

TO: Sydney Central City Planning Panel

SUBJECT: 276-282 Parramatta Road AUBURN NSW 2144
54-68 Hampstead Road AUBURN NSW 2144

APPLICATION No: DA2020/0310

Application lodged	29 May 2020
Applicant	J Matthews
Owner	Raad Property Acquisition NO 65 Pty Ltd
Application No.	DA2020/0310
Description of Land	276-282 Parramatta Road AUBURN NSW 2144 54-68 Hampstead Road AUBURN NSW 2144
Proposed Development	Concept Development Application for building footprints, basement car parking and massing envelopes for a mixed use development comprising specialised retail premises, hotel and motel accommodation, office premises, child care facilities, cafe and open space
Site Area	10,081m ²
Zoning	B6 Enterprise Corridor
Disclosure of political donations and gifts	Nil disclosure
Heritage	The site is not identified as a heritage item, is not within a heritage conservation area and is not in proximity to any heritage items.
Principal Development Standards	<p><u>Building height</u></p> <p>Control: max. 27m</p> <p>Proposed: max. 27m</p> <p><u>Floor space ratio</u></p> <p>Control: max. 1:1 general, max. 1.5:1 specialised retail premises, max. 3:1 office premises & hotel and motel accommodation</p> <p>Proposed: max. 1:1 generally, 1.5:1 specialised retail premises and max. 3:1 office premises & hotel and motel accommodation</p>
Issues	Submissions

SUMMARY

1. Development Application No. DA2020/0310 was received on 29 May 2020 for a concept development application for building footprints, basement car parking and massing envelopes for a mixed use development comprising specialised retail premises, hotel and motel accommodation, office premises, child care facilities, cafe and open space.

2. *The development has been lodged as a 'concept development application' pursuant to the provisions of Division 4.4 (Concept development applications) of the Environmental Planning and Assessment Act 1979 (EP&A Act). The development has been assessed against the provisions of Section 4.22 of Division 4.4 of the EP&A Act.*
3. *The application was publicly notified to occupants and owners of the adjoining properties for a period of fourteen (14) days between 17 June 2020 and 1 July 2020. In response, two (2) submissions were received.*
4. *The application is referred to the Panel as the proposal has a Capital Investment Value (CIV) in excess of \$30 million.*
5. *The application is recommended for conditional approval, subject to the conditions as provided at **Attachment 1** to this Report.*

REPORT

SUBJECT SITE AND SURROUNDING AREA

The subject site comprises the following parcels of land:

LOTS & DP	PROPERTY ADDRESS
Lot C DP 26290	276-278 Parramatta Road, Auburn
Lot B DP 26290	280-282 Parramatta Road, Auburn
Lots D & E DP 26290	60-68 Hampstead Road, Auburn
Lots 11, 12, 13, 14, 15, 16 & 17 DP 2867	54 – 58 Hampstead Road, Auburn

The site comprises a total area of 10,081m² and maintains dual frontages to Parramatta Road (70m) and Hampstead Road (172m). Improvements on the site comprise existing commercial and warehouse land uses, including single storey brick and fibro shops, with metal roofing, a concrete block factory and bitumen sealed storage areas. There is some existing vegetation along the edges of the site, including mature trees and associated landscaping.

There is an easement for stormwater which traverses the site in a north-easterly direction, through to Hampstead Road.

The locality is characterised by a mix of bulky goods retailing to the north and west of the site, corresponding with the B6 land use zoning, including a Harvey Norman flagship store and Baby Bunting store. To the south of the site are a mix of industrial land uses, reflective of the IN1 General Industrial land use zone. Immediately opposite the site to the east is R2 Low Density Residential zoned land, with the established built form comprising single and double storey dwellings. Also located opposite the site to the east is the RE1 Public Recreation zoned Hampstead Road Reserve, an existing park.



Figure 2: Locality & Aerial Perspective – subject site in red outline and location of Hampstead Road Reserve denoted by green shading (Source: Nearmap, 2020)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development seeks approval for a Concept Plan through a concept application submitted in accordance with the provisions of Section 4.22 of the *Environmental Planning and Assessment Act 1979*. The Concept Plan incorporates a mixed use development of the site, including commercial, retail, hotel and motel accommodation, office space, child care facilities, a café and open space.

The Concept Plan is seeking consent for the following:

- Building footprints and massing envelopes for the future development of the site across three (3) key building forms;
- Site boundary setbacks;
- Building separation and setbacks;
- Open space and pedestrian access;
- Indicative locations of:
 - Open space/park/forecourt and pedestrian thoroughfare and through links;
 - Vehicular access arrangements and egress points; and
 - Indicative basement car parking access locations.

As part of the Concept Plan, a mix of employment generating land uses are proposed, with the indicative land use yields provided below:

- Specialised retail floor space 14,701m²;
- Office space 12,244m²;
- Hotel and motel accommodation 7,058m²; and
- Child care and café 1,293m².

The proposed land uses are located across three (3) distinct building footprints, with each footprint capable of accommodating eight (8) storeys (i.e. Ground to Level 7). Indicative building envelopes and massing have been provided which demonstrate that future buildings can be designed within the maximum 27 metre building height applicable to the site.

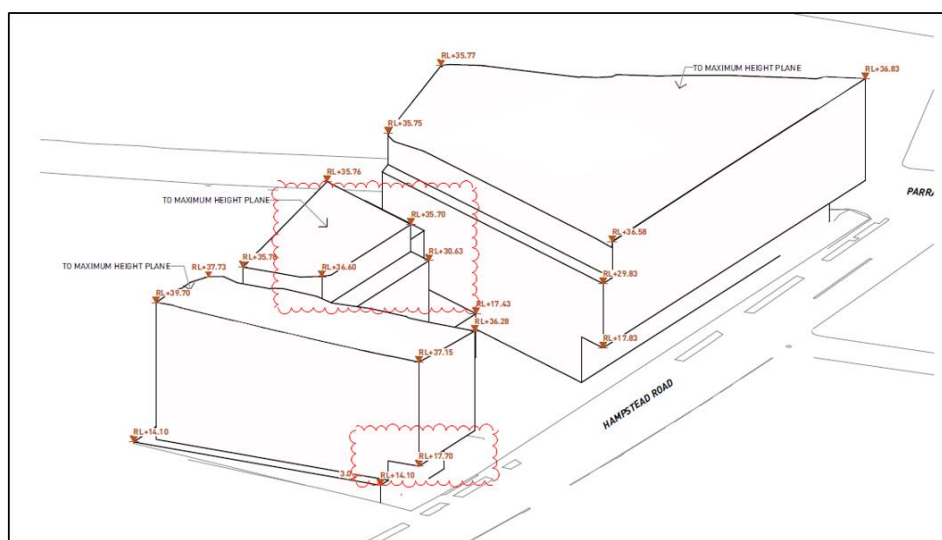


Figure 3: 3D Envelope View from the South (Source: Smith & Tzannes, 2021)

The building footprints are largely delineated by the proposed pedestrian links across the site. A future through-site link is proposed along the alignment of the existing stormwater drainage easement, which dissects the site in a north-west/south-east direction. A future through-site link is also proposed in a south-east/north-west direction in the southern portion of the site. A north-south pedestrian link is also proposed centrally through the site.

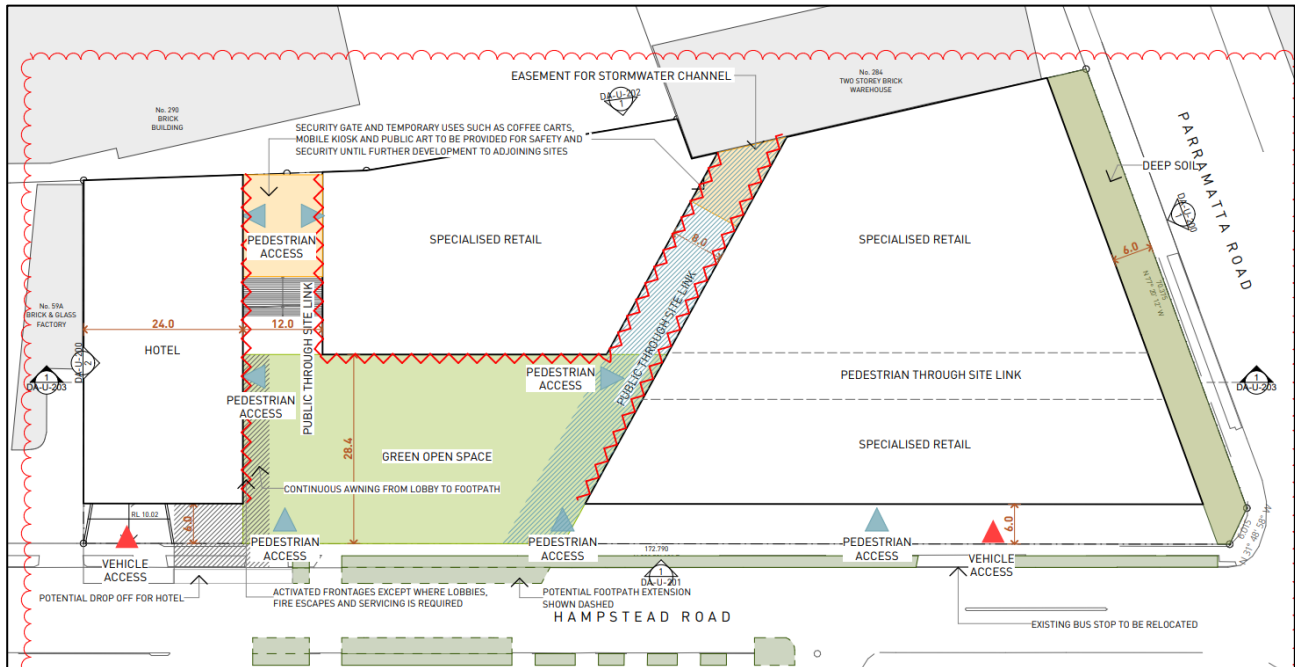


Figure 4: Ground envelope plan showing pedestrian linkages and vehicular access arrangements (Source: Smith & Tzannes, 2021)

Indicative plans identify two (2) separate basements to service the proposed land uses. The basements are separated by the existing drainage easement traversing the site. A single level basement for loading/unloading is proposed beneath the hotel and specialised retail land uses, with access to this basement proposed via a driveway off Hampstead Road, along the site's south-eastern frontage.

A basement for vehicles is located beneath the specialised retail and office land uses, with access to be gained via a driveway off Hampstead Road, approximately 34 metres from Hampstead Road's intersection with Parramatta Road. This basement is capable of accommodating six (6) levels of parking to service the hotel, specialised retail, office, child care and café land uses.

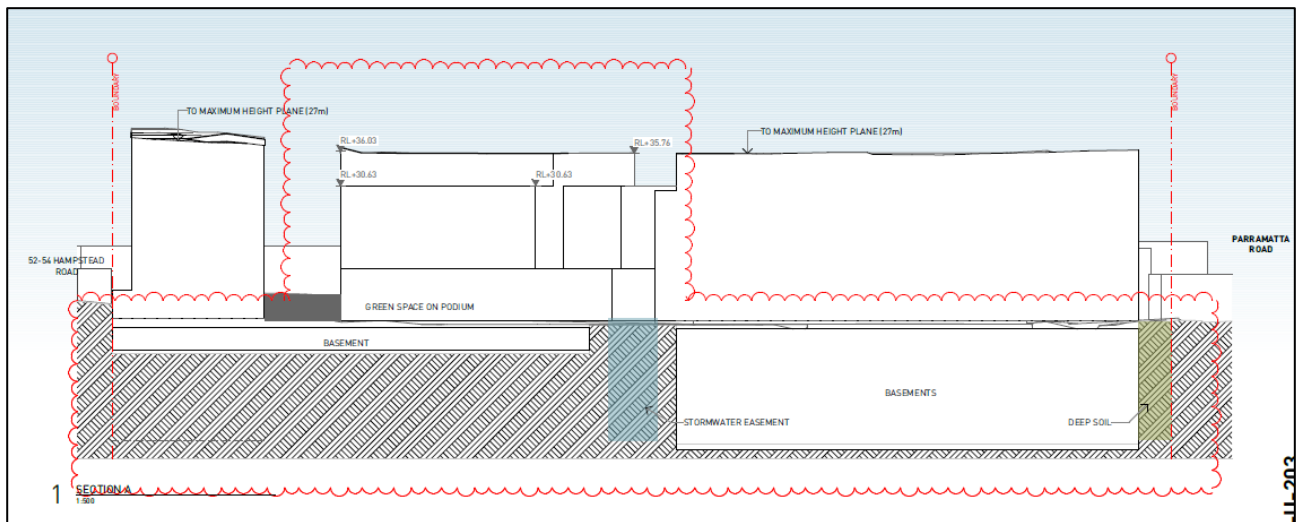


Figure 5: Section view of the development (Source: Smith & Tzannes, 2021)

It is acknowledged that it is Council's preference for the existing stormwater easement to be realigned, along the site's Hampstead Road and Parramatta Road frontages, to facilitate a more practical basement layout, however, this has not been adopted.

It is noted that no consent is being sought for works, including demolition or construction. These works will form part of future Development Applications (DA) to Council, subject to the approval of the Concept Plan. Future development stages include site demolition works and the construction of basement and building works.

The Concept Plan includes an area of open space, comprising an area of 1,812m², which is centrally located. The Applicant has indicated that as part of the future DAs for works, discussions will be undertaken with Council in relation to the potential public use of the open space area and the mechanisms to facilitate public use.

APPLICANTS SUPPORTING STATEMENT

The applicant has provided a Statement of Environmental Effects prepared by Pacific Planning dated May 2020 and was received by Council on 29 May 2020 in support of the application.

CONTACT WITH RELEVANT PARTIES

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

INTERNAL REFERRALS

Development Engineer

The development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent relating to stormwater management, vehicular access and traffic and parking.

Environment and Health

The development application was referred to Council's Environment and Health Officer for comment who has advised that the development proposal is satisfactory, acknowledging that no physical works are proposed as part of this application. It is noted that future development applications will be required to provide details relating to contamination and/or remediation, erosion and sediment control and acoustic impacts, which will be subject to detailed assessment. Having regard to contamination, it is noted that the development application has been accompanied by a Stage 1 Report which has identified that the site can be made suitable for the proposed land uses. Refer to the SEPP 55 discussion in this Report for a detailed discussion.

Landscape Architect

The development application was referred to Council's Landscape Architect for comment who has advised that the development proposal is satisfactory, noting the following matters for consideration:

- *The proposal includes an open space pedestrian corridor which provides a sightline between buildings for a future pedestrian connection to Parramatta Road from Hampstead Road, through the western side boundary and adjacent property.*

Until the redevelopment of the adjacent property transpires, the corridor would appear awkward by an abrupt end at an existing building at the western side boundary.

A means should be in place to ensure the continuation of the corridor in any future redevelopment of the adjacent property.

- *The proposed pedestrian corridors and open space included in the proposal will effectively form an extension of open space by sightline to Council's Reserve.*

Having regard to the above, a condition of consent has been recommended requiring any future development application for construction works to provide measures to facilitate the continuation of the proposed pedestrian corridors.

A condition of consent has also been recommended to manage street tree retention and street tree replacement as part of any future development application/s for construction works.

Waste Management

The development application was referred to Council's Waste Management Officer for comment who has advised that the development proposal is satisfactory, acknowledging that no physical works are proposed as part of this application. It is noted that future development applications will be required to provide details relating to waste management during the demolition, construction and on-going use stages of the development, which will be subject to detailed assessment.

Children Youth and Families

The development application was referred to Council's Children Youth and Families Officer for comment who has advised that, given the proposed development does not include any detailed plans of the child care centre component, it is acknowledged that any future development application for the child care centre will be required to address the relevant provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) and the Auburn Development Control Plan 2010 (ADCP 2010) as they relate to development for the purpose of a child care centre.

Design Excellence Panel

The development application was referred to the Cumberland Design Excellence Panel (CDEP) on 1 September 2020. The CDEP provided comments for consideration by the Applicant, with the key issues raised as follows:

- *Updated Concept envelopes and supporting material to describe the project.*
- *Draft masterplan establishing development principles for the site and surrounds.*
- *Previous work on neighbouring sites to confirm their future development potential is not compromised by the proposal.*
- *Traffic investigation to demonstrate the site layout is feasible and development will not compromise current or future amenity of the precinct.*
- *Sustainability information demonstrating that the project is committed to mitigating climate change impacts and will achieve excellence in ESD.*

Amendments were made to the plans and the application was subsequently electronically re-referred to the CDEP for comment in November 2020. The CDEP noted the following outstanding matters:

- *Alternative arrangements for accessing the basement should be explored to avoid splitting the ground floor retail and the Hampstead Road colonnade with an extended ramp. The best outcome would be the provision of a single crossover from Hampstead Road instead of two, located in a position with the least impact on the public realm and on the planning of the site, in particular the ground floor. The following possibilities could be explored:*
 - a. *Provision of a multi-level basement serving the entire development on the southern side of the site.*

- b. Provision of a centralised shared zone along one side of the park aligned to part, or all, of the stormwater easement which provides access to north and south basements.*
- c. Provision of a tunnel linking north and south parts of the basement from a single access point.*
- d. Diversion of the stormwater infrastructure and creation of an alternative easement.*
- *The park should be enlarged to provide much needed amenity and open space for workers and residents of the area.*
- *Opportunities to further adjust building massing should be explored at Stage 2 to provide better solar access to the park between 12pm-2pm on the winter solstice.*
- *Opportunities to explore the extension of green space into the carriageway of Hampstead Rd to provide better continuity between the existing park to the east and the proposed park, as well as traffic calming, is encouraged at Stage 2.*
- *The concept envelopes could be further developed to maximise opportunities for substantial deep soil and tree canopy, both within the park and at the perimeter of the site at Stage 2.*
- *The Stage 2 design should provide each proposed building with a legible access point, related to its context and landscaping. Any hotel access/porte-cochere should relate directly to the drop-off area.*
- *The concept envelopes for all buildings should be designed with a legible and consistent base to provide a suitably scaled pedestrian environment with shade, cover and good visibility from the public realm.*
- *The entry point to the precinct at the intersection of Parramatta Road and Hampstead Rd should be emphasised, potentially via removal of the setback to the top floor in this location.*
- *Further consideration should be given to the relationship between the proposed site links and both current and future neighbouring context to provide safety, security and connectivity.*
- *The southern driveway appears to have an excessive crossover width which should be reduced to improve the relationship of the proposal with its context.*

In response to the November 2020 comments, the Applicant further amended the plans to address the matters raised. The plans were amended having regard to the comments of the CDEP, in relation to vehicular access and pedestrian linkages through the site. The proposed vehicle driveways have been amended to align with the requirements of Transport for NSW, in relation to no vehicular access provided off Parramatta Road and also to satisfy Council's Traffic Engineer's comments in relation to off-setting the proposed driveways from the existing streets opposite the site. The north-south pedestrian link through the site has been incorporated into the amended plans and is supported by Council. The proposed amendments are considered to satisfactorily address the matters raised by the CDEP, when balanced with the engineering requirements for the site.

Refer to **Attachment 4** for copies of the CDEP correspondence and the Applicant's discussion of the amendments made to the plans to address the matters raised by the CDEP.

EXTERNAL REFERRALS

Transport for NSW

The development application was referred to Transport for NSW (TfNSW) in accordance with the provisions of Clauses 101 and 104 of the State Environmental Planning Policy (Infrastructure) 2007. TfNSW raises no objection to the proposed development, as it is unlikely to have a significant impact onto the classified road network, subject to conditions of consent. These conditions of consent have been included in the recommended conditions of consent.

Sydney Water Corporation

The development application was referred to Sydney Water Corporation for comment. Sydney Water have advised that potable water servicing is currently available to the site via 150mm watermains on Hampstead and Parramatta Roads and wastewater servicing is currently available to the site via a 300mm wastewater main within the site boundary. It is acknowledged that any future extensions or amplifications, would be addressed as part of future Section 73 applications, which would form part of separate development application/s for works.

Ausgrid

In accordance with the provisions of Clause 45, the development application was referred to Ausgrid for comment, who raise no objection to the proposed concept application, subject to conditions relating to existing underground cables in Hampstead Road and an existing substation in Hampstead Road. These matters have been included as recommended conditions of consent.

PLANNING COMMENTS**Environmental Planning and Assessment Act 1979 (EP&A Act)**

The development has been lodged as a 'concept development application' pursuant to the provisions of Division 4.4 (Concept development applications) of the EP&A Act. An assessment of the development against the provisions of Section 4.22 of Division 4.4 of the EP&A Act is provided below.

Section 4.22	Discussion
(1) For the purposes of this Act, a <i>concept development application</i> is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.	<p>The proposed development satisfies the criteria to be considered a concept application pursuant to s.4.22(1) of the EP&A Act. Consent is not sought for works on the subject site, it is noted that consent for demolition and construction works and the use of the premises will form part of subsequent development application/s.</p> <p>In this regard, a condition of consent has been recommended stating that the determination of any future development application/s cannot be inconsistent with the conditions of this concept approval.</p> <p>The condition further states that the detailed design of the approved envelopes shall be contained within the building footprint and</p>

	envelopes approved as part of this concept approval.
(2) In the case of a staged development, the application may set out detailed proposals for the first stage of development.	The development is not staged.
(3) A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.	The Applicant has requested that the development application be treated as a concept development application.
<p>(4) If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless—</p> <p>(a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or</p> <p>(b) the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.</p> <p>The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.</p>	Consent is not sought for any physical works as part of this concept application. Any future demolition and construction works and the use of the premises will be subject to subsequent development applications.
(5) The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.	This assessment of this concept application has considered the likely impact of the development as it relates to the proposed land uses. It is acknowledged that the demolition, construction and subsequent use of the premises will be subject to future development applications, at which stage the impacts of the carrying out of the development will be assessed in accordance with s.4.15 of the EP&A Act.

The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

State Environmental Planning Policies

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

(a) State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional Development SEPP 2011)

Development of a type that is listed in Schedule 7 of SEPP (State and Regional Development) 2011 is defined as 'regional significant development'. Such applications require a referral to a Sydney District Panel for determination as constituted by Part 3 of Schedule 2 under the *Environmental Planning and Assessment Act 1979*. The proposed development constitutes 'Regional Development' as it has a Capital Investment Value (CIV) which exceeds the \$30 million threshold. While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney Central City Planning Panel.

(b) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 7 have been considered in the assessment of the development application.

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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Having regard to the provisions of Clause 7 (Contamination and remediation to be considered in determining development application) of SEPP 55, it is acknowledged that the proposed development does not involve any physical works, with future development application/s to be lodged for demolition and construction works on the site.	

Matter for Consideration	Yes/No
<p>The application has been accompanied by a Stage 1 Preliminary Site Investigation (PSI). The PSI identifies a number of potential contamination sources on site that require further investigation. The proposed new development will comprise different land uses and receivers of varying sensitivities, including hotel accommodation, child care, retail/commercial, and public open space. The relevant investigation levels and remediation criteria will differ for these uses, and as such parts of the site may be remediated to a different level than others. The consultant concludes in the PSI that the results of their preliminary review of the site do not preclude redevelopment of the site for the proposed uses, and that the site should be able to be remediated to the appropriate level.</p> <p>In this regard, a condition of consent has been recommended requiring any future development application/s associated with the demolition/construction/use of the site, to be accompanied by a detailed contamination investigation (Stage 2) report which addresses the suitability of the site for the proposed development. The report is required to be prepared by a suitably qualified consultant, in accordance with the relevant EPA Guidelines. The recommended condition also advises that, depending on the findings of the detailed contamination investigation report, it may be necessary to prepare a Remediation Action Plan and/or Site Auditor Statement.</p> <p>The development is considered satisfactory having regard to the provisions of Section 4.22 of Division 4.4(5) of the EP&A Act, insofar as the development assessment does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications; no physical works are proposed as part of this development application.</p>	

(c) State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The provisions of the ISEPP 2007 have been considered in the assessment of the development application.

Clause 45 - Development likely to affect an electricity transmission or distribution network

The subject development occurs within 5 metres of an overhead electricity power line. As such, the Consent Authority is required to give written notice to an electricity supply authority.

In accordance with the provisions of Clause 45, the development application was referred to Ausgrid for comment, who raise no objection to the proposed concept application, subject to conditions relating to existing underground cables in Hampstead Road and an existing substation in Hampstead Road. These matters have been included as recommended conditions of consent.

Clause 101 – Frontage to classified road

Parramatta Road is identified as a classified road and the application was referred to TfNSW in accordance with the provisions of Clause 101 of the ISEPP. On 27 January 2021, TfNSW issued concurrence, subject to conditions. These conditions have been incorporated into the recommended conditions of consent.

Clause 104 – Traffic generation developments

The application is subject to Clause 104 of the ISEPP as the development involves traffic generating development as identified in Schedule 3 of the ISEPP. The future development will involve a car park with more than 50 spaces on the site which has access to Parramatta Road. The application was referred to TfNSW in accordance with the provisions of Clause 104 of the ISEPP. On 27 January 2021, TfNSW issued concurrence, subject to conditions. These conditions have been incorporated into the recommended conditions of consent.

(d) State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)

The Education SEPP sets out a new reform process for certain types of education and child care facilities to be determined under exempt and complying development that will make it easier for child-care providers, schools, TAFEs and universities to build new facilities and improve existing ones by streamlining the planning process to save time and money and deliver greater consistency across NSW.

The proposed development includes a footprint for the provision of a child care centre on Level 1, comprising a total area of 934m². This portion of the proposed development is identified as a 'centre based child care' and the provisions of Part 3 of the Education SEPP are applicable. Given that the development does not propose any physical works, an assessment of the proposed child care centre component of the development would be undertaken as part of a future development application/s for the construction, fit-out and use of the child care centre.

The development is considered satisfactory having regard to the provisions of Section 4.22 of Division 4.4(5) of the EP&A Act, insofar as the development assessment does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.

A condition of consent has been recommended requiring any future development application/s for the construction, fit-out and use of the child care centre to provide an assessment against the relevant provisions of the Education SEPP and the Child Care Planning Guidelines.

Regional Environmental Plans

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

(a) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 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 raises no issues as no impact on the catchment is envisaged.

(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 (ALEP 2010)

The provision of the Auburn Local Environmental Plan 2010 (ALEP 2010) are applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the ALEP 2010 and the objectives of the B6 Enterprise Corridor land use zone.

(a) Permissibility:-

The proposed development is defined as comprising "specialised retail premises", "office premises", "centre-based child care facility", "hotel or motel accommodation", and "food and drink premises", all of which are permissible in the B6 land use zone, with consent:

specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

centre-based child care facility means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or

- (e) *a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- (f) *a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
- (g) *a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
- (h) *a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*

hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—

- (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,*

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) *a restaurant or cafe,*
- (b) *take away food and drink premises,*
- (c) *a pub,*
- (d) *a small bar.*

The relevant matters to be considered under the PLEP 2011 for the proposed development are detailed below and in the Table at **Attachment 9** to this Report.

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3(2A) Height of buildings Maximum height of building – 27 metres	Y	Consent is not sought for any built form or construction works as part of this concept application. The future built form will be subject to subsequent development application/s, at which point an assessment of the proposed building height will be undertaken in accordance with the provisions of the ALEP 2010. Having regard to the concept application, indicative envelope plans have been provided, demonstrating a maximum building height of 27 metres.

		<p>A condition of consent has been recommended requiring any future development application/s for construction works to demonstrate a building design which is compliant with a maximum building height of 27 metres.</p>
<p>4.4(2) Floor space ratio (FSR) – maximum 1:1</p>	Y	<p>A blanket FSR provision of 1:1 is applicable across the site, with the exception of the land uses identified below, to which Clause 4.4(2B) is applicable.</p> <p>A condition of consent has been recommended requiring future development application/s for building works to comply with the maximum FSR applicable to the site.</p>
<p>4.4(2B) Floor space ratio Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, is as follows—</p> <p>(a) 1.5:1 for specialised retail premises, entertainment facilities, function centres and registered clubs, and</p> <p>(b) 3:1 for office premises and hotel or motel accommodation.</p>	Y	<p>The development includes specialised retail premises, office premises and hotel accommodation. A condition of consent has been recommended requiring future development application/s to comply with the use specific provisions of this clause.</p>
<p>5.10 Heritage Conservation</p>	Y	<p>The site is not identified as a heritage item and is not within a heritage conservation area.</p> <p>The site is in proximity to an archaeological item, being the 'Clyde Marshalling Yards' (Item no. A50), located to the west of the subject site.</p> <p>The subject site is considered to be sufficiently removed from the item,</p>

		which is in the order of 340 metres to the west of the site, so as not to have any impact on the significance of the archaeological item.
6.1 Acid Sulphate Soils Class 5	Y	The site comprises Class 5 acid sulphate soils. No physical works are proposed as part of this application, the acid sulphate soil affectation of the site will be considered as part of the subsequent development application/s for demolition and construction works.
6.3 Flood Planning	N/A	N/A – the site is not flood affected.

The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))

(a) Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)

The draft SEPP relates to the protection and management of our natural environment with the aim of simplifying the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. The changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The draft policy will repeal the above existing SEPPs and certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 117 Local Planning Directions where appropriate.

(b) Draft Cumberland Local Environmental Plan (Draft CLEP)

The Draft Cumberland Local Environmental Plan (Draft CLEP) has been prepared by Cumberland Council to provide a single planning framework for the future planning of Cumberland City. The changes proposed seek to harmonise and repeal the three existing LEPs currently applicable to the Cumberland local government area, those being:

- Holroyd Local Environmental Plan 2013,

- Parramatta Local Environmental Plan 2011, and
- Auburn Local Environmental Plan 2010.

The current planning controls for the subject site, as contained within the ALEP 2010, are not proposed to change under the Draft CLEP.

It is noted that the Earlier renditions of the Draft CLEP issued to the DPIE proposed a partial rezoning of the subject site, to introduce a B1 Neighbourhood Centre land use zone for the southern portion of the subject site.

The amended extent of the B6 Enterprise Corridor zone along Parramatta Road and the introduction of the B1 Neighbourhood Centre land use zone, including associated amendments to the building height and FSR controls, were proposed to assist with the implementation of the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS).

The PRCUTS seeks to increase employment/business opportunities in the corridor, with amendments to the zoning, building height and FSR controls proposed to support the redevelopment envisaged by the strategy.

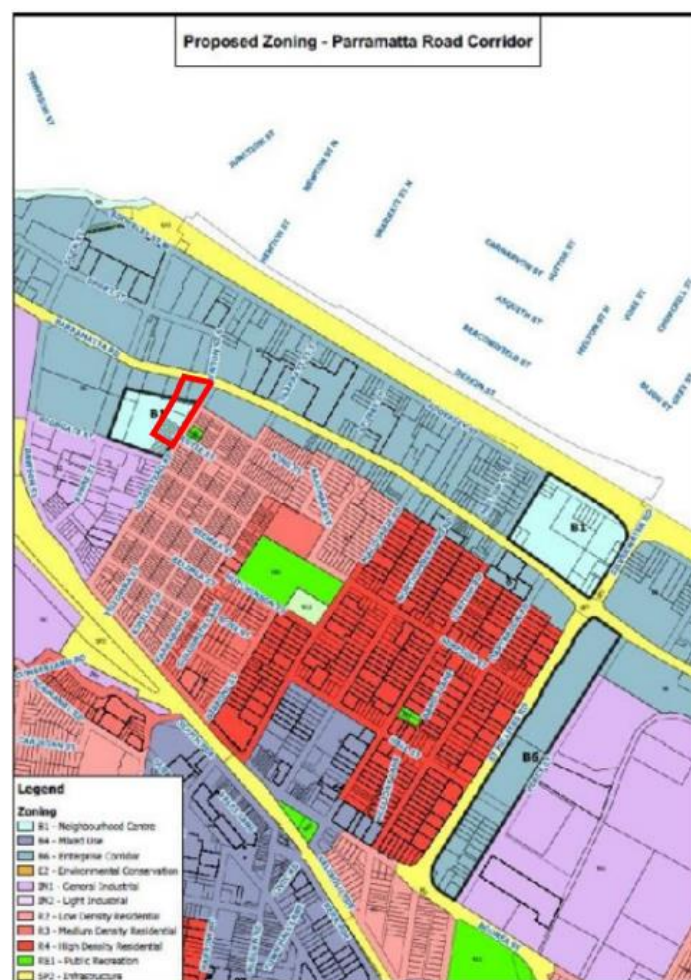


Figure 5: Proposed zoning extract for Parramatta Road Corridor – subject site denoted by red outline (Source: Council Business Paper, 15 July 2020)

As part of the finalisation of the Draft CLEP by the Department of Planning, Industry and Environment, it is understood by Council that the current planning provisions under

the ALEP 2010 for sites, including the subject site, which are affected by the PRCUTS, will be maintained at this time. Should these changes not proceed, the potential rezoning and amendment of planning controls of land impacted by the PRCUTS would be undertaken through a separate planning proposal process .

Given that the planning controls in the current ALEP 2010 are to be carried over to the Draft CLEP, the proposed development is consistent with the draft provisions of the CLEP.

The provisions of any Development Control Plans (EP&A Act s4.15 (1)(a)(iii))

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

The Auburn Development Control Plan 2010 (ADCP 2010) provides guidance for the design and operation of development to achieve the aims and objectives of the ALEP 2010.

The following parts of the ADCP 2010 are applicable to the development:

- Industrial Areas;
- Child Care Centres;
- Parking and Loading;
- Stormwater Drainage; and
- Waste.

Noting that no physical works are proposed as part of this concept application, i.e. demolition and construction works and the use of the premises are all subject to future development applications, the application of the provisions of the ADCP 2010 are limited. Detailed assessment/s of future development application/s would be undertaken against the relevant provisions of the ADCP 2010 in relation to built form, building setbacks, landscaping, amenity impacts, carparking and loading and waste management.

Conditions of consent have been recommended to require future development to have regard to the relevant provisions of the ADCP 2010, as they relate to the detailed design of the development having regard to the provisions of the industrial areas and child care centre controls and the application of parking and loading provisions, stormwater drainage and waste management in accordance with the relevant parts of the ADCP 2010.

A condition of consent has also been recommended clarifying that the building envelope/s are only approved on the basis that the ultimate building design, including services, balconies, shading devices and the like will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring sites and buildings. In this regard, it is noted that the proposed building envelopes provide setbacks which are generally compliant with the setback requirements in the Industrial Areas part of the ADCP 2010, i.e. 4.5 metre front setback, 3 metre secondary setback for corner lots and a nil side and rear setback.

The development is considered satisfactory having regard to the provisions of Section 4.22 of Division 4.4(5) of the EP&A Act, insofar as the development assessment does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.

The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (EP&A Act s4.15(1)(a)(iia))

There is no draft planning agreement associated with the subject Development Application.

The Applicant has indicated that as part of the future DAs for works, discussions will be undertaken with Council in relation to the potential public use of the open space area and the mechanisms to facilitate such public use.

The provisions of the Regulations (EP&A Act s4.15 (1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the *Environmental Planning and Assessment Regulations 2000* (EP&A Reg).

The Likely Environmental, Social or Economic Impacts (EP&A Act s4.15 (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 s4.15 (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, 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 s4.15 (1)(d))

Advertised ☒

Mail ☒

Sign ☒

Not Required ☐

In accordance with Council's Notification requirements contained within the ADCP 2010, the proposal was publicly notified for a period of fourteen (14) days between 17 June 2020 and 1 July 2020. The notification generated two (2) submissions in respect of the proposal with no submissions disclosing a political donation or gift. The issues raised in the public submissions are summarised and commented on as follows:

Issue	Response
<i>I live near Harvey Norman Auburn and we have been dealing with all the problems associated with them being across the road. All the noise from them. I can image all the noise that's going to effect our lives. I'm still dealing with rubbish collection because of Harvey Norman.</i>	Having regard to the acoustic impacts of the future development of the subject site, in accordance with the concept plan, a condition of consent has been recommended requiring the preparation of an acoustic assessment to accompany future development application/s for works.
<i>I have been dealing with Harvey Norman noise pollution for a decade.</i>	A condition of consent has also been recommended to ensure that waste management during the demolition, construction and on-going use phases of the development are addressed and
<i>Please do not approve this development. It's far too close to residential houses. Thus</i>	

<i>will be a nightmare to any body living close to this development.</i>	assessed in accordance with the provisions of the ADCP 2010.
<p><i>The development DA2020/0310 will be detrimental to the any future development of adjoining properties to the south of the site.</i></p> <p><i>The site will be too small when considering parking, access and green space for any reasonable development.</i></p> <p><i>The development will leave our properties hemmed in.</i></p>	<p>The access and parking arrangements of the proposed development have been assessed by Council's Traffic Engineers and are considered acceptable.</p> <p>As part of the recommended conditions of consent, a condition has been included to require any future development application/s for works to demonstrate compliance with the provisions of the ADCP 2010 in relation to the provision of car parking for the proposed land uses. It is noted that this concept application proposes basement footprints to be developed as part of future development application/s.</p> <p>A condition of consent has also been recommended to ensure that the proposed pedestrian links through the site are designed so as not to impede the future development of adjoining land.</p>

The public interest (EP&A Act s4.15(1)(e))

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.

CUMBERLAND LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

The development would require the payment of contributions in accordance with Cumberland Local Infrastructure Contributions Plan 2020.

As this concept approval does not include any works, a standard condition of consent acknowledging the payment of a monetary contribution as part of the future works development applications has been recommended.

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

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

CONCLUSION

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*, State and Regional Development SEPP, SEPP 55, ISEPP, Education SEPP, SREP 2005, ALEP 2010, Draft

Environment SEPP, Draft CLEP and ADCP 2010 and is considered to be satisfactory for approval, subject to conditions.

The proposed development is appropriately located within the B6 Enterprise Corridor land use zone under the relevant provisions of the ALEP 2010. The proposal is consistent with all statutory and non-statutory controls applying to the development. 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 4.15 of the *Environmental Planning and Assessment Act 1979*, and the development may be approved subject to conditions.

RECOMMENDATION

- 1. That Development Application No. DA2020/0310 for Concept Development Application for building footprints, basement car parking and massing envelopes for a mixed use development comprising specialised retail premises, hotel and motel accommodation, office premises, child care facilities, cafe and open space on land at 276-282 Parramatta Road and 54-68 Hampstead Road AUBURN NSW 2144 be approved subject to the conditions at Attachment 1.**
- 2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.**

ATTACHMENTS

1. Draft Notice of Determination
2. Architectural Plans
3. Submissions Received
4. CDEP Correspondence