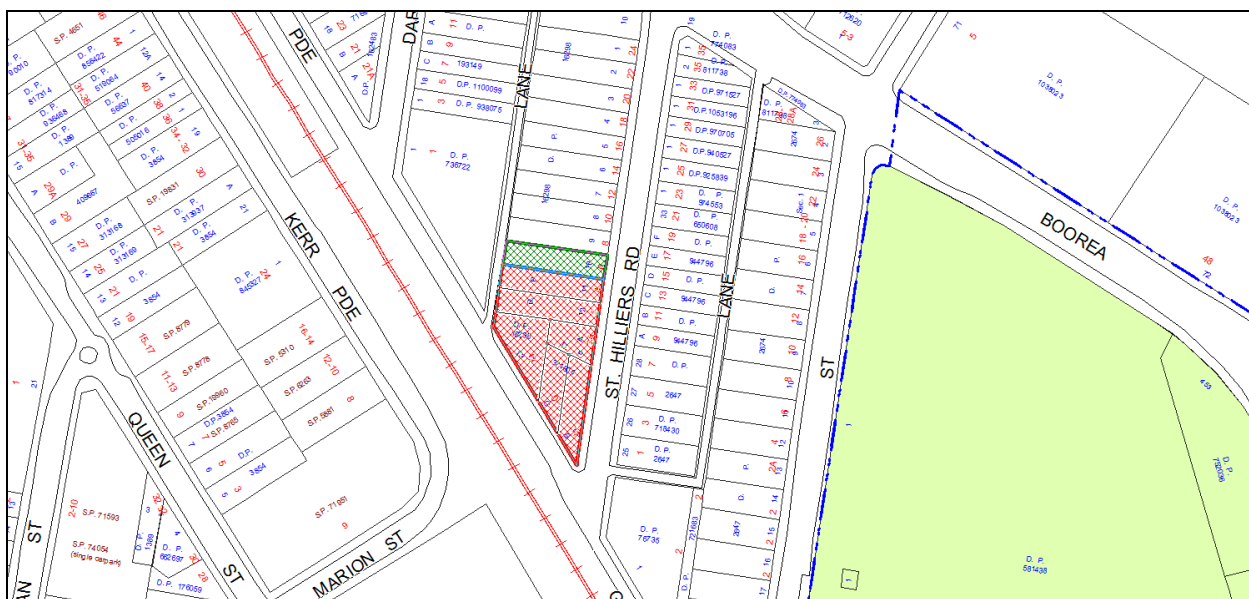
## Site and Locality Description

The subject site is legally known as Lot C DP 374304, Lot B DP 374304, Lot 13 DP 16298, Lot 12 DP 16298, Lot A DP 374304, Lot 11 DP 16298, Lot 10 DP 16298, being 9, 11 & 13 Gelibolu Parade and 2, 2A, 4 & 6 St Hilliers Road, Auburn. The site is irregular in shape with a frontage of 80.61m to Gelibolu Parade (south), 106.7m to St Hilliers Road (east), 44.15m to the laneway (west), 51.56m to the adjoining residential property (north) and a total site area of 3,872.5sqm. The site generally slopes from west to east.

Existing development on the site consists of six (6) residential dwellings and associated outbuildings with no. 13 Gelibolu Parade being a vacant site. There are no significant trees on the site.

Development surrounding the site includes the Gallipoli Mosque to the north-west (on the opposite side of the lane) and generally older style single storey dwellings to the north and east. An industrial building is also located to the south-east of the site with frontage to St Hilliers Road and Gelibolu Parade. Public parking is available on the opposite side of Gelibolu Parade adjacent the railway line. The Auburn Town Centre is located at the north-western end of Gelibolu Parade and Wyatt Pak is located at its south-eastern end.

The site is identified on the map and aerial photograph below:







### **Description of Proposed Development**

Council has received a development application for demolition of existing buildings and construction of a 3 storey residential aged care facility comprising 102 beds (in 87 rooms) and a neighbourhood shop over one level of basement parking and associated stormwater, landscaping works and tree removal.

The development comprises the following:

#### **Basement level**

- Parking for 43 cars, including 2 spaces allocated to the neighbourhood shop, and a space for the resident bus
- Loading bay
- Kitchen, utility and store rooms
- Garbage room

#### **Ground floor**

- Neighbourhood shop
- Staff offices, amenities and utility rooms
- Communal dining, lounge and activity rooms
- Resident function room and hair salon
- 14 x 1 bed rooms (including 1 accessible), 3 x 2 bed rooms
- Central courtyard
- Porte-cochere with ambulance access from Gelibolu Parade

#### **First and Second Floors**

- Staff offices, amenities and utility rooms
- Communal dining, lounge and activity rooms
- 27 x 1 bed rooms, 10 x 2 bed rooms (including 4 accessible rooms)

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## Referrals

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### *Internal Referrals*

#### Development Engineer

The development application was referred to Council's Development Engineer for comment who has raised concerns regarding adequate headroom clearance and access for garbage/delivery vehicles. As detailed in the background section of this report, the requirements of Council in this regard have been raised a number of times in pre-lodgement meetings and during the course of assessment of the subject application. In response, the applicant submitted correspondence from a private waste contractor confirming that the proposed headroom clearance of 2.8m would be adequate. Council requires a minimum headroom clearance of 4m so as to provide flexibility in the type of vehicle that can access the basement. It is therefore, recommended that this matter be addressed by the imposition of a deferred commencement condition of consent.

Various other issues regarding the stormwater plan, the Gelibolu Parade driveways and the basement ramp design were also raised and it is recommended that these matters be addressed by the imposition of deferred commencement conditions of consent as detailed in the recommendation of this report.

#### Environment and Health

Council's Environmental Health Officer has assessed the contamination and acoustic reports and raises no objection to the development subject to the imposition of conditions on any consent, including compliance with the recommendations of the aforementioned reports.

### *External Referrals*

#### **Sydney Trains**

In accordance with Clause 86 of State Environmental Planning Policy (Infrastructure) 2007 the application was referred for concurrence to Sydney Trains on 3 July 2015 as the development involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within 25m of a rail corridor.

Receipt of the referral was acknowledged however, a reply regarding the application has not been received to date. In accordance with Clause 86(5) consent can be granted as 21 days have passed since giving notice and the authority has not granted, or refused to grant, concurrence.

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

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### State Environmental Planning Policies

#### **State Environmental Planning Policy (State and Regional Development) 2011**

Given that the proposed works are in excess of a Capital Investment Value (CIV) of \$20 million, the development is identified as Regional Development in accordance with Clause 20 of the SEPP (State and Regional Development) 2011 and Schedule 4A of the Environmental Planning and Assessment Act 1979. In this regard, the Joint Regional Planning Panel (JRPP) is the relevant consent authority.

## State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The relevant provisions of SEPP (Housing for Seniors or People with a Disability) 2004 pertaining to the development proposal have been considered in the assessment of the application. In accordance with Clause 4(1)(a)(i) the SEPP applies to the subject site as dwelling houses are permitted on the land in the R2 Low Density Residential zone under Auburn Local Environmental Plan 2010. The proposed development is defined as a *residential aged care facility* in accordance with Clause 11 and the applicant has submitted a satisfactory site analysis in accordance with Clause 30.

An assessment of the proposal against the design principles and development standards are discussed in further detail below.

Requirements	Yes	No	N/A	Comments
<b>Chapter 3 Development for seniors housing</b>				
<b>Part 2 Site-related requirements</b>				
<b>26 Location and access to facilities</b>				
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <ul style="list-style-type: none"> <li>a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</li> <li>b) community services and recreation facilities, and</li> <li>c) the practice of a general medical practitioner.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The subject site is located approximately 400m from the edge of the Auburn Town Centre and 500m from the nearest public transport (Auburn Railway Station). The applicant is seeking to vary the development standard regarding the distance of the development from facilities in accordance with Clause 4.6 of ALEP 2010. This matter is discussed in further detail below.</p>

<p>(2) Access complies with this clause if:</p> <p>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</p> <p>(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to</p>				
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the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or				
<b>Part 3 Design Requirements</b>  <b>Division 2 Design principles</b>  <b>33 Neighbourhood amenity and streetscape</b>  The proposed development should:				
(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is located in a small precinct of low density residential development. The current planning controls maintain the low density zoning and limit development to 2 storeys (9m) in height. The precinct is unusual however, in that development on Gelibolu Parade is punctuated by the commercial buildings of the Auburn Town Centre and an industrial building at either end, the centrally located large scale Gallipoli Mosque, and the railway line on its south-western side. The proposed height of the development is the same as the two level podium of the Mosque and the range of materials proposed complements the Mosque and surrounding dwellings.
(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is not listed as a heritage item nor is it located within a heritage conservation area. The nearest heritage items are a dwelling, located approximately 200m to the north-west of the subject site, at 31 Gelibolu Parade (Item No. 18) and Wyatt Park (Item No. 140), located approximately 120m to the east. The items are separated from the site by the Mosque and dwellings to the north-west and an industrial building and dwellings to the east and south-east. It is not considered that the proposed development will have any impact on the significance of the heritage items.
(c) maintain reasonable neighbourhood amenity and appropriate residential character by:				
(i) providing building setbacks to reduce bulk and overshadowing, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The first and second floors of the development have been setback 5m-6m from the northern boundary so as to reduce the appearance of the bulk of the development from the adjoining residential property. The development will only overshadow part of the front yards of the dwellings on the eastern side of St Hilliers Road (no.s 1-9) by 3pm during mid-winter. This is considered acceptable given that best practice is to ensure solar access to living room windows and rear private open space areas. In any case, the front yards of these

				<p>dwelling will receive solar access for the majority of the time between 9am and 3pm.</p>
(ii) using building form and siting that relates to the site's land form, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>It is considered that the proposed development responds appropriately to the slope of the land.</p>
(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The height of the development reflects the height of the two level podium of the Gallipoli Mosque and the upper two levels of the northern side of the building have been setback 5-6m from the adjoining dwellings. Whilst the dwellings are currently single storey, planning controls permit two storey dwelling with a maximum height of 9m. The matter of building height is discussed in further detail below.</p>
(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The front setback of dwellings on either side of St Hilliers Road is predominantly 5m with variations up to approximately 7m. The proposed development is to be setback between 4m and 5.8m along this street frontage. The adjoining street blocks on Gelibolu Parade are occupied by the Gallipoli Mosque to the north-west and an industrial building with a car parking area to the south-east. At the closest point to the street frontage the Mosque is setback approximately 6m and the industrial building approximately 1m. The setback of the proposed development is approximately 4m however, the façade is staggered to accommodate the centrally located porte-cochere. It is considered that the building is compatible with the varying setbacks of adjoining development.</p>
(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed planting is considered to be appropriate.</p>
(f) retain, wherever reasonable, major existing trees, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There are no major existing trees on the site.</p>
(g) be designed so that no building is constructed in a riparian zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The subject site does not contain any riparian zones.</p>
<b>34 Visual and acoustic privacy</b>				
The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:				
(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Centrally located dining areas are proposed on the second and third floors at the northern end of the building. Terrace areas are also proposed at either corner of the northern side of the building with access via a small communal lounge at the eastern end and a corridor at the western end. The large expanses</p>

<p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>of glass in the northern elevation are proposed to be covered by a decorative metal screen. The details provided of the screen indicate that the openings are of such a size that overlooking of the adjoining property may still be possible.</p> <p>It is therefore, recommended that a condition of consent be imposed requiring that obscure glazing be installed to a minimum height of 1.6m from the finished floor level. This will restrict overlooking without impacting on the penetration of natural light into the building.</p> <p>The eastern half of the northern end of the ground floor of the building is also elevated above natural ground level due to the slope of the site.</p> <p>A condition of consent is therefore, recommended to be imposed requiring screening be provided on the northern edge of the terraces so as to ensure the privacy of the adjoining residential property is not compromised. Separation from the boundary, and the boundary fence, will prevent overlooking from windows on the ground floor.</p> <p>Bedrooms are separated from the driveway to the basement car parking on the ground floor. Bedrooms are however, located over the driveway on the first floor. The acoustic attenuation required to openings in the buildings, given the proximity of the site to the railway line, will ensure that disturbance from the use of the driveway is minimised.</p>
<p><b>35 Solar access and design for climate</b></p> <p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	<input checked="" type="checkbox"/>          <input checked="" type="checkbox"/>	<input type="checkbox"/>          <input type="checkbox"/>	<input type="checkbox"/>          <input type="checkbox"/>	<p>As discussed previously, the proposed development will not overshadow windows to main living areas or the private open space of neighbours in the vicinity of the site.</p> <p>The building has been designed around a central courtyard. All communal rooms are located around the central courtyard on each floor and the dining rooms also have north-facing windows.</p> <p>The proposed development therefore, responds appropriately to the requirements for solar access and design for climate.</p>
<p><b>36 Stormwater</b></p> <p>The proposed development should:</p>				

<p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development provides for on-site detention and stormwater re-use. Stormwater runoff will be managed by an appropriately designed and constructed stormwater system.</p>
<p><b>37 Crime prevention</b></p> <p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</p> <p>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</p> <p>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The main entrance to the building is visible from the reception area and bedroom windows will provide causal surveillance of the street.</p>
<p><b>38 Accessibility</b></p> <p>The proposed development should:</p> <p>a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The neighbourhood shop is readily accessible from the building entrance as are the adjoining footpaths. An on-site bus will provide transport for residents to access facilities.</p> <p>Visitor parking is available in the basement with access to the building entrance via a lift.</p>
<p><b>39 Waste management</b></p> <p>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>A centralised waste storage room is provided for the facility. The waste management plan submitted with the application indicates that recycling bins and appropriate signage will be provided.</p>
<p><b>Part 4 Development standards to be complied with</b></p>				
<p><b>Division 1 General</b></p> <p><b>40 Development standards—minimum sizes and building height</b></p> <p><b>(1) General</b></p> <p>A consent authority must not consent to a development application made pursuant to</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>A consent authority can vary a development standard in accordance</p>

<p>this Chapter unless the proposed development complies with the standards specified in this clause.</p> <p><b>(2) Site size</b></p> <p>The size of the site must be at least 1,000 square metres.</p> <p><b>(3) Site frontage</b></p> <p>The site frontage must be at least 20 metres wide measured at the building line.</p> <p><b>(4) Height in zones where residential flat buildings are not permitted</b></p> <p>If the development is proposed in a residential zone where residential flat buildings are not permitted:</p> <p><b>(a) the height of all buildings in the proposed development must be 8 metres or less, and</b></p> <p><b>Note.</b> Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).</p> <p><b>(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and</b></p> <p><b>Note.</b> The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.</p> <p><b>(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</b></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>with Clause 4.6 of Auburn LEP 2010.</p> <p>The site area is 3,872.5sqm and therefore, complies with the minimum requirement.</p> <p>The site has a frontage to Gelibolu Parade of 80.61m and to St Hilliers Road of 106.7m and therefore complies with the minimum requirement.</p> <p>The proposal does not comply with the maximum height limit of 8m, is more than 2 storeys adjacent to the boundary of the adjoining site and more than 1 storey in the rear 25% of the site. The applicant is seeking to vary these development standards in accordance with Clause 4.6 of ALEP 2010. This matter is discussed in further detail below.</p>
<p><b>Division 2 Residential care facilities—standards concerning accessibility and useability</b></p> <p><b>Note.</b> Development standards concerning accessibility and useability for residential care facilities are not specified in this Policy. For relevant standards, see the Commonwealth aged care accreditation standards and the Building Code of Australia.</p>				<p>Noted.</p>
<p><b>Part 7 Development standards that cannot be used as grounds to refuse consent</b></p>				
<p><b>Division 2 Residential care facilities</b></p> <p><b>48 Standards that cannot be used to refuse development consent for residential care facilities</b></p> <p>A consent authority must not refuse</p>				



<p>consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds:</p>				
<p>(a) <b>building height:</b> if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The issue of building height is discussed in further detail below.</p>
<p>(b) <b>density and scale:</b> if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development has an FSR of 1.55:1 (Site area – 3,872sqm, GFA – 6,019sqm). This represents 2,146.5sqm of GFA over the 1:1 FSR. As discussed previously the development proposal is satisfactory having regard to the Design Principles under Division 2.</p>
<p>(c) <b>landscaped area:</b> if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development provides 1,711.6sqm of landscaped area, equating to 16.8sqm per bed. Based on 102 beds, 2,590sqm of landscaped area would meet the minimum standard. The proposed landscaped area is, however, considered sufficient. A large central courtyard is provided, a patio area is provided in the northern side setback, and the front and rear setbacks provide additional outdoor areas to adjoining bedrooms. As discussed previously, the development proposal is satisfactory having regard to the Design Principles under Division 2.</p>
<p>(d) <b>parking for residents and visitors:</b> if at least the following is provided:</p> <p>(i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and</p> <p>(ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and</p> <p>(iii) 1 parking space suitable for an ambulance.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development requires the following parking to meet the minimum standard</p> <ul style="list-style-type: none"> <li>• 11 spaces based on 102 beds</li> <li>• 15 spaces based on 30 staff</li> <li>• 1 ambulance parking space</li> </ul> <p>In addition Council's ADCP 2010-Parking and Loading requires a loading bay and 2 spaces for the neighbourhood space(1 space/40sqm GFA)</p> <p>Minimum total – 28 spaces, loading bay, ambulance space</p>
<p><b>Note.</b> The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.</p>				<p>The proposal provides 43 spaces, loading bay and resident bus space in the basement, and ambulance parking in the porte-cochere accessed from Gelibolu Parade.</p>

### Clause 4.6 Variations

The applicant is seeking to vary development standards pertaining to distance to facilities and transport, the overall height of the building, and the height of the building adjacent to the boundary and within the rear 25% of the site. The variation is sought in accordance with Clause 4.6 of Auburn Local Environmental Plan (ALEP) 2010 as detailed below:

- *Part 2, Clause 26(2) Location and access to facilities*

The SEPP requires that seniors housing be located within either 400m of specified facilities, or within 400m of public transport that will take residents to within 400m of these facilities, via a suitable access path of defined gradients. The subject site is located within approximately 400m of the edge of the Auburn Town Centre and within 500m of public transport. The applicant has not provided details as to the gradients, however, it is unlikely that the pedestrian path along Gelibolu Parade to the Town Centre would comply with the requirements.

An extract of the applicant's justification in support of the variation to the development standard follows (NB: the full Clause 4.6 variation is attached):

- (1) The proposed development is located on a site which is R2 low density residential and is located adjacent to a Mosque with a training centre located next to the Mosque.*
- (2) The proposed RACF [residential aged care facility] will be accommodating relatively high care patients, and facilities will be provided onsite to satisfy their care requirements. Due to the age and frail health of the residents it is unlikely that these residents will leave the premises unaccompanied.*
- (3) Because of the fact outlined in (2) above the facilities provided within the RACF itself include the following: Doctors Room (A GP will visit the facility daily and emergency services will be available on call) a Therapy Room; an ATM;*
- (4) Hairdresser and beauty parlour, a library, internet connection, a number of entertaining spaces within dining areas and a room proposed for each floor that also includes a tea/coffee bar. Daily newspapers will be delivered to the RACF and there will be a post delivery and collection.*
- (5) In addition, there will be a Neighbourhood shop on the ground floor level of the RACF, located on the north western corner of Gelibolu Parade and St Hilliers Road.*
- (6) The Operators of the RACF intend to use a mini bus to support their residents as well as to support older local residents who want to stay in their own homes nearby. For residents wanting to go to the Auburn Town Centre the mini bus will provide a regular service.*

.....

Compliance with Clause 26(2) is considered unnecessary and unreasonable in this case for the following reasons:

- *The facilities and services that residents of a high care RACF might reasonably require are provided within the RACF with the shop. Indeed it would be of an unacceptable standard if these facilities were not provided "in house".*
- *The future occupants of the RACF will most likely be frail, and it is unlikely that they would travel by public transport if it was available. The most likely mode of transport for outings to such identified services and other facilities outside the RACF campus will be in the form of the private bus that the Operator will be providing.*

- Accordingly, the RACF itself will be providing the majority of the facilities and services that the occupants will be requiring, to ensure that they can easily access a doctor, recreation facilities, hairdresser, postal services, ATM, etc, etc.
- In addition there are also a number of services within the neighbourhood shop located adjacent to the RACF if they are not located within the RACF such as the ATM.

Having regard to Clause 4.6(4)(i) of ALEP 2010 it is considered the applicant's request has adequately addressed that compliance with the standard pertaining to location and access to facilities is unreasonable and unnecessary in this instance. Further, the variation to the standard does not have any environmental planning implications.

In terms of consideration of clause 4.6(4)(a)(ii) there are no specific objectives for the development standard, however, it can be assumed its intent is to ensure that seniors housing is appropriately located so as residents have suitable access to services and facilities. Further, the aims of the policy include 2(1)(a) *"increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and"* 2(1)(b) *"make efficient use of existing infrastructure and services"*. The subject site is located within an existing urban environment in close proximity to an established Town Centre. The proposal is considered to be appropriately located albeit with the provision of on-site services and a bus to transport residents. Further, the proposal is consistent with the objectives of the zone as it will provide for the housing needs of the community.

- *Part 4, Clause 40 Development standards—minimum sizes and building height*

The SEPP limits the height of buildings in a residential zone, where residential flat buildings are not permitted, to 8m (Clause 40(4)(a)), to no more than 2 storeys in height adjacent to the boundary (Clause 40(4)(b)), and to no more than 1 storey in height in the rear 25% of the site (Clause 40(a)(c)).

An extract of the applicant's justification in support of the variation to the development standards at Clauses 40(4)(a) and (b), follows (NB: the full Clause 4.6 variation is attached):

*The proposed development is considered to perform favourably in relation to the objectives of Clause 4.4 [of ALEP 2010. NB. Clause 4.3 pertains to Height of buildings] on the following grounds:*

*Streetscape*

- *The proposed building presents as 3 storeys or (12-14metres) from the levels of the street. When viewed from the street it is of less bulk and scale than the Mosque to its west and comparable in bulk and scale to the industrial building to its east although that building is well setback from the St Hilliers Road boundary.*
- *The proposed development provides a high quality modern development design which includes good articulation which in turn is sympathetic to the existing character of the streetscape.*
- *Although it is 3 storeys along the boundaries it is setback from the street boundary by a 4 metre strip of landscaping thus increasing the setback to the properties across St Hilliers Road to 24 metres, significantly reducing any impact.*

*Views and Privacy*

- *The proposed building has been designed to maximize the benefits of the site's north and west aspect. It has been also designed having regard to neighbouring properties. A number of measures including sensitive window placement, translucent glass and screens*

*and landscaping have been incorporated into the design where necessary to ensure the privacy of neighbours;*

#### Design

- The design of the proposed building has been based on quality principles as desired by the future residents to facilitate enhanced amenity for the future occupants. This has resulted in additional floor space within the building eg: entry area and has, to some extent contributed to the additional FSR sought. However, it is considered that the proposed bulk and scale of the building is appropriate for the size and shape of the allotment and in its setting from Gelibolu Parade;*

#### Compliance with zone objectives

- The proposed development represents an efficient and appropriate use of land that is compatible with the environmental capacity of the site.*

#### Compliance with Landscaping and Open Space

- Although the proposed building exceeds the maximum Height it is in a well designed landscape setting and is therefore in an appropriate setting when viewed from the street and also contributes to sustainable design outcomes.*

#### Overshadowing

- The orientation of the proposed RACF is such that the shadow at about 2pm starts to fall over the front yards of the properties on the opposite side of St Hilliers Road and by 3 pm they are completely in shadow.*

*In terms of the relevant objectives it is considered that there are no significant impacts that occur as a result of the non-compliance with the height standard in the two instances.*

Having regard to Clause 4.6(4)(i) of ALEP 2010 it is considered the applicant's request has adequately addressed that compliance with the standards pertaining to overall building and height adjacent to the boundary is unreasonable and unnecessary in this instance. Further, the variation to the standard does not have any environmental planning implications. It should also be noted that subsequent to submission of the 4.6 Variation the second and third storeys of the building have been setback an additional 2-3m from the northern boundary, providing a 5-6m setback from the adjoining residential property.

In terms of consideration of clause 4.6(4)(a)(ii) of ALEP 2010 there are no specific objectives for the development standards pertaining to height in the SEPP, however, the objectives of the height control in the LEP are as follows:

*(a) to establish a maximum height of buildings to enable appropriate development density to be achieved, and*

*(b) to ensure that the height of buildings is compatible with the character of the locality."*

As detailed in the above compliance table the development responds appropriately to the relevant Design Principles of the SEPP. The building has been designed so as not to exceed the two level podium of the Mosque and has an overall height to the parapet of approximately 11.5m along the Gelibolu Parade frontage and 12.2m-12.87m along the St Hilliers Road frontage (NB: the plant room and lift overruns are an additional 0.7m in height). Although taller than the existing single storey dwellings in St Hilliers Road, the current planning controls permit a maximum height of 9m. It is therefore, considered that the proposed building is compatible in height with the character of the locality

Further, the proposal is consistent with the objectives of the zone as it will provide for the housing needs of the community.

With respect to the development standard at Clause 40(4)(c), requiring a building located in the rear 25% of the site to not exceed 1 storey in height, the applicant provides the following argument:

*For clause 4(c) it is necessary to find the rear of the property.*

*The front of the bulk of properties that make up the site front St Hilliers Road, with the back of the lots facing the Lane, thus there is no "rear" boundary, as such.*

*The side boundary is the dividing line between Lot 10 [6 St Hilliers Road] and Lot 9 [8 St Hilliers Road]. It is understood that Clause 4(c) is in the Policy to protect neighbours places, both in regard to solar access and privacy. In this instance 4(c) it is an irrelevant consideration or in other words: The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary."*

Whilst it can be argued as to where the rear of the property is located it is assumed that the intent is to limit the impacts of the development on adjoining residential properties. Having regard to this, it should be noted that the site adjoins residential properties on its northern side and these properties have frontage to St Hilliers Road with the rear of the properties adjoining the lane. As previously discussed, the proposed development responds appropriately to the Design Principles of the SEPP as the second and third floor of the development have been setback 5-6m from the northern side boundary, the potential for overlooking has been ameliorated, and there are no overshadowing impacts. It is therefore, considered that there are sufficient environmental planning grounds to justify contravening the development standard.

Having regard to Clause 4.6(4)(a)(i) of ALEP 2010 it is considered the applicant's request has adequately addressed that compliance with the standards pertaining to height in the rear 25% of the site is unreasonable and unnecessary in this instance as the variation to the standard does not have any environmental planning implications. For the reasons discussed above, in accordance with Clause 4.6(4)(a)(ii), this aspect of the proposal is also considered to be satisfactory having regard to the objectives of the standard for height and the zone.

### **State Environmental Planning Policy (Infrastructure) 2007**

- *Subdivision 2 Development in a rail corridor*

#### Clause 86 – Excavation in, above or adjacent to rail corridors

In accordance with Clause 86 of State Environmental Planning Policy (Infrastructure) 2007 the application was referred for concurrence to Sydney Trains on 3 July 2015 as the development involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within 25m of a rail corridor.

Receipt of the referral was acknowledged by Sydney Trains, however, a reply regarding the application has not been received to date. In accordance with Clause 86(5) consent can be granted as 21 days have passed since giving notice and the authority has not granted concurrence or refused to grant concurrence.



- Clause 87 Impact of rail noise or vibration on non-rail development

The proposal is located within 25m of a railway line. Given the residential nature of the development Council requested appropriate assessment of the potential impact of rail noise and vibration to ensure that the specified noise criteria are not exceeded in accordance with Clause 87(3)(a).

The *DA Acoustic Assessment* report, prepared by Acoustic Logic and dated 8 July 2015, assessed rail noise and vibration and traffic noise (including at Boorea Street as it is a state classified road and is located approximately 120m from the site). It was found that vibration levels did not exceed acceptable criteria and the building did not require vibration isolation to achieve acceptable internal noise levels. In terms of road and rail noise, various attenuation measures are recommended to be incorporated in the construction of the building in order to achieve compliance. Council's Environmental Health Officer has raised no objections to the report and recommends appropriate conditions of consent be imposed including implementation of the attenuation measures identified in the report.

### State Environmental Planning Policy No.55 – Remediation of Land

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

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Details of contamination investigations carried out at the site:  The <i>Report on Preliminary Site Investigation</i> , prepared by Douglas Partners, Revision 1 dated April 2015 is based on a scope of works including a review of the site history, published site information on geology and soil, a site walkover, soil sampling from four borehole locations and analysis of samples for the identified contaminants of concern ("slightly elevated" levels of lead, zinc and BaP were detected in fill at the ground surface level). The report concludes that <b>"based on the details of the proposed development, including the removal of all filling, and the results of this investigation, it is considered that the site is suitable for the proposed development from a contamination perspective"</b> .  The report also makes the following recommendations:  <b><i>"It is recommended that a hazardous building material survey be undertaken of the site structures in accordance with the requirements of NSW Work Health and Safety Regulation 2011 prior to demolition. It is understood that this has already been undertaken. Recommendations of the survey should be implemented, and all hazardous building materials, including at ground surface level, should be removed as part of the demolition process. A clearance certificate for the cleared site should be issued by an Occupational Hygienist prior</i></b>	

Matter for Consideration	Yes/No
<p><b><i>to commencement of general excavation and construction works.”</i></b></p> <p>The report was referred to the Council’s Environmental Health officer who raised no concern as to the documentation and recommends that the findings above be implemented as a condition of consent.</p> <p>As suitable contamination investigation has been undertaken, Council officers can be satisfied that the site can be made suitable for the proposed development, subject to conditions of consent as recommended by the Preliminary Site Investigation report and Councils Environmental Health officer.</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>

### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The subject site is identified as being located within the area affected by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development does not raise any issues as to consistency with the objectives and requirements of the SREP.

(Note: - the subject site is not identified in the relevant map as ‘land within the *‘Foreshores and Waterways Area’* or *‘Wetland Protection zone’*, is not a *‘Strategic Foreshore Site’* and does not contain any heritage items. Hence the majority of the SREP is not directly relevant to the proposed development).

#### Local Environmental Plans

### **Auburn Local Environmental Plan 2010**

The provisions of Auburn Local Environmental Plan (ALEP 2010) are applicable to the development proposal. The provisions of relevance to consideration of the subject application are discussed below:

- *Part 2 Land use table*

The subject site is zone R2 Low Density Residential. As dwelling houses are permitted with consent in the zone, SEPP (Housing for Seniors or People with a Disability) 2004 applies to the land in accordance with Clause 4(1)(a)(i).

The proposed neighbourhood shop is also permitted with consent in the zone. Clause 5.4(7) of ALEP 2010 stipulates that the retail floor area of a neighbourhood shop must not exceed 80sqm. The proposed neighbourhood shop has a retail floor area of 77sqm and therefore, complies with the LEP.

- *Part 4, 4.3 Height of buildings*

The site is subject to a maximum building height of 9m, however, as the application is made under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 the height limit in the SEPP of 8m prevails.

- *Part 4, 4.4 Floor space ratio*

The site is not subject to a maximum FSR under the LEP.

- *Part 4, 4.6 Exceptions to development standards*

As discussed previously, the applicant is seeking variation to development standards in SEPP (Housing for Seniors or People with a Disability) 2004 in accordance with Clause 4.6(2) of the LEP.

- *Part 5, 5.9 Preservation of trees or vegetation*

There are a number of small trees on the site that will require removal. The trees are not of significance and no objection is raised to their removal.

- *Part 5, 5.10 Heritage conservation*

The site is not listed as a heritage item nor is it located within a heritage conservation area. The nearest heritage items are a dwelling, located approximately 200m to the north-west of the subject site, at 31 Gelibolu Parade (Item No. I8) and Wyatt Park (Item No. I40), located approximately 120m to the east. The items are separated from the site by the Mosque and dwellings to the north-west, and an industrial building and dwellings to the east and south-east. It is not considered that the proposed development will have any impact on the significance of the heritage items.

- *Part 6, 6.1 Acid sulphate soils*

The subject site is given a class 5 acid sulphate soil rating, however, it is located within 500m of adjacent Class 2 land. The applicant's *Preliminary Site Investigation* concludes that the proposed works will not lower the water table below a depth of 1m AHD on the Class 2 land. Therefore, an acid sulphate soil management plan is not required.

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

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

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

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**Auburn Development Control Plan (ADCP) 2010**

a) Parking and Loading

The relevant requirements and objectives of ADCP 2010 - Parking and Loading have been considered in the assessment of the development application. As discussed previously, in addition to the minimum parking requirements of SEPP (Housing for Seniors or People with a Disability) 2004, car parking and loading is required for the proposed neighbourhood shop.

The provision of 2 car parking spaces for the neighbourhood shop (at a rate of 1 space/per 40swm GFA) and a loading bay satisfies the DCP requirements.

As discussed previously, several concerns are raised with respect to the basement design, headroom clearance and access ramp, and deferred commencement conditions of consent are recommended to be imposed to ensure compliance with the DCP, relevant Australian Standards and Council's requirements.

b) Stormwater Drainage

The relevant requirements and objectives of the ADCP 2010 - Stormwater Drainage have been considered in the assessment of the development application. There are a number of issues with the proposed stormwater plans and it is therefore, recommended that deferred commencement conditions of consent be imposed to ensure compliance with the requirements of the DCP.

c) Waste

The relevant requirements and objectives of the ADCP 2010 – Waste have been considered in the assessment of the development application. A suitable waste management plan has been submitted to accompany the development application and a waste room is to be provided in the basement. As discussed previously, Council recommends that a deferred commencement condition of consent be imposed requiring that the head room clearance in the basement be increased from 2.8m to 4m so as to ensure flexibility is provided for the largest vehicle to access the basement in accordance with the objectives and performance criteria of the DCP.

### **Auburn Development Contributions Plan 2007**

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

- *Residential development*

The Section 94 Contributions will be based on a credit for the existing 6 dwellings on the site and a rate per person/bed. As at 26 November 2015 the S.94 Contributions payable are \$193,103.93.

- *Commercial/Employment generating development*

The cost summary report submitted with the application details that the construction cost of the retail component (neighbourhood shop) is \$178,986.00. As at 26 November 2015 the S.94 Contributions payable are \$894.93 (based on 0.5% of the cost of works).

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### **Disclosure of Political Donations and Gifts**

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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 subject to the deletion of the 2 top levels.

**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 the Auburn Development Control Plan 2010, the original proposal was publicly exhibited for a period of 14 days between 17 June and 1 July 2015. The notification generated three (3) submissions objecting to the proposal, including a petition containing 13 signatures, and one (1) letter of support.

A public meeting was also held on the 23 June 2015 with 2 members of the public attending.

Amended plans were submitted on 18 September 2015 and publicly exhibited from 29 September to 13 October 2015. No submissions were received.

The issues raised in the public submissions and meeting in the first exhibition period are summarised and commented on below:

- **Whether suitable ambulance access is provided within the site and surrounding streets**

*Comment:* The development will be provided with a porte-cochere at the building's entry for ambulance parking with access via Gelibolu Parade. Entry is gained to Gelibolu Parade from Station Road to the north-west and St Hilliers Road to the north. Exit from the locality is via St Hilliers Road with the ability to continue north, or to head in an easterly direction along Boorea Street or a westerly direction along Rawson Street.

- **Lack of on-site car parking will exacerbate the existing on-street parking issues associate with peak visitation at the Gallipoli Mosque.**

*Comment:* This concern was raised in response to the exhibition of the original plans which provided for 26 on-site car parking spaces. This met the minimum requirements of the



SEPP, however, was deficient one (1) space for the neighbourhood shop to meet the requirements of ADCP 2010 – Parking and Loading. At the applicant's initiation, the plans were amended to provide 43 on-site car parking spaces, two (2) of which are required to be dedicated to the neighbourhood shop. The plans were re-exhibited and no further submissions were received.

The *Traffic Impact Assessment Report* submitted with the application, prepared By Jacobs and dated 14 May 2015, indicates that the peak parking demand for the facility would be between 2pm and 3pm during a shift changeover. During this period, the parking demand is expected to be for 44 spaces. After departure of staff the demand will drop to 26 spaces. A parking survey conducted during this period on a Friday (the peak day of demand for on-street parking by visitors to the adjacent Gallipoli Mosque) found that between 2pm and 3pm there were approximately 85 spaces available on Gelibolu Parade, 55 in St Hilliers Road and 80 in Percy Street.

It can therefore, be concluded that there will be adequate on-street parking available to cater for this staff changeover period where potentially three (3) staff/visitors cannot find parking in the basement. On-street parking demand can be met along the frontage of the subject site and adjacent to the railway line in Gelibolu Parade. Similarly, during the peak demand for on-street parking associated with the Mosque (12noon-1.30pm) the proposed development will have a demand for 31 car parking spaces. This demand can be met by on-site parking and will therefore, not increase demand for on-street parking. Throughout all other periods of the day the demand for parking by the subject development can be catered for on-site.

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

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

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#### **Operational Plan / Delivery Program**

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This assessment and report relates to the Auburn City Council Operational Plan and Delivery Program, Our Places – Attractive and Liveable theme, action “2a.1.1.3 Assess development applications, complying development and construction certificates”.

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#### **Conclusion**

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The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and this report has been prepared for the information of the Joint Regional Planning Panel.

The proposed development is considered to be satisfactory having regard to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) and Auburn Local Environmental Plan 2010 despite departures from controls pertaining to distance to facilities and building height. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

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 is recommended to the Joint Regional Planning Panel for a deferred commencement approval to address issues relating to stormwater design, access, waste collection and loading.