



OA2024/0020

29 January 2025

Auburn Shopping Village Pty Ltd  
2A Gregory Place  
HARRIS PARK NSW 2150

Dear Sir/Madam,

**Application No: OA2024/0020**  
**Property: 41 Auburn Road Auburn**  
**Proposal: Other Authority Consent - Auburn Village mixed use development with infill affordable housing (SSD-69988710)**

Reference is made to the Department of Planning, Housing and Infrastructure referral received by Council on Thursday 12 December 2024 inviting Council's comments for the proposed development.

Council has reviewed the submitted information and the following response is provided.

### **Planning comments**

#### **Details of the development**

The development application is for demolition works, early works, site remediation and construction of a mixed use development with affordable housing. In detail the following is proposed.

- a) A three storey basement car park with room for parking 513 motor vehicles. There is also room for parking 168 bikes divided into 22 motorbike parking bays and 146 bike bays.
- b) A commercial floor area across the "Lower Ground" level as shown:

<b>Proposed Use</b>	<b>Floor area</b>
10 x retail tenancies and 1 tenancy for the site manager.	1,304 square metres.
Internal walkways, services, bin storage rooms, toilets, plant and loading / unloading areas.	Remainder of floor area.

c) A commercial floor area across parts of the “Ground Level” as shown:

<b>Use</b>	<b>Floor area</b>
6 x retail tenancies.	990 square metres.
4 commercial tenancies.	865 square metres.
Public accessible open space with part of this area situated underneath Building A.	

d) A commercial floor area on “Level 1” of Tower Building A as shown:

<b>Use</b>	<b>Floor area</b>
2 x retail tenancies.	468 square metres.
This includes a retail mezzanine floor area.	66 square metres.

e) A single 22 storey apartment building tower (Tower A) situated above the commercial floors. Tower A is 25 storeys in height when including the commercial floors and the rooftop access and common area.

f) Two connected towers being Towers B and C situated above the two commercial floors. This part of the development rises to 20 storeys which includes 18 storeys earmarked for residential use.

g) The complex features 359 apartments divided into:

- 3 x Studio apartments.
- 20 x 1 Bedroom apartments.
- 298 x 2 Bedroom apartments.
- 38 x 3 Bedroom apartments.

h) The project includes a publicly accessible open space at ground level including a through site pedestrian way and landscape works.

The existing lot will include three (3) subdivisions (Stratum subdivision) being:

- The retail / commercial.
- Residential (On market).
- Residential (Affordable housing)

The affordable housing component will be managed by a registered community provider for 15 years post the issue of the Occupation Certificate. It is noted that the applicant has provided the details to support the development application.

The key indicators for the development based upon the statement of environmental effects are:

- Proposed gross floor area is 37,700 square metres or 6.494:1.
- The maximum height of the development is 78 metres.
- An uplift in height and floor space ratio of 30% is being requested on the grounds that 15% of the floor space is for affordable rental housing being 68 Apartments.
- Common open space occupies 3,094 square metres of the site.  
*Note: This appears to include common areas across the lower ground and ground levels that are not earmarked for residential use which is discussed below.*
- The basement car park has room for 513 car parking spaces across 3 levels.

Council has undertaken a general assessment of the development and provides the following comments to assist the Department with the assessment process.

### **State Significant Development**

The development is identified as being State Significant Development under Schedule 1 Clause 26A of State Environmental Planning Policy (Planning Systems) 2021 given that:

- The site is located within the 'Central River City' region of the Six Cities Region.
- Has a capital investment value exceeding \$75 million.
- The development is not prohibited development.

The cost of works is calculated at \$85.816 million in this instance excluding GST or \$94,398,299.03 including GST.

### **Cumberland Local Environmental Plan 2021**

Under the Cumberland Local Environmental Plan 2021, the following prevails.

Feature	Proposal
<p>Permissibility</p> <p>For E1 Local Centre zone.</p>	<p>The development is considered to be <b>“Shop top housing”</b>.</p> <p>Shop top housing is permissible with consent within the E1 Local Centre zone.</p>
<p>Clause 4.3 - Permitted height is 60 metres.</p>	<p>Propose 78 Metres.</p> <p>No under CLEP 2021.</p> <p>Applicant using SEPP Housing 2021 for affordable housing.</p> <p><b>SEPP (Housing) 2021 Clause 16 permits additional 30% (60 + 30% = 78 metres due to provision of affordable rental housing.</b></p> <p>Full extent of 30% to be used being 15% affordable rental housing.</p>
<p>Clause 4.4 - Permitted floor space ratio is 5.0:1.</p>	<p>Propose 37,700 square metres or 6.494:1.</p> <p>(Based upon a site area of 5,805 sq m)</p> <p>No under CLEP 2021.</p> <p>Applicant using SEPP Housing 2021 for affordable housing.</p> <p><b>SEPP (Housing) 2021 Clause 16 permits additional 30% (5.0:1 + 30% = 6.5:1 due to provision of affordable rental housing.</b></p>
<p>Clause 6.13 - Ground floor development in E1, E2 and MU1 zones.</p> <p>Must be non residential.</p>	<p>The lower ground and ground floor are purely to be used for commercial purposes and land uses. Compliance is achieved.</p>
<p>Clause 6.14 - Design Excellence.</p>	<p>The site is not located within an area where Clause 6.14(1) applies. A Design Excellence Certificate is not required.</p>

	However, the development is subject to any requirements of the New South Wales State Design Review Panel.
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The height of the building when considered under Clause 16 of the State Environmental Planning Policy (Housing) 2021 is 78 metres and compliant.

#### Floor space ratio

The floor space ratio calculated by the applicant is 6.494:1 is generally accurate except for the comments provided below.

- An area of 43 square metres across the lower ground floor which is habitable space is not being counted as floor space ratio. This includes the cleaner's room and caretaker's office.
- The lower ground floor garbage rooms occupying 524 square metres is not included as floor space ratio. The rooms are partially at grade and partially underground given the form of excavation that is proposed.

The Department should review this more closely to ascertain if this is additional floor space ratio. If this is considered to be additional floor space ratio, then the floor space ratio of the building could be as high as 38,266.9 square metres or 6.592:1.

This will create the following issues:

- An excess of floor space ratio across the development with no Clause 4.6 Variation addressing the departure of Clause 16 of State Environmental Planning Policy (Housing) 2021.

The affordable rental housing component would then be calculated at:

- 14.5% (Using the applicant's figures) and excluding the lower ground and ground floor Foyer B lift access.
- 14.7% when including the lower ground and ground floor Foyer B lift access.

This would be less than 15%. The applicant is seeking 15% affordable rental housing. The plans show 5,544.25 square metres of affordable rental housing. The statement of environment effects on Page 23 suggest that 5,655 square metres affordable rental housing is provided.

The plans and statement of effects do not appear to match which will need attention.

If the lower ground floor garbage room stores of 524 square metres plus 43 square metres of habitable floor area is to be included, then the amount of affordable housing required would be:

- 38,266.9 square metres x 15% = 5,740 square metres. A variation of 195 square metres exists for the affordable housing component.

Council urges the Department to review the floor space ratio and affordable housing amounts more closely to ensure no variations exists to floor space ratio and that Clause 16 of the State Policy is fully complied with.

### **Other requirements and considerations**

#### **Clause 4.6 Variation to Clause 19(2)(b) of SEPP Housing 2021 (Landscaping)**

Generally, Clause 19(2)(b) requires the following:

- (b) a minimum landscaped area that is the lesser of—*
  - (i) 35m<sup>2</sup> per dwelling, or*
  - (ii) 30% of the site area,*

In this regard, the lesser amount is the provision requiring 30% of the site area to be landscaped.

The applicant suggests that 2,363 square metres of landscaping is proposed. While this equates to 40.7% of the site, it should be noted that:

- The landscaping is for the entire development across each level and not necessary at ground level.
- The amount of landscaping falls well short of 30% across the ground level. If the provision applies for the ground level, a wide variation exists.

There is no Clause 4.6 Variation addressing any such variation of landscaping at ground level.

Council urges the Department to review this carefully and address the matter should it find that a variation exists.

### **Common open space**

The Apartment Design Guide under Part 3D-1 requires at least 25% of a site area to be dedicated as communal open space. In this regard, at least 1,451 square metres of the site should be dedicated as communal open space.

The development application is suggesting that 3,094 square metres of the site is earmarked for communal open space. This appears to include the common space across the lower ground and ground floors which function more as public space rather than private common areas for the residents.

It is calculated that the main private common areas within the towers specific for residential use occupies approximately 513 square metres noting that this includes some planter boxes and landscaping elements. This would equate to an area of approximately 8.8% which is below 25%. Excluding these, the area is less.

Council urges the Department to review the size of the common areas earmarked for the residents as it appears that a wide variation is occurring.

Council does not believe that public open space or publicly accessible areas should be included as part of the overall amount of communal open space areas for residential use.

To achieve additional private communal areas, partial redesign of the development is required.

#### Carparking requirements

The car parking requirements for the commercial and retail components for the development have been calculated at 74 spaces. This is based upon the retail and commercial floor areas occupying 3,670 square metres and based upon the Councils control of 1 space per 50 square metres of gross floor area.

*Note: This is based upon the site having a previous B4 Mixed Use zone which permitted a reduced car parking requirement. The site is now zoned E1.*

The applicant has shown 91 car parking spaces provided to support the retail / commercial components of the development. In this context, there is adequate car parking to support the retail / commercial component of the building.

The car parking component to support the residential towers fall under Clause 19(2)(e) and (f) of the State Policy which are reproduced below.

*(e) the following number of parking spaces for dwellings used for affordable housing—*

*(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,*

*(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,*

*(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,*

*(f) the following number of parking spaces for dwellings not used for affordable housing—*

*(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,*

*(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,*

*(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,*

In this regard:

- The affordable housing component requires 32 spaces.
- The non affordable housing component requires 309 spaces

For a total 341 residential spaces with no requirement for visitor car parking.

Given that 359 apartments are proposed, it is considered reasonable to allow for an additional 18 car parking spaces to ensure that at least every apartment has 1 car parking space.

As such, the minimum car parking requirement for the entire complex is 433 spaces. With 513 spaces being provided, there is a surplus of 80 spaces. The applicant is providing 51 visitor car parking spaces within the development which is considered reasonable given the size of the development. It is noted that no visitor car parking is required for the development.

No objection is raised for any additional car parking spaces to service the retail / commercial part of the building.

As such, the surplus of car parking is then reduced to 12 spaces.

It is identified that there are 51 residential car parking spaces that are in tandem with one another. An opportunity exists to remove the surplus number of car spaces (Residential). This could be undertaken by removing at least 12 tandem residential spaces.

#### Affordable apartments

When undertaking the above calculations, it is identified that all the affordable housing apartments are either:

- One bedroom apartments.
- Two bedroom apartments.

There are no three bedroom apartments proposed as being affordable housing apartments for families. Consideration should be made at having three bedroom



affordable housing apartments included into the development to ensure the development is more equitable for families as well as having affordable rental housing spread across the three buildings.

### Waste

The Department is to ensure that waste chutes are provided to all levels of the building to avoid residents having to enter and leave the basement area to dispose of waste.

### Section 7.11 Contributions

Council has calculated the Section 7.11 Contributions for the development as being \$5,498,703 which will need to be included into the officer's report and a condition attached to any consent that may be issued.

### Public Spaces

The development should address the following:

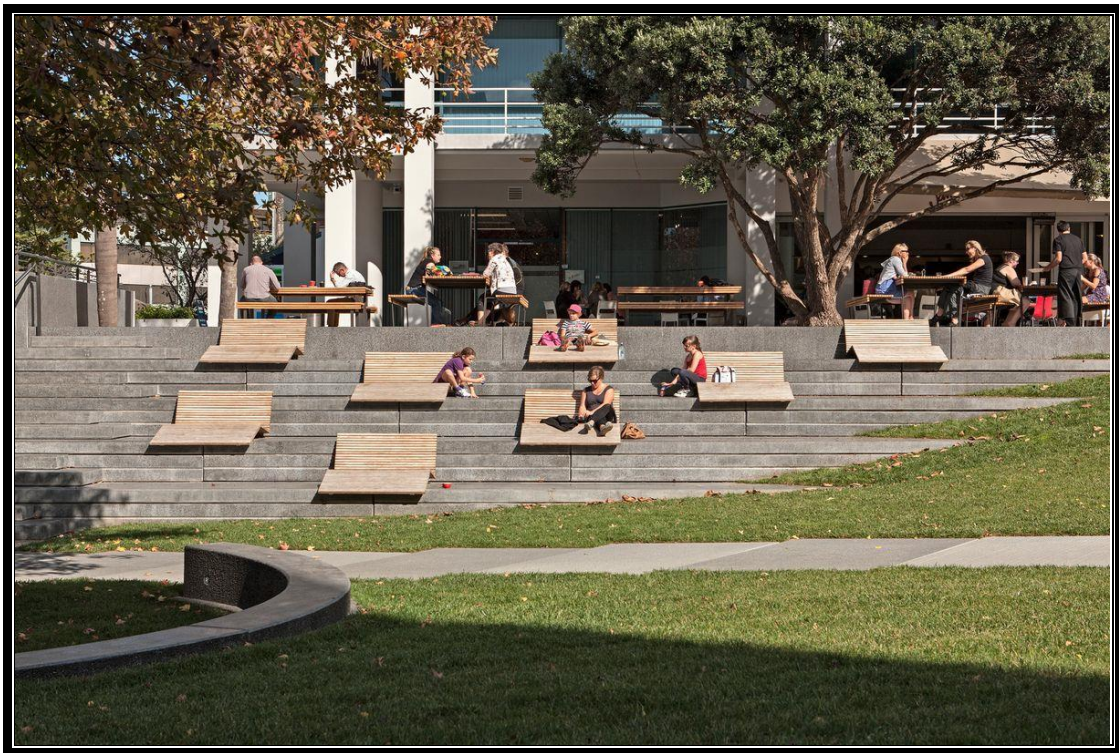
- Lack of seating and greenery.
- The development should improve on the area of open space at the intersection of Auburn Road and Queen Street that interacts visually and physically with the streetscape and includes public art and seating. This will support the urban principles for public open space that make the town centre connected, safe and accessible, culturally engaging, liveable and distinctive.
- Maximise the active street frontages along Auburn Road and Queen Street by keeping blank walls, vents etc to a minimum.
- Auburn Road - Provide new seating area, public art elements and new infill paving as per the Auburn Public Domain Plan. To protect existing tree planting.
- Provide new bins and seating along the streetscape.

Cumberland City Council's "Auburn Town Centre Public Domain Plan" dated November 2009 (Revision August 2010) should be reviewed to ensure the landscaping and ground level paving works for the development is consistent with the relevant provisions where applicable including Parts 3.1a and 3.1b. This will include landscaping, paving, street furniture and public art.

The Department should also include a condition for any consent issued that requires the applicant to provide the Council future plans addressing the public domain for final Council endorsement.

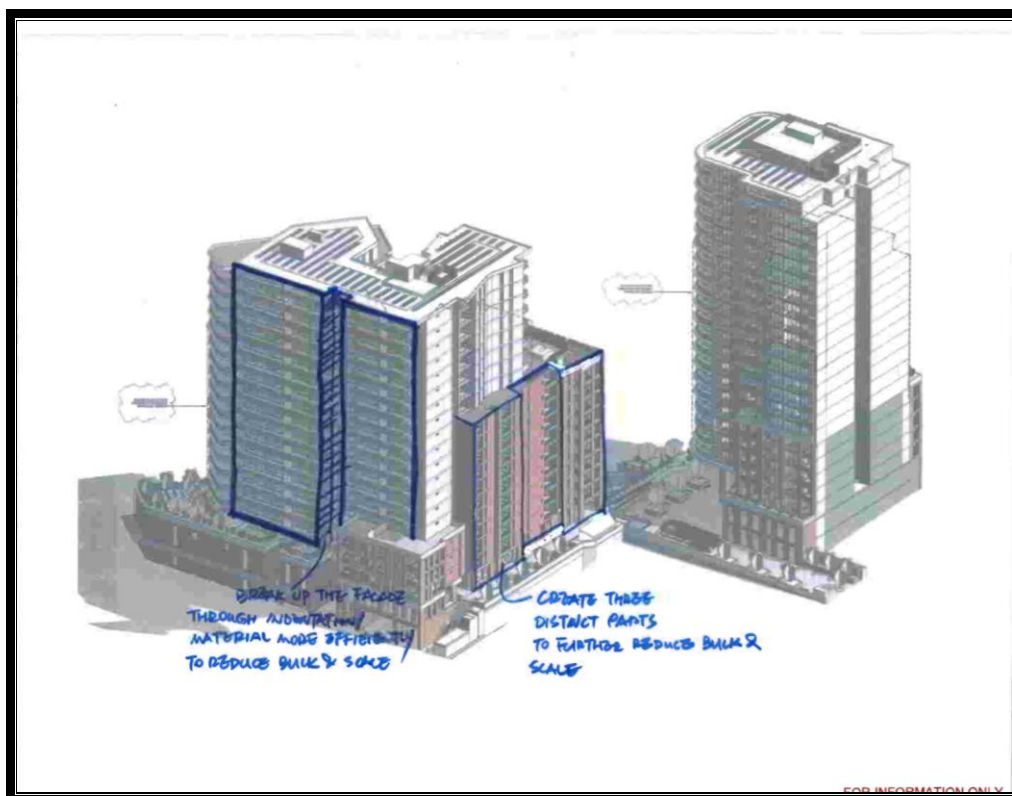
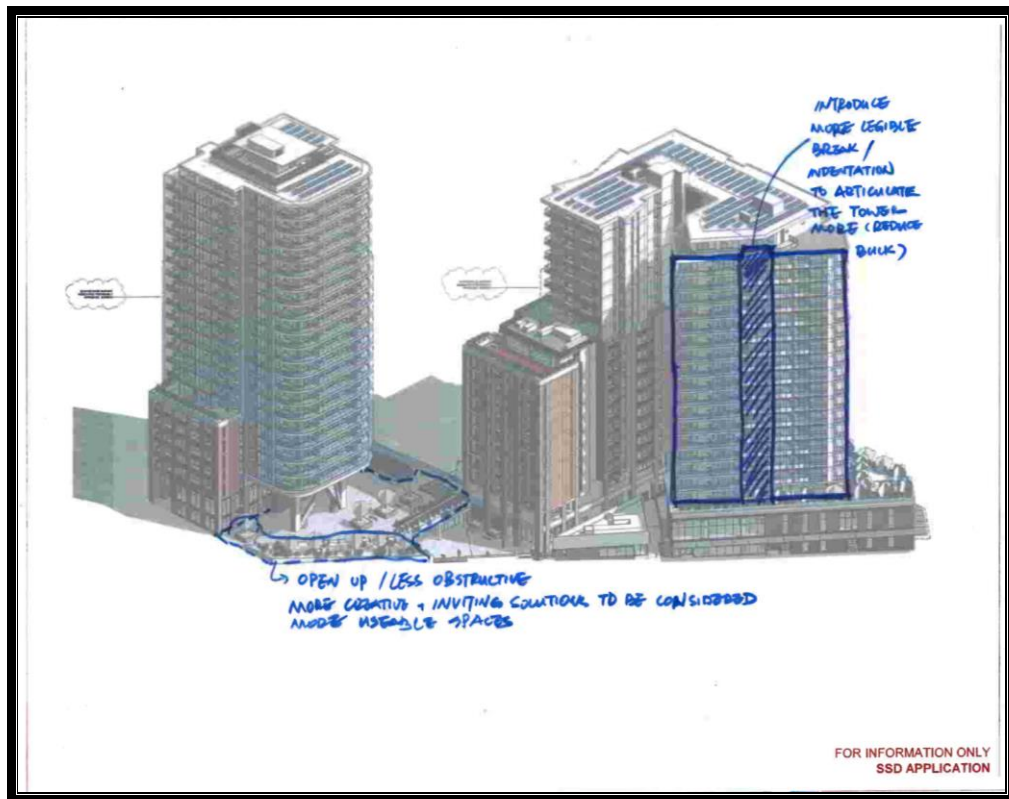
A redesign of the open space facing the corner of Auburn Road and Queen Street is required. The proposed open space should be more open and inviting. The proposed planter boxes and retaining wall to address the level change is not desired. They create more obstacles both visually and physically for people to use the spaces and therefore, the useable area of the proposed open space is minimal.

A more creative solution is to be used to address the level change. This may be achieved by using long seating / stairs combination coupled with landscaping, as shown in the sample image below:



### **Built form comments**

The design, bulk and scale of Tower B and C (The building closest to Auburn Central) is considered bulky. Consideration should be given to further breaking down the tower vertically to reduce its bulk and scale. This can easily be implemented through tools such as wider / more efficient indentations, material changes and groupings. Please refer to the mark ups provided below.



## **Tree and landscaping comments**

### **ADG guideline compliance**

Applicant should ensure that compliance with the Apartment Design Guideline as it relates to minimum soil depth standards for all proposed landscaping works proposed for the site

### **Arboricultural Impact Assessment & TPP**

The applicant should engage a AQF5 qualified arborist to prepare an Arboricultural Impact Assessment and Tree Protection Plan to ensure that any trees located outside the site are protected throughout the development.

### **Detailed landscape plan**

The landscape plans before council lack sufficient detail to determine if the proposal is sufficient or fit for purpose. The plan should identify where each tree, shrub, and grass is to be planted and clearly marked up on the plans to ensure the assessing officer can appropriately assess the proposal.

## **Environment and Health comments**

### **Acoustics and noise**

An Acoustic Validation statement has been prepared by prepared by Koikas Acoustics Pty Ltd dated 23 May 2024 and referenced 6190R20240503rcf41AubrnRoadAuburn\_DA.

The acoustic report states that noise emitted from the mechanical systems should copy with limits imposed under relevant guidelines and must not exceed background by more than 5dBA at any residential boundary.

The acoustic report concludes that if all recommendations under section 7 and 8 of the report are implemented, then the desired noise amenity will be achieved. The report also states that all habitable spaces fronting the external roads will need to have its windows and doors closed to achieve the indoor noise target amenity levels.

Therefore, alternative ventilation is required. This should be addressed.

### **Construction**

There will be noise and vibration which may include drilling into bedrocks use of heavy machinery and general construction associated site works. The applicant has

submitted a construction, noise and vibration management plan which should be included into any consent that is issued.

### Mechanical ventilation

The acoustic report states that all residents fronting the external roads will need to have windows and doors closed to achieve the indoor noise target amenity levels. Therefore, alternative ventilation is required.

The base building must provide suitable space for future kitchen exhaust for any future food premises. This should be conditioned.

The applicant has submitted a Preliminary Site Investigation report (PSI) report which recommends that subsequent to dismantling and demolition of the main buildings, a phase 2 contamination assessment must be conducted to identify any legacy contamination from past activities as a service station.

The applicant has submitted a Detailed Site Investigation report which concludes that Soil analytical results over the BP-owned portion of the site indicate negligible impacts from historical site activities. All soil results were well below the adopted health investigation criteria. Soil analytical results from the Transformer Compound show no impacts to the localised soil from PCB compounds.

The DSI concludes that the site is suitable for the proposed development. Consideration should be given to the following items prior to or during construction of the proposed development:

- Prepare an Unexpected Finds Protocol (UXF) to be implemented during site development works that considers excavation and or disturbance of soils potentially harbouring hydrocarbon impacts in localised areas of the site particularly the lands formally owned by BP Australia.
- All soils/fill materials residing over bedrock on the site are to be sampled/analysed for a broad suite of contaminants (including visual and analytical presence of asbestos) and a waste classification prepared before the soils can be removed offsite in accordance with the Waste Guidelines, 2014.
- Sampling and analysis of groundwater seepage into the basement excavation (should that occur) and assessment of results against water quality thresholds prior to pumping of excavation water to stormwater. An action plan should be implemented if groundwater is of poor quality and contains hydrocarbons and inorganic residues.

### Hazardous Material Survey

The applicant has undertaken a Hazardous Material Survey and submitted a report to support the application which states that a clearance inspection must be undertaken on completion of hazardous material removal works and prior to any construction activities being undertaken within the proposed development site which can be conditioned.

### Acid Sulfate Soils

The site is not classified in the acid sulphate soil map. Detailed Site Contamination Investigation (DSI) prepared by Sullivan Environmental Services states that while the proposed development is understood to include basements, the development is unlikely to dewater the water table on the closest Class 2 land (over 500m away) as groundwater would be in the underlying shale and or deeper sandstone bedrock.

Based on the above, acid sulfate soils risk is considered negligible, and preparation of an acid sulfate soils management plan is not considered necessary.

The development is satisfactory subject to the above being achieved.

### **Engineering comments**

#### Flooding

A Flood Advice Letter shall be obtained from Council.

The development shall comply with the Council's Flood advice letter and Council's Flood Risk Management Policy (CFRMP). Supporting documents shall be prepared in order to ensure that the development complies with the controls for flood risk precinct nominated in the Appendix (page 6) of the CFRMP.

The flood report flood levels conflicts with the Council's flood levels. A full 2D model shall be used in the flood modelling.

The flood report shall be calibrated to Council's flood levels.

The flood report shall include the following maps for Pre-development and post-development conditions.

- Flood extent maps.
- Hydraulic hazard maps.
- Flood contour maps.
- Flood depth maps.

- Flood velocity maps.
- Flood impact map.

The basement shall be protected from the 1%AEP flooding and adequate freeboard shall be provided.

All the floor level shall be minimum 500mm above the 1% AEP flooding.

### Civil works

The proposed Civil works outside the development site shall be submitted to Council's Engineering Section for assessment as part of a separate application.

The proposed relocation of the existing speed hump and associated modifications to the street signs shall be designed in consultation with Council's Traffic Section. The design shall be submitted to and be approved by Cumberland Council's Local Traffic Committee.

Relevant authority's consent is required for the proposed relocation of any power poles.

### Stormwater drainage

- The stormwater design is not satisfactory. Onsite Stormwater Detention (OSD) system shall be provided as part of the stormwater design in accordance with Council's DCP requirements. It should be noted that the flood storage provided in the Auburn Central cannot be considered as regional detention basin, and OSD shall be provided in the development.
- Lower ground floor grates surface levels are lower than the flood level at the discharge point.
- Ramp design shall ensure stormwater runoff from the street does not enter the basement. In this regard, a crest shall be provided within the site in the ramp design. Speed humps are not accepted. The crest shall form part of the basement ramp design and shall comply with AS2890.1 requirements for ramp design.
- The crest shall be above the 1% AEP flood plus freeboard or 100mm above the adjacent top of kerb, whichever is higher. Adequate freeboard shall be provided.
- Water quality targets shall be achieved as per Council's DCP requirements. In this regard, MUSIC model output and report shall be submitted.

### Traffic/Access

Intersections of the basement access ramp and basements 01, basement 02 and Basement 03 shall be redesigned to minimise the conflicts, and to improve the safety. Access ramps shall be perpendicular to the circulation aisles.

Commercial and residential parking spaces shall be physically separated by boom gates or other suitable measures. A turning area shall be provided at the separation as per AS2890.1 requirements.

Adequate queuing area shall be provided in front of the driveway access control point as per the Australian Standard AS2890.1 requirements. Queuing area shall be provided within the site.

Proposed parking allocation is not satisfactory. At least one parking space shall be provided to each unit and any tandem parking spaces shall be allocated mainly to the 3 bedroom apartments.

The door opening of the bin holding area compromise the safety as it is the vicinity of the truck manoeuvring area.

Minimum 4.5m headroom clearance shall be provided for the delivery truck access areas.

Proposed MRV loading area, which is located next to the access driveway, is not acceptable as it requires multiple turning manoeuvrings for access.

The loading area access ramp design shall comply with the Australian standard AS2890.1. In this regard:

- Maximum grade shall be limited to 1:6.5 (15.4%).
- The change of grade and travel length shall comply with Table 3.3 of the Australian standard AS2890.2:2018.

The widths of the parking spaces have not been annotated on the plans. The width of the commercial and business parking spaces shall be minimum 2.6m.

The circulation aisle width shall be minimum 6.1m if one side of the circulation aisle is restricted by any obstruction. In this regard circulation aisle width shall be widened near the obstruction.

Swept path analysis for entry and exit manoeuvrings at the driveway entrances, for both car park and loading areas, shall be provided to ensure turning manoeuvring will not have any adverse impact on street traffic/on street parking.



Pedestrian sight triangle shall be clear of any structures to provide the pedestrian safety. In this regard driveway design shall be modified.

Minimum 2.0m separation shall be provided between the driveways.

Minimum 2.0m separation shall be provided between the carpark entry and exit lanes.

It appears that the proposed location of the speed hump will have adverse impact on the vehicles that turn left in to the carpark. The matter shall be reviewed.

Should you have any further enquiries please do not hesitate to contact Harley Pearman on 8757 9956 in relation to this matter.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Michael Lawani', with a stylized flourish at the end.

Michael Lawani

**Coordinator Major Development Assessment**