AUBURN COUNCIL

*
To the Joint Regional Planning Panel

Planning and Environment
Department

43 Church Street, LIDCOMBE

REPORT FOR JRPP DA-201/2011
GF:ML

SUMMARY

Applicant	Concorso Pty Ltd
Owner	Concorso Pty Limited
Application No.	DA-201/2011
Description of Land	Lot 101 DP 853968, 43 Church Street, LIDCOMBE
Proposed Development	Demolition of existing buildings and associated structures, tree removal and construction of 10 storey residential flat building comprising 67 units over 3 levels of basement parking
Site Area	1779.00m^2
Zoning	Zone B4 - Mixed Use
Disclosure of political donations and gifts	Nil disclosure
Issues	Building height Activation of street Site isolation Internal amenity of some units Public submission

Recommendation

That Development Application No. DA-201/2011 for Demolition of existing buildings and associated structures, tree removal and construction of 10 storey residential flat building comprising 67 units over 3 levels of basement parking on land at 43 Church Street, LIDCOMBE be approved subject to conditions attached.

History/Consultations

Prior to the lodgement of the subject development application, two pre-lodgement applications (PL-31/2010 & PL-2/2011) were submitted to Council for demolition of existing structures and construction of a 9 storey residential flat building over basement car parking in respect of the subject site. It is noted that the second pre-lodgement proposal represent an improvement on the first and advice given at the pre-lodgement meetings were substantially incorporated into the proposed development.

The subject development application DA-201/2010 was lodged on 6 June 2011. Following a detailed assessment of the proposal a number of issues were identified regarding compliance with the State Environmental Planning Policy No. 65 and associated Residential Flat Design Code; Auburn Local Environmental Plan and Auburn Development Control Plan.

A briefing session was held between Council staff and the members of the Joint Regional Planning Panel – Sydney West on 4 August 2011.

Issues that were identified included site isolation, building height, contamination, stormwater, parking and some minor SEPP 65 and Residential flat building DCP non compliances. Following the assessment, the applicant was notified in writing by letter dated 13 July 2011.

On 16 September 2011, meeting held between Council officers and the applicant to discuss issues raised in Council's letter dated 13 July 2011.

Following further consultation with Council officers, a formal response to the above correspondence was received by Council on 3 November 2011. The submission included a new revision of plans and supporting documentation in relation to site isolation, street activation, acoustics and contamination reports.

On 14 November 2011 Council informed the applicant that the amended plans and information submitted on 3 November 2011 have not entirely overcome concerns raised with the proposal especially as they relate to site contamination, stormwater drainage, access ramp and garbage truck headroom.

On 12 December 2011, the applicant provided further information which was followed by a series of email correspondence including Council staff meeting with the applicant on 17 January 2012. Following the meeting and subsequent email correspondence, amended plans and supporting information was submitted to Council on 28 March 2012.

The documentation submitted provided justifications to the proposal including any planning control variations that were sought. The amended plans and amended documentation submitted improved the proposal's performance in relation to planning control and they form the basis of this report.

Site and Locality Description

The subject site identified as Lot 101 DP 853968 and is known as 43 Church Street, Lidcombe. The site is located on the northern side of Church Street between intersections with John Street to the west and Swete Street to the east. The site is situated diagonally opposite the entrance to the Lidcombe Railway Station. The site is irregularly shaped with a site area of approximately 1779sqm. The site has a street frontage of approximately 47.4m to Church Street and a rear boundary of approximately 47.2m and a depth ranging between 37.01m on the western boundary to 41.5m on the eastern boundary. The site is relatively flat with a gentle slope from the front to the rear boundary.

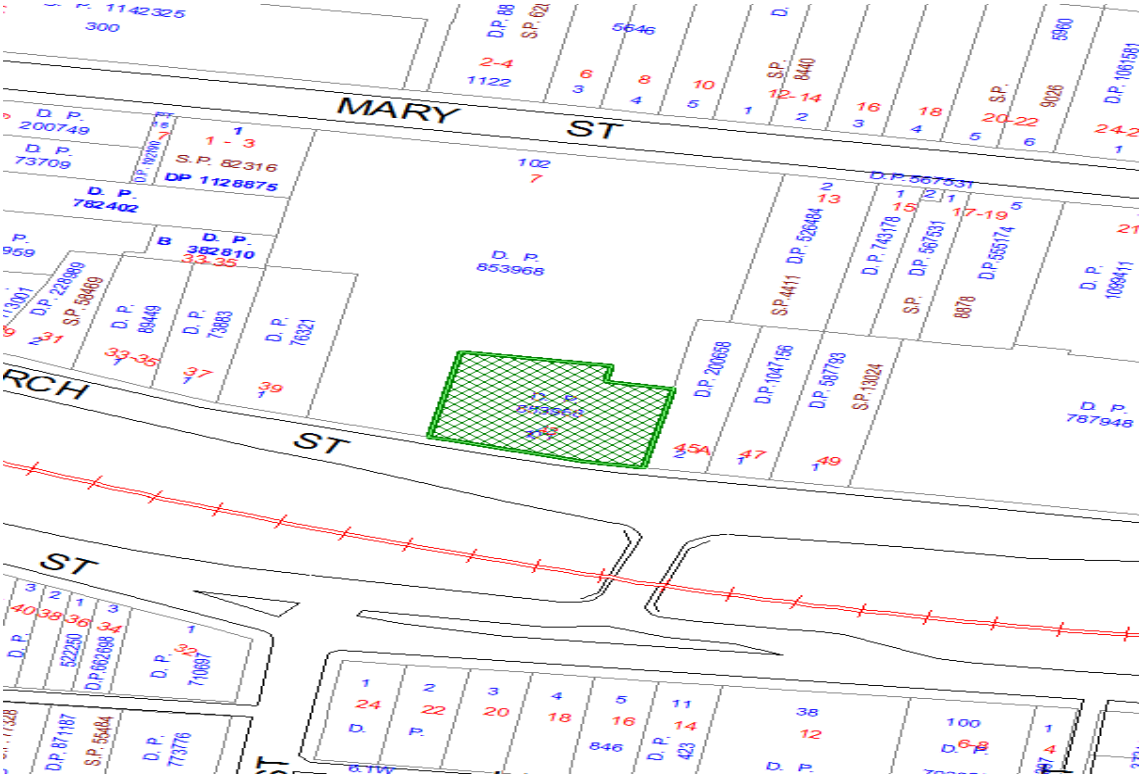
The site is located on the north-eastern boundary of Lidcombe Town Centre and existing on site is a single storey brick nursing home (St. Joachim's Nursing Home) which covers a large portion of the site. A concrete paved carpark is located to the south of the building facing Church Street. There are 6 medium sized trees on the site of which 5 are proposed to be removed. Access to the site is via Church Street.

To the immediate east of the site is a two storey brick building used as a boarding house. This building is located in the R4 – High density residential zone and is to be isolated as a result of the proposed development (*site isolation is discussed latter in the report).* The site adjoining the isolated site is currently being developed as 3 storey residential flat building over basement carparking.

To the immediate north and west is St Joachim's Catholic Primary School being a heritage item listed as item no. 139 under Schedule 5 of Auburn Local Environmental Plan 2010. The buildings are of one and two storey heights. There is a grassed area within the west side street setback and the remainder open space adjoining the site is hard paved playground.

To the south of the site across Church Street are sets of railway lines with the entrance to Lidcombe railway station approximately 100m to the west of the subject site.

The site is identified on the maps below.



Site Isolation

The proposed development will isolate the adjoining property being Lot 2 DP 200658 to the east of the subject site known as 45 Church Street. The residual Lot has an area of approximately 860sqm and a frontage of approximately 13.4m to Church Street. The lot is under the one ownership, and accommodates a two storey building used as a boarding house. Further to the east, and known as 47 Church Street is a construction site approved for 3 storey residential flat building over basement carparking.

Council advised the applicant during the pre-lodgement application and early on in the assessment of this application that efforts were to be made to acquire the residual site and incorporate it into the development site. The applicant was also advised that the principles established by the Land and Environment Court in proceedings of *Melissa Grech vs. Auburn Council [2004] NSWLEC 40* were to be satisfied. These three court principles are:

1. *Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.*

2. *Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.*

3. *Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The*

amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s79C of the Environmental Planning and Assessment Act 1979.

The applicant has advised that all attempts to acquire the site had been futile. The applicant submitted evidence including 3 valuation reports, statutory declaration and letters to demonstrate that the appropriate steps had been taken to attempt to acquire the site. The information included:

In the case of principle 1 above, Council has been provided with documentary evidence from the applicant to suggest that negotiations may have commenced between the applicant and owner of 45 Church Street since January 2010. This includes:-

- Correspondence from the applicant to the owner of No. 45 Church Street offering to purchase the property at 45 Church Street dated 7 January 2010; and
- Details of telephone conversation held with the daughter of the owner of 45 Church Street and the applicant dated 7 March 2011.
- The applicant obtained a valuation for the property at 45 Church Street dated 10 May 2011 prepared by Preston Row Paterson.
- The applicant by letter dated 26 May 2011 made an offer to buy the property for an amount of $825,000, within the valuation range.

In the case of principle 1 above, Council has been provided with documentary evidence from the applicant to suggest that negotiations commenced between the applicant and owner of 45 Church Street since January 2010.

In the case of principle 2 above, documentary evidence provided to show the level of negotiations and offers made by the applicant includes the following:

- The applicant by letter dated 26 May 2011made an offer to buy the property for an amount of $825,000, within the valuation range.
- The applicant obtained 2 more valuations of the property at 45 Church Street (i) dated 9 September 2011 prepared by Alcorn Lupton & Associates for a valuation range of between $850,000 to $900,000; and (ii) dated 20 September 2011 prepared by MJ Davis Valuations for a between $800,000 and $950,000.
- Following the above valuations, the applicant by letter dated 6 October 2011 made another offer to buy the property for $850,000.
- The applicant provided a statutory declaration dated 29 October 2011 to the effect that 3 letter were sent to the applicant with no response and that at previous telephone conversation with the applicant's daughter it was indicated that her parents were not interested in selling their property.

Whilst the parties have failed to come to an agreement regarding the purchase of the isolated property, it is noted that the "*Court Principle"* require at least 1 independent valuation to be provided whereas 3 have been provided by the applicant, and by so doing the applicant has met the requirement under this principle. In regard to principle 2 therefore, it is considered that the evidence provided satisfy the Court requirements.

In the case of principle 3 above, there is evidence to suggest that negotiations were undertaken to resolve the site isolation issue with the owner of the isolated site including 2 offers made based on valuation of the isolated site. It is noted that the owner of the isolated site has not made a counter offer nor objected to the proposed development. In regard to principle 3 therefore, it is considered that the court requirements have been satisfied.

Given the evidence provided, the applicant can be considered to have made genuine attempts to purchase the isolated property at a reasonable value and that this offer was not accepted by the isolated property owner. While Council does not favour the isolation of the

site, it must be accepted that the applicant has acted in accordance with the Land and Environment Court Principles relating to site isolation and that these attempts were fruitless in this instance. Therefore, a refusal of the proposal based on site isolation is not warranted.

It should also be stated that the Land and Environment Court in *Cornerstone Property Group Pty Ltd vs. Warringah Council [2004] NSWLEC 189* added another principle to site isolation issues that must be considered. That is:-

4. *Can orderly and economic use and development of the separate site be achieved if amalgamation is not feasible?*

In this regard, the applicant has provided an envelope for the isolated site including height and setbacks consistent with the approval for 47 Church Street, which is same zone, lot size and dimensions as the isolated site.

Street Activation in mixed use zone

The site is located in the north-eastern most boundary (*adjoining to Church Street*) of Lidcombe Town Centre where mixed use development and activation of the street through ground level commercial/retail activities are encouraged.

The applicant in this instance proposes full residential development and has provided the following justifications:-

- That the site is located over 130m from John street and the main commercial precinct in Lidcombe;
- That the site is physically separated by residential flat developments along Church Street, the fire station and the school to the west of the subject site;
- That the pedestrian entry to Lidcombe train station is near John Street intersection. A security fence extends from the pedestrian entry east towards the site so that there is no physical access permitted; and
- That the subject site is separated from the rail corridor by a divided road, with retaining wall and traffic guard rails.

Given the location of the site at the edge of the Lidcombe Town Centre, the site's physical attributes adjacent to a divided road, remote location from the main shopping street and general absence of commercial activity in this part of Church Street, the inclusion of a commercial ground floor is not warranted in this instance.

Description of Proposed Development

Council has received a development application for demolition of existing buildings and associated structures, tree removal and construction of 10 storey residential flat building comprising 67 units over 3 levels of basement parking. The proposal include landscaping to the rear common open space area and associated stormwater drainage works.

The development comprises the following:

- 10 storey residential flat building measuring 32.4m in height;
- A total of 67 residential units divided into 17 x 1 bedroom units; 46 x 2 bedroom units; and 4 x 3 bedroom units including 7 adaptable units;
- 3 levels of basement car parking for 85 vehicles.
- Provision of a drop off point on the front elevation.

The detailed breakdown of the development is provided below:

Basement Level 1A & 1B

15 car parking spaces including 2 disabled and 10 visitor spaces;
Ancillary storage area;
Garbage and bulk storage rooms;
Loading dock & carwash & rainwater pump;
Mezzanine plant rooms;
Associated lift and stairs.

Basement Level 2
32 car parking spaces including 6 disabled and 4 visitor spaces;
Bicycle parking room;
Oil arrestor room;
Associated lift and stairs.

Basement Level 3
38 car parking spaces;
Ancillary storage area;
Associated lift and stairs.

Level 1:- 5 residential units, including 2 adaptable units and common open space.
Level 2:- 8 residential units.
Level 3:- 8 residential units.
Level 4:- 8 residential units, including 2 adaptable units.
Level 5:- 8 residential units, including 2 adaptable units.
Level 6:- 8 residential units.
Level 7:- 8 residential units.
Level 8:- 8 residential units.
Level 9:- 3 residential units, including 1 adaptable unit.
Level 10:- 3 residential units.

Referrals

Internal Referrals

Development Engineer

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

Building Surveyor

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

Environmental Health

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

External Referrals

The development application was referred to RailCorp in accordance with the requirements of "Clause 86 - Excavation in, above or adjacent to rail corridors" of State Environmental Planning Policy (Infrastructure) 2007. Clause 86(3) required the concurrence of RailCorp to be obtained prior to granting any consent to development to which clause 86 applies.

In this regard, the development application was referred by letter dated 27 June 2011 to RailCorp. By letter dated 30 June 2011 RailCorp responded by requesting additional information from the applicant and also requested a "stop-the-clock" on the assessment until the required information is submitted.

By letter dated 4 July 2011, the applicant was advised of RailCorp's request for additional information. The additional information requested was submitted to Council on 15 August 2011 and passed on to RailCorp on 18 August 2011.

By letter dated 29 August 2011, RailCorp advised Council of its decision to grant concurrence to the proposed development subject to Council imposing appropriate conditions including:

1. All excavation and construction works are to be undertaken in accordance with the following documentation:

   - Preliminary Geotechnical Investigation Report prepared by Jeffery and Katauskas Pty Ltd – Ref 24415LBrpt dated 18/11/2010
   - Proposed methodology of excavation retention system prepared by Taylor Thomson Whitting – Ref 111536 dated 12/08/2011
   - Shoring plan drawing no. SK001 Rev P1 prepared by Taylor Thomson Whitting dated 12/08/2011
   - Shoring section drawing no. SK002 Rev P1 prepared by Taylor Thomson Whitting dated 12/08/2011
   - Typical shoring details drawing no. SK003 Rev P1 prepared by Taylor Thomson Whitting dated 12/08/2011

   Subject to the following RailCorp amendments:

   - The excavation wall next to RailCorp's property shall be retained by properly designed contiguous piles
   - A supplementary geotechnical investigation is to be undertaken following demolition of existing buildings. The results and assessments are to be submitted to RailCorp for review
   - The reports are to be amended to reflect that there are four basement levels (being 1B, 1A, 2 and 3) and not three levels
   - Excavation works are to be supervised and monitored by experienced geotechnical engineer

   A Construction Certificate is not to be issued until the measures detailed in this condition of consent have been incorporated into the construction drawings and specifications. Prior to the commencement of works the Principal Certifying Authority is to provide verification to RailCorp that this condition has been complied with.

2. Prior to the commencement of works the applicant is to submit to RailCorp a Monitoring Plan for endorsement. Works shall not commence until RailCorp has issued its written endorsement of the Monitoring Plan. The monitoring Plan is to monitor vertical/horizontal deformation of tracks, retaining wall and pedestrian footbridge.

3. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure (including concrete/shotcrete wall and pedestrian footbridge) and property in the vicinity of the project is to be carried out by representatives from RailCorp and the applicant. This dilapidation survey will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of the detailed dilapidation report will be required unless otherwise notified by RailCorp.

4. An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines:

5. Prior to the issue of a Construction Certificate the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

6. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light may be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

7. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

8. Prior to the issue of a Construction Certificate the applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition has been satisfied.

9. Where the applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its approval has been granted.

Should the proposal be considered for approval, the above conditions are recommended to be included as additional recommended conditions of approval. The RailCorp also requests to have a copy of the notice of determination provided once a determination has been made.

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

State Environmental Planning Policies

State Environmental Planning Policy No.55 – Remediation of Land

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

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	☒ Yes ☐ No
In the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	☒ Yes ☐ No

Matter for Consideration	Yes/No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? Acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation.	☐ Yes ☒ No
Is the site listed on Council's Contaminated Land database?	☐ Yes ☒ No
Is the site subject to EPA clean-up order or other EPA restrictions?	☐ Yes ☒ No
Has the site been the subject of known pollution incidents or illegal dumping?	☐ Yes ☒ No
Does the site adjoin any contaminated land/previously contaminated land?	☐ Yes ☒ No
Details of contamination investigations carried out at the site: The site had a Preliminary Site Assessment conducted by Environmental Investigation Services (Ref: E24415K rpt dated December 2011). The report generally complies with the guidelines for a phase 1 assessment and includes samples taken from 3 locations. According to the report the site can be made suitable for the proposed use pending a hazardous buildings survey and further targeted sampling under the existing building to comply with the sampling guidelines and to assess the condition of the soil under the building/grease trap. Environmental Investigation Services subsequently provided a letter dated 19 January 2012 (Ref: E24415Klet.2) which indicated that the site will be suitable for the proposed development. Should the application be recommended for approval, appropriate conditions as recommended by Council's Environmental Health officer will be imposed in this regards.	
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?	☒ Yes ☐ No

State Environmental Planning Policy (BASIX)

As the development relates to a new residential development, a BASIX certificate has been submitted to accompany the development application. The relevant information to be included in a BASIX Certificate is considered in the assessment table below:

Requirement	Yes	No	N/A	Comment
PROJECT DETAILS				
Street address, postcode and LGA shown on BASIX Certificate match rest of DA package.	☒	☐	☐	All relevant details are correctly identified on the BASIX Certificate and corresponding plans.
Dwelling type is correctly identified based on BASIX definitions.	☒	☐	☐	
Number of bedrooms shown on BASIX Certificate is consistent with plans.	☒	☐	☐	
Site area shown on BASIX Certificate matches rest of DA package.	☒	☐	☐	
Roof area shown on BASIX Certificate matches rest of DA package.	☒	☐	☐	
Conditioned and Unconditioned floor areas are in accordance with the BASIX Definitions. (These are for BASIX compliance only; they do not replace any other definitions of floor area.)	☒	☐	☐	
Total area of garden and lawn indicated on submitted plans is consistent with BASIX Certificate.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
WATER				
Landscape plan indicates areas and species to be planted (where indigenous or low-water use plant species are nominated).	☒	☐	☐	All details are correctly identified.
Rainwater tank(s) shown on plans, tank(s) size stated and tank(s) drawn to scale. If underground tank proposed, then this is clearly stated. Plans show and state roof area draining to rain tank(s), and match the BASIX Certificate.	☒	☐	☐	
Rainwater tank(s) meet all other consent authority requirements e.g. height limits at boundary, pump noise standards, insect screens.	☒	☐	☐	
Size of swimming pool on plan consistent with volume indicated in BASIX Certificate.	☒	☐	☐	
THERMAL COMFORT – RAPID				
Floor construction, eaves, insulation and glazed areas are marked on plans.	☒	☐	☐	All details are correctly identified.
THERMAL COMFORT – DO-IT-YOURSELF				
Floor/wall/ceiling/roof insulation commitments and roof colour are marked on plans.	☒	☐	☐	
Wall, floor, ceiling and roof construction types are marked on plans.	☒	☐	☐	
Glazing is indicated on plans in accordance with BASIX Certificate and if performance glazing is nominated, check that it is clearly labelled.	☒	☐	☐	
All shading devices and overshadowing objects are clearly marked on the plans in accordance with the BASIX Certificate.	☒	☐	☐	
If floor concession is claimed, check that 'site slope' or 'flood prone' claim is valid.	☒	☐	☐	
THERMAL COMFORT – SIMULATION				
Assessor Certificate and ABSA-stamped plans are provided. ABSA Specification block is physically attached to plan. Assessor and Certificate numbers in DA package match those on BASIX Certificate.	☒	☐	☐	All details are correctly identified.
Floor/wall/ceiling/roof insulation commitments and roof colour in BASIX Certificate are marked on plans.	☒	☐	☐	
If suspended floor concession is claimed on BASIX Certificate, check this has been approved by Assessor on Assessor Certificate.	☒	☐	☐	
ENERGY				
Star rating of any proposed gas hot water system is marked on plans.	☒	☐	☐	All details are correctly identified.
If solar hot water (SHW), check that system is drawn to scale (typical two panel SHW system is 4sqm) and that panels are located with a northerly aspect. Ensure SHW panels will not be significantly overshadowed by neighbouring buildings/trees.	☒	☐	☐	
Any external air conditioning unit is marked on plans and is located such that it does not impact onsite or neighbour's amenity (avoid noise source near bedrooms) and complies with any other consent authority requirements.	☒	☐	☐	
Any BASIX energy efficient lighting commitment is annotated on plans.	☒	☐	☐	
Any pool or spa heating system and timer control is annotated on plans.	☒	☐	☐	
Photovoltaic panels are not going to be significantly overshadowed.	☐	☐	☐	
Panel area is approximately drawn to scale: surface area of a 1kWh photovoltaic system is approximately 8sqm.	☒	☐	☐	

The BASIX Report indicates that the development will comply with the BASIX requirements subject to the recommendations contained in the report being undertaken. It is considered appropriate to incorporate the report into any consent that may be issued.

State Environmental Planning Policy Number 65 - Design Quality of Residential Flat Development

The relevant provisions and design quality principles of Part 2 of SEPP 65 have been considered in the assessment of the development application within the following table:

Requirement	Yes	No	N/A	Comment
Clause 2 Aims objectives etc. *(3) Improving the design quality of residential flat development aims:* *(a) To ensure that it contributes to the sustainable development of NSW:* *(i) by providing sustainable housing in social and environmental terms;* *(ii) By being a long-term asset to its neighbourhood;* *(ii) By achieving the urban planning policies for its regional and local contexts.* *(b) To achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define.* *(c) To better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities.* *(d) To maximise amenity, safety and security for the benefit of its occupants and the wider community.* *(e) To minimise the consumption of energy from non-renewable resources to conserve the environment and to reduce greenhouse gas emissions.*	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	The proposal is generally considered to satisfy the aims and objectives of SEPP 65. Some aspects of non-compliance are identified with this policy, and these are discussed in greater detail below.
Part 2 Design quality principles				
Principle 1: Context *Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.* *Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity if the area.*	☒	☐	☐	The proposed development is considered to make a positive contribution to the locality and improve the existing streetscape. The character of this locality is undergoing transition from low-scale commercial/residential, in the form of single/double-storey detached buildings, to high density mixed use developments within the Lidcombe Town centre. This proposal is consistent with that shift.
Principle 2: Scale *Good design provides an appropriate scale in terms of the bulk and height that suits the scale if the street and the surrounding buildings.* *Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.*	☒	☐	☐	The proposed development is considered to be of appropriate scale, as it is consistent with other developments of this nature which have been constructed in its near vicinity. The height matches the desired future heights for mixed use development in the Town Centre which is generally 32m high. The proposed design is therefore considered appropriate to the scale of the locality and the desired future character of the area.

Requirement	Yes	No	N/A	Comment
Principle 3: Built form *Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.* *Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*	☒	☐	☐	The proposed built form responds appropriately to the site constraints and results in a development that is suitably sited so to ensure adequate building setbacks and privacy to adjoining primary school. The proportions and presentation of the building is contemporary and the façade/roof elements create visual interest within the streetscape. The built form is articulated into a clearly defined base with wide pedestrian access, the centre core and top element that is stepped back from the centre core and designed as a roof box element.
Principle 4: Density *Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).* *Appropriate densities are sustainable and consistent with the existing density in an area, or in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.*	☒	☐	☐	The site is an area designated for mixed use development including residential flat building and is located in Lidcombe Town Centre. The development will contribute 67 apartments in mid rise building forms that will contribute to the redevelopment of the area. No objection is raised to the development in relation to density objectives.
Principle 5: Resource, energy and water efficiency *Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.* *Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.*	☒	☐	☐	BASIX Certificates have been submitted with the development application. Further, a BASIX Assessment Report has been prepared to accompany the application. The certificates require sustainable development features to be installed into the development. The development incorporates appropriate energy efficient fixtures and fittings. A water reuse system is provided as well as a gas boosted solar hot water heating collectors in a centralised roof top plant.

Requirement	Yes	No	N/A	Comment
Principle 6: Landscape *Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.* *Landscape design buildings on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat vales. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.* *Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbour's amenity, and provide for practical establishment and long term management.*	☒	☐	☐	The landscape details generally indicate appropriate landscaping on the site and responds adequately to the proposed built form. The landscape concept provides for private and communal open spaces for future residents of the development. The Residential Flat Design Code (RFDC) identifies a minimum outcome being 25% of the site set aside for deep soil planting. The proposal has deep soil planting at approximately 15% of the minimum RFDC standard. Whilst it is acknowledged that this development is within Lidcombe Town Centre and the B4 zone and that a deep soil area of 25-30% (SEPP 65 Rule of Thumb and ADCP 2010 residential part respectively) may not be practical in all cases, a minimum deep soil area of 15% is generally considered to be an appropriate compromise, particularly in a location such as the subject site, at the periphery of the town centre.
Principle 7: Amenity *Good design provides amenity through the physical, spatial and environmental quality of a development.* *Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.*	☒	☐	☐	The proposal will deliver sufficient amenity to residents of the building. The proposal achieves compliance with the Residential Flat Design Code in this regard which contains many amenity controls. However there are a number of units in the development that are problematic with respect to daylight / sunlight access, ventilation and aspect. Overall, based on the outcome of the BASIX assessment residential amenity is considered satisfactory.
Principal 8: Safety and security *Good design optimises safety and security, both internal to the development and for the public domain.* *This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.*	☒	☐	☐	Passive surveillance of public and communal open space is maximised through orientation of units. The position and orientation of the various building elements allow balconies and habitable rooms of apartments to overlook the streets. The design also permits passive surveillance of the common courtyard areas. Lift foyers and basement car parking will be appropriately secured with security card access and CCTV and intercom access for visitors.
Principal 9: Social dimensions *Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.* *New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or in the case of precincts undergoing transition, provide for the desired future community.*	☒	☐	☐	The proposal provides an adequate mix of 1, 2 and 3 bed apartments as well as providing a significant number of adaptable units. The development is considered to be acceptable in this regard.

Requirement	Yes	No	N/A	Comment
Principle 10: Aesthetics *Quality aesthetics reflect the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.*	☒	☐	☐	The residential flat building has an attractive contemporary appearance and utilises building elements that provide individuality to the development without compromising the streetscape or detracting from the appearance of existing surrounding development. The finishes and treatment to the building provide an appropriate response to the existing and likely future character of the locality.
Clause 30 Determination of DAs *After receipt of a DA, the advice of the relevant design review panel (if any) is to be obtained concerning the design quality of the residential flat development.*	☐	☐	☒	Auburn City Council does not employ a formal design review panel.
In determining a DA, the following is to be considered:	☐	☐	☒	
• *The advice of the design review panel (if any);*	☒	☐	☐	The design quality principles are considered above and the Residential Flat Design Code is considered in the assessment table immediately below.
• *The design quality of the residential flat development when evaluated in accordance with the design quality principles;*				
The publication "Residential Flat Design Code" – Department of Planning, September 2002.	☒	☐	☐	

Residential Flat Design Code

Requirement	Yes	No	N/A	Comment
Part 1 - Local Context				
Building Type				
• Residential Flat Building.	☒	☐	☐	The proposed development consists of a residential flat building.
• Terrace.	☐	☐	☒	
• Townhouse.	☐	☐	☒	
• Mixed-use development.	☐	☐	☒	
• Hybrid.	☐	☐	☒	
Subdivision and Amalgamation				
Objectives • Subdivision/amalgamation pattern arising from the development site suitable given surrounding local context and future desired context.	☒	☐	☐	A subdivision of the site into smaller lots is not proposed. No strata subdivision of the proposal is proposed.
• Isolated or disadvantaged sites avoided.	☒	☐	☐	This matter has been discussed earlier in the report.
Building Height				
Objectives • To ensure future development responds to the desired scale and character of the street and local area.	☒	☐	☐	The building heights are found to be satisfactory and substantially compliant with the Auburn Local Environmental Plan requirements.
• To allow reasonable daylight access to all developments and the public domain.	☒	☐	☐	This is achieved where possible.
Building Depth				
Objectives • To ensure that the bulk of the development is in scale with the existing or desired future context.	☒	☐	☐	No objection is raised regarding the general bulk and scale of the development.
• To provide adequate amenity for building occupants in terms of sun access and natural ventilation.	☒	☐	☐	
• To provide for dual aspect apartments.	☒	☐	☐	11 (16%) of the 67 units are dual aspect apartments.

Requirement	Yes	No	N/A	Comment
Controls **• The maximum internal plan depth of a building should be 18 metres from glass line to glass line.**	☐	☒	☐	**The building depth for the building varies but reaches up to 23m from glass line to glass line. Based on the design the proposed depth is not considered excessive. A variation is supported in this regard as it is not considered to adversely affect the residential amenity of the affected units.**
• Freestanding buildings (the big house or tower building types) may have greater depth than 18 metres only if they still achieve satisfactory daylight and natural ventilation.	☒	☐	☐	Notwithstanding the building depth, the residential building achieves satisfactory daylight and natural ventilation given the orientation of the site.
• Slim buildings facilitate dual aspect apartments, daylight access and natural ventilation.	☒	☐	☐	Dual aspect apartments have been included within the development. In this regard, there are 11 dual aspect units which represent 16% of the total number of units.
• In general an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	☒	☐	☐	Refer to detailed discussion regarding light and ventilation later in the report.
Building Separation				
Objectives • To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings.	☒	☐	☐	The building scale is appropriate to the desired future character of the area. Good separation is provided between the building and the adjoining uses including the adjoining school.
• To provide visual and acoustic privacy for existing and new residents.	☒	☐	☐	
• To control overshadowing of adjacent properties and private or shared open space.	☒	☐	☐	
• To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants.	☒	☐	☐	
• To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment

Controls
• For buildings over three storeys, building separation should increase in proportion to building height:
  ○ Up to 4 storeys/12 metres:
  ▪ 12m between habitable rooms/balconies
  ▪ 9m between habitable rooms/balconies and non habitable rooms
  ▪ 6m between non habitable rooms
  ○ 5-8 storeys/up to 25 metres:
  ▪ 18m between habitable rooms/balconies
  ▪ 13m between habitable rooms/balconies and non habitable rooms
  ▪ 9m between non habitable rooms
  ○ **9 storeys and above/over 25 metres:**
  ▪ **24m between habitable rooms/balconies**
  ▪ **18m between habitable rooms/balconies and non habitable rooms**
  ▪ **12m between non habitable rooms**
• Allow zero separation in appropriate contexts, such as in urban areas between street wall building types (party walls)
• Where a building step back creates a terrace, the building separation distance for the floor below applies.
• Coordinate building separation controls with side and rear setback controls – in a suburban area where a strong rhythm has been established between buildings, smaller building separations may be appropriate.
• Coordinate building separation controls with controls for daylight access, visual privacy and acoustic privacy.
• Protect the privacy of neighbours who share a building entry and whose apartments face each other by designing internal courtyards with greater building separation
Developments that propose less than the recommended distances apart must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved.
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				All existing adjoining development comprises single/double storey primary school buildings to the north and west of the site and a two storey boarding house building to the east of the site.
				
				With regards to the building separation on the northern side (rear). The applicant has provided 10m separation between its property boundary and St. Joachims Catholic School. This is considered acceptable as the setback incorporates comprehensive landscape screening to minimise overlooking impacts on the school's playground. It is noted that potential overlooking impacts from the upper floors onto the school playgrounds is unavoidable in this instance, however on balance, it would also result in providing a high level of security for the school grounds particularly outside school hours.
				
				With regards to the building separation on the western boundary. The adjoining site is the St Joachims Catholic School and a building separation of 3m is proposed. This is considered acceptable given that the school's playground will not be visible from proposed balconies on the western elevation.
				
				With regards to the building separation on the eastern boundary. The adjoining site is a two storey boarding house and a separation of 3m is provided. No objection is raised, as the proposed separation does not result in unacceptable amenity impacts given solid walls and in some cases blade walls are proposed to balcony sides and the use of translucent glass to east facing living rooms windows of level 2 units will minimise any potential overlooking impacts. Furthermore, proposed dense landscaping on the eastern elevation will substantially reduce overlooking impact on the adjoining 2 storey boarding house.
				
				Separation from across Church Street is over 25m and considered appropriate.

Street Setbacks				

Requirement	Yes	No	N/A	Comment
Objectives • To establish the desired spatial proportions of the street and define the street edge. • To create a clear threshold by providing a transition between public and private space. • To assist in achieving good visual privacy to apartments from the street. • To create good quality entry spaces to lobbies, foyers or individual dwelling entrances. • To allow an outlook to and surveillance of the street. • To allow for street landscape character.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	The proposal generally meets the objectives of the street setbacks.
Controls • Minimise overshadowing of the street and/or other buildings. • In general no part of a building or above ground structure may encroach into a setback zone - exceptions are underground parking structures no more than 1.2 metres above ground where this is consistent with the desired streetscape, awnings, balconies and bay windows.	☐ ☒	☐ ☐	☒ ☐	Given the orientation of the site and the proposed design outcomes of the site, some overshadowing of streets is inevitable and unavoidable. There are no unacceptable encroachments into setback zones. The development is acceptable in this regard.
Side & Rear Setbacks				
Objectives • To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings. • To retain or create a rhythm or pattern of development that positively defines the streetscape so that space is not just what is left over around the building form. Objectives – Rear Setbacks • To maintain deep soil zones to maximise natural site drainage and protect the water table. • To maximise the opportunity to retain and reinforce mature vegetation. • To optimise the use of land at the rear and surveillance of the street at the front. • To maximise building separation to provide visual and acoustic privacy.	☒ ☒ ☒ ☐ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☐ ☐	Appropriate setbacks are achieved in accordance with the Local centres and Residential Flat Buildings DCPs.
Controls • Where setbacks are limited by lot size and adjacent buildings, 'step in' the plan on deep building to provide internal courtyards and to limit the length of walls facing boundaries. • In general no part of a building or above ground structure may encroach into a setback zone – exceptions are underground parking structures no more than 1.2 metres above ground where this is consistent with the desired streetscape, awnings, balconies and bay windows.	☒ ☒	☐ ☐	☐ ☐	Appropriate setbacks are achieved in accordance with the Local centres and Residential Flat Buildings DCPs. There are no unacceptable encroachments into setback zones. The development is acceptable in this regard.
Floor Space Ratio				

Requirement	Yes	No	N/A	Comment
Objectives • To ensure that development is in keeping with the optimum capacity of the site and the local area. • To define allowable development density for generic building types. • To provide opportunities for modulation and depth of external walls within the allowable FSR. •	☒	☐	☐	The proposed development is considered to be generally consistent with the density requirements imposed by Councils Local environmental Plan 2010.
• To promote thin cross section buildings, which maximise daylight access and natural ventilation.	☒	☐	☐	The proposal includes a number of dual aspect units which achieve solar access and natural ventilation requirements. Compliance with specific solar access and dual aspect unit controls is considered later in the report.
• To allow generous habitable balconies.	☒	☐	☐	Suitably sized balconies are provided for all units
Part 02 Site Design				
Site Analysis				
• Site analysis should include plan and section drawings of the existing features of the site, at the same scale as the site and landscape plan, together with appropriate written material. • A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the application.	☒ ☒	☐ ☐	☐ ☐	The development is accompanied by a Statement of Environmental Effects, which includes detailed site analysis information in relation to existing conditions, the proposed development and the relevant development control plan.
Deep Soil Zones				
Objectives • To assist with management of the water table. • To assist with management of water quality. • To improve the amenity of developments through the retention and/or planting of large and medium size trees.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposal includes a satisfactory planting scheme for the site. The landscape plan is satisfactory for approval and shows an adequate planting regime for the site.
Design Practice • Optimise the provision of consolidated deep soil zones within a site by the design of basement and sub basement car parking so as not to fully cover the site; and the use of front and side setbacks. • Optimise the extent of deep soil zones beyond the site boundaries by locating them with the deep soil zones of adjacent properties. • Promote landscape health by supporting for a rich variety of vegetation type and size. • Increase the permeability of paved areas by limiting the area of paving and/or using impervious materials. • **A minimum of 25% of the open space area of a site should be a deep soil zone.**	☒ ☒ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☒	☐ ☐ ☐ ☐ ☐	**The proposed development provides approximately 269sqm of deep soil zone which equates to 15% of the site being deep soil zone. The non compliance is supported in this instance given that the development site is within Lidcombe Town Centre. A requirement for minimum 25% deep soil zone may not be practical in this instance without significantly compromising on the development potential of the site.**
Fences and Walls				

Requirement	Yes	No	N/A	Comment
Objectives • To define the edges between public and private land. • To define the boundaries between areas within the development having different functions or owners. • To provide privacy and security. • To contribute positively to the public domain.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Fences and Walls objectives as suitable barriers between the public and private areas are proposed in the form of low level walls and landscaping.
Design Practice • Respond to the identified architectural character for the street and/or the area. • Clearly delineate the private and public domain without compromising safety and security by designing fences and walls which provide privacy and security while not eliminating views, outlook, light and air; and limiting the length and height of retaining walls along street frontages. • Contribute to the amenity, beauty and useability of private and communal open spaces by incorporating benches and seats; planter boxes; pergolas and trellises; BBQs; water features; composting boxes and worm farms. • Retain and enhance the amenity of the public domain by avoiding the use of continuous blank walls at street level; and using planting to soften the edges of any raised terraces to the street, such as over sub basement car parking and reduce their apparent scale. • Select durable materials which are easily cleaned and graffiti resistant.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The proposed development provides low level boundary walls behind a landscape buffer to ground floor apartments to clearly delineate between public and private spaces. The proposed fencing will provide visual privacy to apartments whilst also creating casual surveillance of public areas. The communal open space at the rear of the property is enhanced via the provision of pavers, landscaping, bench seats and BBQ area.
Landscape Design				
Objectives • To add value to residents' quality of life within the development in the forms of privacy, outlook and views. • To provide habitat for native indigenous plants and animals. • To improve stormwater quality and reduce quantity. • To improve the microclimate and solar performance within the development. • To improve urban air quality. • To contribute to biodiversity.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Landscape Design objectives as suitable landscaping is to be used to soften the impact of the built form, contribute to streetscape and provide for natural screening and shading.

Requirement	Yes	No	N/A	Comment
Design Practice • Improve the amenity of open space with landscape design which: provides appropriate shade from trees or structures; provides accessible routes through the space and between buildings; screens cars, communal drying areas, swimming pools and the courtyards of ground floor units; allows for locating art works where they can be viewed by users of open space and/or from within apartments.	☒	☐	☐	A landscape plan, prepared by a suitably qualified consultant, is submitted with the application. The plan identifies relevant landscaping elements to soften the built form within the site.
• Contribute to streetscape character and the amenity of the public domain by: relating landscape design to the desired proportions and character of the streetscape; using planting and landscape elements appropriate to the scale of the development; mediating between and visually softening the bulk of large development for the person on the street.	☒	☐	☐	
• Improve the energy efficiency and solar efficiency of dwellings and the microclimate of private open spaces.	☒	☐	☐	
• Design landscape which contributes to the site's particular and positive characteristics.	☒	☐	☐	
• Contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management.	☒	☐	☐	
• Provide a sufficient depth of soil above paving slabs to enable growth of mature trees.	☒	☐	☐	
• Minimise maintenance by using robust landscape elements.	☒	☐	☐	
Open Space				
Objectives • To provide residents with passive and active recreational opportunities.	☒	☐	☐	The proposed development is considered to be consistent with the Open Space objectives. Communal open space is provided at the rear northern elevation allowing for passive and active recreation.
• To provide an area on site that enables soft landscaping and deep soil planting.	☒	☐	☐	
• To ensure that communal open space is consolidated, configured and designed to be useable and attractive.	☒	☐	☐	
• To provide a pleasant outlook.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Provide communal open space with is appropriate and relevant to the building's setting.	☒	☐	☐	A communal open space is provided within the development site. The space has been split into 2 levels, the upper on top of the basement car park and rainwater tank and the lower on natural deep soil. A 1:14 access ramp link the two spaces together. The common area is large enough to permit residents to passively and actively use the space.
• Where communal open space is provided, facilitate its use for the desired range of activities by locating it in relation to buildings to optimise solar access to apartments; consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape; designing its size and dimensions to allow for the program of uses it will contain; minimising overshadowing; carefully locating ventilation duct outlets from basement car parks.	☒	☐	☐	
• Provide open space for each apartment capable of enhancing residential amenity in the form of balcony, deck, terrace, garden, yard, courtyard and/or roof terrace.	☒	☐	☐	All apartments are provided with at least 1 suitably sized area of private open space in the form of a terrace or balcony.
• Locate open space to increase the potential for residential amenity by designing apartment buildings which: are sited to allow for landscape design; are sited to optimise daylight access in winter and shade in summer; have a pleasant outlook; have increased visual privacy between apartments.	☒	☐	☐	Private open spaces are positioned to optimise solar access and to ensure visual privacy between apartments.
• Provide environmental benefits including habitat for native fauna, native vegetation and mature trees, a pleasant microclimate, rainwater percolation and outdoor drying area.	☒	☐	☐	The landscaped areas are to contain trees and native plantings in accordance with the BASIX requirements.
• The area of communal open space required should generally be at least 25-30% of the site area. Larger sites and brown field sites may have potential for more than 30%.	☐	☒	☐	**The amount of common open space covers is approximately 429sqm or 24% of the site. This equates to a shortfall of 16m^2 or 2%. This area is consolidated at rear northern elevation. This non compliance is considered acceptable as it arises as a result of the need to ensure an appropriate balance between building amenity, adequate car parking and manoeuvring area and sufficient deep soil area.**
• Where developments are unable to achieve the recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space and/or a contribution to public open space.	☒	☐	☐	Adequate private open spaces are provided within the development for all units.
• Minimum recommended area of private open space for each apartment at ground level or similar space on structure is 25sqm and the minimum preferred dimension is 4 metres.	☐	☒	☐	**Of the 5 units on the ground level 2 units comply with the required dimension of 4m and minimum area of 25sqm area; another 2 units comply with the minimum area requirement (one has an area of 28.5sqm and the other 39.7sqm) with both having minimum dimension of 3m; 1 unit did not comply with the minimum area or dimension requirement (13sqm with minimum dimension of 2.4m)** **Given the above, and that all the spaces provided can accommodate table and chairs for outdoor private amenity, there is no objection raised to the non-compliance in this instance.**
Orientation				

Requirement	Yes	No	N/A	Comment
Objectives • To optimise solar access to residential apartments within the development and adjacent development. • To contribute positively to desired streetscape character. • To support landscape design of consolidated open space areas. • To protect the amenity of existing development. • To improve the amenity of existing development.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Orientation objectives as the building is appropriately located to maximise solar access to the proposed building but also maintain solar access to adjoining buildings. The proposed building is also appropriately aligned to the street and provides an appropriate design response to the adjoining Primary School.
Design Practice • Plan the site to optimise solar access by: positioning and orienting buildings to maximise north facing walls (within 30^0 east and 20^0 west of north) where possible; and providing adequate building separation within the development and to adjacent buildings. • Select building types or layouts which respond to the streetscape while optimising solar access. Where streets are to be edged and defined by buildings: align buildings to the street on east-west streets; and use courtyards, L-shaped configurations and increased setbacks to northern side boundaries on north-south streets. • Optimise solar access to living spaces and associated private open spaces by orienting them to the north. • Detail building elements to modify environmental conditions as required to maximise sun access in winter and sun shading in summer.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The general layout is considered to be the most appropriate with regard to the general positioning of the site and the surrounding developments.
Planting on Structures				
Objectives • To contribute to the quality and amenity of communal open space on roof tops, podiums and internal courtyards. • To encourage the establishment and healthy growth of trees in urban areas.	☒ ☒	☐ ☐	☐ ☐	The proposed development is considered to be consistent with the Planting on Structures objectives as sufficient soil depth is provided to allow the communal open space area to be planted, landscaped and include trees.
Design Practice • Design for optimum conditions for plant growth by: providing soil depth, soil volume and soil area appropriate to the size of the plants to be established; providing appropriate soil conditions and irrigation methods, providing appropriate drainage. • Design planters to support the appropriate soil depth and plant selection by: ensuring planter proportions accommodate the largest volume of soil possible; and providing square or rectangular planting areas rather than long narrow linear areas. Minimum soil depths will vary depending on the size of the plant however soil depths greater than 1.5 metres are unlikely to have any benefits for tree growth.	☒ ☒	☐ ☐	☐ ☐	Sufficient soil depth provided for the planters and proposed plantings at 900mm in depth. Substantial part of the rear outdoor communal space is dedicated deep soil area and can support large trees.

Requirement	Yes	No	N/A	Comment
• Increase minimum soil depths in accordance with: the mix of plants in a planter; the level of landscape management; anchorage requirements of large and medium trees; soil type and quality.	☒	☐	☐	
• Minimum standards: ○ Large trees such as figs (canopy diameter of up to 16 metres at maturity): ▪ Minimum soil volume 150cum; ▪ Minimum soil depth 1.3 metres; ▪ Minimum soil area 10 metres by 10 metres.	☒	☐	☐	
○ Medium trees (canopy diameter of up to 8 metres at maturity): ▪ Minimum soil volume 35cum; ▪ Minimum soil depth 1 metre; ▪ Approximate soil area 6 metres by 6 metres.	☒	☐	☐	
○ Small trees (canopy diameter of up to 4 metres at maturity): ▪ Minimum soil volume 9cum; ▪ Minimum soil depth 800mm; ▪ Approximate soil area 3.5 metres by 3.5 metres.	☒	☐	☐	
○ Shrubs: ▪ Minimum soil depths 500-600mm	☒	☐	☐	
○ Ground cover: ▪ Minimum soil depths 300-450mm	☒	☐	☐	
○ Turf: ▪ Minimum soil depth 100-300mm	☒	☐	☐	
▪ Any subsurface drainage requirements are in addition to the minimum soil depths.	☒	☐	☐	
Stormwater Management				
Objectives • To minimise the impacts of residential flat development and associated infrastructure on the health and amenity of natural waterways.	☒	☐	☐	Stormwater drainage design is considered acceptable subject to detailed conditions to be included in any consent issued for the development.
• To preserve existing topographic and natural features including waterways and wetlands.	☒	☐	☐	
• To minimise the discharge of sediment and other pollutants to the urban stormwater drainage system during construction activity.	☒	☐	☐	
Design Practice • Reduce the volume impact of stormwater on infrastructure by retaining it on site.	☒	☐	☐	Stormwater drainage design is considered acceptable subject to the inclusion of detailed conditions, should the application be recommended for approval.
• Optimise deep soil zones. All development must address the potential for deep soil zones.	☒	☐	☐	
• On dense urban sites where there is no potential for deep soil zones to contribute to stormwater management, seek alternative solutions.	☐	☐	☒	
• Protect stormwater quality by providing for stormwater filters, traps or basins for hard surfaces, treatment of stormwater collected in sediment traps on soils containing dispersive clays.	☒	☐	☐	
• Reduce the need for expensive sediment trapping techniques by controlling erosion.	☒	☐	☐	
• Consider using grey water for site irrigation.	☒	☐	☐	
Safety				
Objectives • To ensure residential flat developments are safe and secure for residents and visitors. • To contribute to the safety of the public domain.	☒ ☒	☐ ☐	☐ ☐	The proposed development is considered to be consistent with the Safety objectives as secure access to communal entry to the building and as casual surveillance of the public domain from living and open space areas is to be provided.
Design Practice • Reinforce the development boundary to strengthen the distinction between public and	☒	☐	☐	Suitable landscaping and fencing is to be provided to boundaries between public and private areas. Level

Requirement	Yes	No	N/A	Comment
private space. This can be actual or symbolic and may include: employing a level change at the site and/or building threshold; signage; entry awnings; fences; walls and gates; change of material in paving between the street and the development.				changes along street elevations aide in providing additional physical barrier.
• Optimise the visibility, functionality and safety of building entrances by: orienting entrances towards the public street; providing clear lines of sight between entrance foyers and the street; providing direct entry to ground level apartments from the street rather than through a common foyer; direct and well lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances.	☒	☐	☐	Communal building entry is to be orientated to the street. Suitable level of visibility is provided within the development. Convenient access ways via lift link the car park and the development above.
• Improve the opportunities for casual surveillance by: orienting living areas with views over public or communal open spaces where possible; using bay windows and balconies which protrude beyond the main façade and enable a wider angle of vision to the street; using corner windows which provide oblique views of the street; providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks.	☒	☐	☐	Fencing and balustrades to private open space areas are to consist of transparent elements to ensure an appropriate level of casual surveillance of public areas is achieved.
• Minimise opportunities for concealment by: avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor car parking, along corridors and walkways; providing well lit routes throughout the development; providing appropriate levels of illumination for all common areas; providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard.	☒	☐	☐	Opportunities for concealment or the creation of blind alcoves have been minimised in this development.
• Control access to the development by: making apartments inaccessible from the balconies, roofs and windows of neighbouring buildings; separating the residential component of a development's car parking from any other building use and controlling car park access from public and common areas; providing direct access from car parks to apartment lobbies for residents; providing separate access for residents in mixed-use buildings; providing an audio or video intercom system at the entry or in the lobby for visitors to communicate with residents, providing key card access for residents.	☒	☐	☐	The position and orientation of the various building elements allow balconies and habitable rooms of apartments to overlook the public domain which permits passive surveillance of neighbouring buildings and the Primary School. Secure access doors/gates are to be provided to lift lobbies, car parking and communal courtyards.
• Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	☒	☐	☐	An assessment of the proposal in relation to Council's Policy on Crime Prevention Through Environmental Design 2006 is provided, which addresses the relevant provisions.
Visual Privacy				
Objectives • To provide reasonable levels of visual privacy externally and internally during the day and night. • To maximise outlook and views from principal rooms and private open space without compromising visual privacy.	☒ ☒	☐ ☐	☐ ☐	The proposed development is considered to be consistent with the Visual Privacy Objectives as outlook of open space is maximised where possible, without creating adverse impacts.

Requirement	Yes	No	N/A	Comment
Design Practice • Locate and orient new development to maximise visual privacy between buildings on site and adjacent buildings by providing adequate building separation, employing appropriate rear and side setbacks, utilise the site layout to increase building separation.	☒	☐	☐	Privacy affectation will mainly affect the 2 storey boarding house to the east of the subject site. Solid walls and in some cases blade walls are proposed to balcony sides and the use of translucent glass to east facing living rooms windows will minimise any potential overlooking impacts. Furthermore, proposed dense landscaping on the eastern elevation will substantially reduce overlooking impact on the adjoining 2 storey boarding house.
• Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments by: balconies to screen other balconies and any ground level private open space; separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms; changing the level between ground floor apartments with their associated private open space, and the public domain or communal open space.	☒	☐	☐	Generally, for much of the development, building separation, location of windows and private open spaces and the use of privacy screening are satisfactory.
• Use detailed site and building design elements to increase privacy without compromising access to light and air.	☒	☐	☐	Provision of blank walls to balcony edges have minimised privacy impacts between apartments.
Building Entry				
Objectives • To create entrances which provide a desirable residential identity for the development. • To orient the visitor. • To contribute positively to the streetscape and building facade design.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposed development is considered to be consistent with the Building Entry Objectives as a communal entry which is easily identifiable is proposed.
Design Practice • Improve the presentation of the development to the street by: locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network; designing the entry as a clearly identifiable element of the building in the street; utilising multiple entries where it is desirable to activate the street edge or reinforce a rhythm of entries along a street.	☒	☐	☐	A single communal entry is to be provided, which integrate with the public domain through the provision of distinct paving and landscaping.
• Provide as direct a physical and visual connection as possible between the street and the entry.	☒	☐	☐	Entry foyer is spacious, feature glazing for clear sight lines and will be secured with resident-access locked doors. The entry foyers also allow equitable access to the building.
• Achieve clear lines of transition between the public street, the shared private circulation spaces and the apartment unit. • Ensure equal access for all. • Provide safe and secure access. • Provide separate entries from the street for pedestrians and cars; different uses and ground floor apartments. • Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces. • Provide and design mailboxes to be convenient for residents and not to clutter the appearance of the development from the street.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	Mailbox location proposed close to the entry foyer.
Parking				

Requirement	Yes	No	N/A	Comment
Objectives • To minimise car dependency for commuting and recreational transport use and to promote alternative means of transport - public transport, bicycling and walking. • To provide adequate car parking for the building's users and visitors depending on building type and proximity to public transport. • To integrate the location and design of car parking with the design of the site and the building.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposed development is considered to be consistent with the Parking objectives as suitable number of resident and visitor car, and bicycle spaces are provided within the underground levels which do not impact upon the aesthetic design of the building.
Design Practice • Determine the appropriate car parking spaces in relation to the development's proximity to public transport, shopping and recreational facilities; the density of the development and the local area; the site's ability to accommodate car parking. • Limit the number of visitor parking spaces, particularly in small developments where the impact on landscape and open space is significant. • Give preference to underground parking wherever possible. Design considerations include: retaining and optimising the consolidated areas of deep soil zones; facilitating natural ventilation to basement and sub basement car parking areas; integrating ventilation grills or screening devices of car park openings into the façade design and landscape design; providing safe and secure access for building users, including direct access to residential apartments where possible; provide a logical and efficient structural grid.	☒ ☐ ☒	☐ ☐ ☐	☐ ☒ ☐	Following a car parking count, it is identified that 85 car parking spaces are provided in this development. Of that, there are 71 parking spaces for residents and 14 parking spaces for visitors including 8 spaces designated as disabled spaces All of the parking provided is located within the basement levels. Parking levels have appropriate ventilation intakes, secure access and direct and convenient access to the building via lift.
• Where aboveground enclosed parking cannot be avoided ensure the design of the development mitigates any negative impact on streetscape and street amenity by avoiding exposed parking on the street frontage; hiding car parking behind the building façade – where wall openings occur, ensure they are integrated into the overall façade scale, proportions and detail; wrapping the car parks with other uses. • Minimise the impact of on grade parking by: locating parking on the side or rear of the lot away from the primary street frontage; screening cars from view of streets and buildings; allowing for safe and direct access to building entry points; incorporating parking into the landscape design of the site. • Provide bicycle parking which is easily accessible from ground level and from apartments.	☐ ☐ ☒	☐ ☐ ☐	☒ ☒ ☐	Bicycle racks are provided within the basement parking level and are suitably accessible.
Pedestrian Access				
Objectives • To promote residential flat development which is well connected to the street and contributes to the accessibility of the public domain. • To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their apartments and use communal areas via minimum grade ramps, paths, access ways or lifts.	☒ ☒	☐ ☐	☐ ☐	The proposed development is considered to be consistent with the Pedestrian Access objectives as barrier free communal entry is provided to access cores of all the building elements.

Requirement	Yes	No	N/A	Comment
Design Practice • Utilise the site and its planning to optimise accessibility to the development.	☒	☐	☐	The site is considered to be appropriately barrier free with wheelchair access possible from the street and basement and to the upper residential floors of the development.
• Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entries, lobbies, communal open space, site facilities, parking areas, public streets and internal roads.	☒	☐	☐	
• Promote equity by ensuring the main building entrance is accessible for all from the street and from car parking areas; integrating ramps into the overall building and landscape design.	☒	☐	☐	
• Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space.	☒	☐	☐	All ground floor apartments are accessible from the street.
• Maximise the number of accessible, visitable and adaptable apartments in a building.	☒	☐	☐	There are 67 units in the development. Of that figure, 7 or 10% are to be designated as “Adaptable units”.
• Separate and clearly distinguish between pedestrian access ways and vehicle access ways.	☒	☐	☐	Vehicular and pedestrian entries are well separated
• Consider the provision of public through site pedestrian access ways in large development sites.	☒	☐	☐	
• Identify the access requirements from the street or car parking area to the apartment entrance.	☒	☐	☐	
• Follow the accessibility standard set out in AS1428 as a minimum.	☒	☐	☐	
• Provide barrier free access to at least 20% of dwellings in the development.	☒	☐	☐	
Vehicle Access				
Objectives • To integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety.	☒	☐	☐	The proposed development is considered to be consistent with the Vehicle Access objectives. The vehicular access point has been designed to minimise the streetscape impact.
• To encourage the active use of street frontages.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Ensure that pedestrian safety is maintained by minimising potential pedestrian/vehicle conflicts.	☒	☐	☐	One vehicular access way is provided from Church Street.
• Ensure adequate separation distances between vehicular entries and street intersections.	☒	☐	☐	
• Optimise the opportunities for active street frontages and streetscape design by: making vehicle access points as narrow as possible; limit the number of vehicle access ways to a minimum; locating car park entry and access from secondary streets and lanes.	☒	☐	☐	The driveway width is not excessive and is not in near vicinity from any intersections.
• Improve the appearance of car parking and service vehicle entries by: screening garbage collection, loading and servicing areas visually away from the street; setback or recess car park entries from the main façade line; avoid 'black holes' in the façade by providing security doors to car park entries; where doors are not provided, ensure that the visible interior of the car park is incorporated into the façade design and materials selection and that building services – pipes and ducts – are concealed; return the façade material into the car park entry recess for the extent visible from the street as a minimum.	☒	☐	☐	Service areas such as garbage storage (within specific rooms) and loading spaces are contained within the basement level and not visible from public areas. Garbage to be collected from the basement level.
• Generally limit the width of driveways to a maximum of 6 metres.	☒	☐	☐	Driveway on Church Street is 6m wide.
• Locate vehicle entries away from main pedestrian entries and on secondary frontages.	☒	☐	☐	
Part 03 Building Design				
Apartment Layout				
Objectives • To ensure the spatial arrangement of apartments is functional and well organised.	☒	☐	☐	The proposed development is considered to be consistent with the Apartment Layout objectives as layouts are suitably sized to permit a satisfactory furniture layout to occur.
• To ensure that apartment layouts provide high standards of residential amenity.	☒	☐	☐	
• To maximise the environmental performance of apartments.	☒	☐	☐	
• To accommodate a variety of household activities and occupants' needs.	☒	☐	☐	
Design Practice • Determine appropriate sizes in relation to: geographic location and market demands; the spatial configuration of an apartments; affordability.	☒	☐	☐	Apartment layouts are generally considered satisfactory in terms of orientating living areas and private open spaces to optimise solar access where possible. (Some issues have however been identified such as building depth and single aspect south facing units – discussed later in the report). A suitable furniture layout can be achieved for all the units.
• Ensure apartment layouts are resilient over time by accommodating a variety of furniture arrangements; providing for a range of activities and privacy levels between different spaces within the apartment; utilising flexible room sizes and proportions or open plans; ensuring circulation by stairs, corridors and through rooms is planned as efficiently as possible thereby increasing the amount of floor space in rooms.	☒	☐	☐	
• Design apartment layouts which respond to the natural and built environments and optimise site opportunities by: providing private open space in the form of a balcony, terrace, courtyard or garden for every apartment; orienting main living areas toward the primary outlook and aspect and away from neighbouring noise sources or windows.	☒	☐	☐	
• Locating main living spaces adjacent to main private open space; locating habitable rooms, and where possible kitchens and bathrooms, on the external face of buildings; maximising opportunities to facilitate natural ventilation and to	☒	☐	☐	The living area of each unit is connected to the balcony.

Requirement	Yes	No	N/A	Comment
capitalise on natural daylight by providing corner apartments, cross-over/cross-through apartments; split-level/maisonette apartments, shallow/single aspect apartments.				
• Avoid locating kitchen as part of the main circulation spaces of an apartment, such as a hallway or entry space.	☒	☐	☐	The kitchens do not form part of the major circulation space of any apartment.
• Include adequate storage space in apartment	☒	☐	☐	All the units have storage space within their confines in addition to kitchen cupboards and wardrobes.
• Ensure apartment layouts and dimensions facilitate furniture removal and placement.	☒	☐	☐	
• Single aspect apartments should be limited in depth to 8 metres from a window.	☐	☒	☐	**Of the 24 single aspect apartments within the development, 2 or 8% are more than 8m deep and are 8.8m. It is noted however that the habitable rooms of the affected apartments are less than 8m deep. The worst affected areas are often service areas such as entries and passageways or enclosed room such as bathrooms and laundries which would not receive any natural lighting. Therefore, as the general residential amenity of apartments is not duly affected by the non-compliance, a variation is considered acceptable.**
• The back of a kitchen should be no more than 8 metres from a window.	☒	☐	☐	All kitchens within the building are located no more than 8m from a window.
• The width of cross-over/cross-through apartments over 15 metres deep should be 4 metres or greater.	☒	☐	☒	All cross-through apartments range in width between 7m and 8.5m.
• Buildings not meeting the minimum standards must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly for habitable rooms.	☒	☐	☐	
• If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest minimum apartment sizes: 1 bed = 50sqm, 2 bed = 70sqm, 3 bed = 95sqm.	☒	☐	☐	A good range of apartments are provided. No minimum sizes non compliances are noted.
Apartment Mix				
Objectives • To provide a diversity of apartment types, which cater for different household requirements now and in the future.	☒	☐	☐	The proposed development is considered to be consistent with the Apartment Mix objectives as an acceptable mixture of 1, 2 and 3 bedroom apartments are proposed which will cater for a range of household requirements.
• To maintain equitable access to new housing by cultural and socio-economic groups.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Provide a variety of apartment types particularly in large apartment buildings. Variety may not be possible in smaller buildings (up to 6 units).	☒	☐	☐	The development has the following bedroom mix:-
• Refine the appropriate mix for a location by considering population trends in the future as well as present market demands; noting the apartment's location in relation to public transport, public facilities, employment areas, schools, universities and retail centres.	☒	☐	☐	1 bedroom apartments - 17 units (25%) 2 bedroom apartments – 46 units (69%) 3 bedroom apartments - 4 units (6%)
• Locate a mix of 1 and 3 bed apartments on the ground level where accessibility is more easily achieved.	☒	☐	☐	Ground floor level contains a mixture of 1, 2 and 3 bedroom apartment types and is considered acceptable.
• Optimise the number of accessible and adaptable units to cater for a wider range of occupants.	☒	☐	☐	There are 7 adaptable units to be provided in the development.
• Investigate the possibility of flexible apartment configurations which support change in the future.	☒	☐	☐	
Balconies				
Objectives • To provide all apartments with private open space.	☒	☐	☐	The proposed development is considered to be consistent with the Balconies objectives as all apartments are provided with suitably sized private open spaces which integrate with the overall architectural form of the building and provide casual overlooking of communal and public areas.
• To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for apartment residents.	☒	☐	☐	
• To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings.	☒	☐	☐	
• To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.	☒	☐	☐	
Design Practice • Where other private open space is not provided, provide at least one primary balcony.	☒	☐	☐	All apartments have at least one balcony. Access is provided directly from living areas.
• Primary balconies should be: located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space; sufficiently large and well proportioned to be functional and promote indoor/outdoor livening – a dining table and 2 chairs (small apartment) and 4 chairs (larger apartment) should fit on the majority of balconies in the development.	☒	☐	☐	
• Consider secondary balconies, including Juliet balconies or operable walls with balustrades, for additional amenity and choice: in larger apartments; adjacent to bedrooms; for clothes drying, site balconies off laundries or bathrooms and they should be screened from the public domain.	☐	☐	☒	
• Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies by: locating balconies which predominantly face north, east or west to provide solar access; utilising sun screens, pergolas, shutters ad operable walls to control sunlight and wind; providing balconies with operable screens, Juliet balconies or operable walls in special locations where noise or high windows prohibit other solutions; choose cantilevered balconies, partly cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy; ensuring balconies are not so deep that they prevent sunlight entering the apartment below.	☒	☐	☐	Private open spaces are provided in the form of terrace and balconies for the ground floor units as the building dictates.
• Design balustrades to allow views and casual	☒	☐	☐	A mix of transparent and solid balustrades is proposed through-out to

Requirement	Yes	No	N/A	Comment
surveillance of the street while providing for safety and visual privacy.				maximise solar access and casual surveillance.
• Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design.	☒	☐	☐	
• Consider supplying a tap and gas point on primary balconies.	☒	☐	☐	
• Provide primary balconies for all apartments with a minimum depth of 2 metres (2 chairs) and 2.4 metres (4 chairs).	☒	☐	☐	Non compliances occur however where non compliances occur, balconies are still capable of a limited amount of outdoor furniture. It is noted that all apartments are provided with a primary balcony of at least 2m in depth.
• Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context – noise, wind, cannot be satisfactorily ameliorated with design solutions.	☒	☐	☐	
• Require scale plans of balcony with furniture layout to confirm adequate, useable space when an alternate balcony depth is proposed.	☒	☐	☐	
Ceiling Heights				
Objectives				
• To increase the sense of space in apartments and provide well proportioned rooms.	☒	☐	☐	The proposed development is considered to be consistent with the Ceiling Heights objectives as suitable ceiling heights are provided for the residential nature of apartments.
• To promote the penetration of daylight into the depths of the apartment.	☒	☐	☐	
• To contribute to flexibility of use.	☒	☐	☐	
• To achieve quality interior spaces while considering the external building form requirements.	☒	☐	☐	
Design Practice				
• Design better quality spaces in apartments by using ceilings to define a spatial hierarchy between areas of an apartment using double height spaces, raked ceilings, changes in ceiling heights and/or the location of bulkheads; enable better proportioned rooms; maximise heights in habitable rooms by stacking wet areas from floor to floor; promote the use of ceiling fans for cooling/heating distribution.	☒	☐	☐	The apartments in the building shall generally have floor to ceiling heights of 2.7m. This is considered acceptable for solar access and general residential amenity.
• Facilitate better access to natural light by using ceiling heights which enable the effectiveness of light shelves in enhancing daylight distribution into deep interiors; promote the use of taller windows, highlight windows and fan lights. This is particularly important for apartments with limited light access such as ground floor apartments and apartments with deep floor plans.	☒	☐	☐	
• Design ceiling heights which promote building flexibility over time for a range of other uses, including retail or commercial, where appropriate.	☐	☐	☒	The building does not consist of any double height apartments and additional heights for future changes of use are not necessary as the building is for residential use only.
• Coordinate internal ceiling heights and slab levels with external height requirements and key datum lines.	☒	☐	☐	
• Count double height spaces with mezzanines as two storeys.	☐	☐	☒	
• Cross check ceiling heights with building height controls to ensure compatibility of dimensions, especially where multiple uses are proposed.	☒	☐	☐	
• Minimum dimensions from finished floor level to finished ceiling level:				

Requirement	Yes	No	N/A	Comment
○ Mixed use buildings: 3.3 metres minimum for ground floor retail/commercial and for first floor residential, retail or commercial.	☐	☐	☒	Not a mixed use development however minimum height of 3.3m provided.
○ **For RFBs in mixed use areas 3.3 metres minimum for ground floor;**	☐	☒	☐	**Minimum height of 3.3m provided for 4 of the 5 units on the ground floor. Unit 1.5 is provided with a height of 2.7m to accommodate the ramp and head height for proposed garbage truck to the basement area. Given the residential use of the unit, there is no objection raised to this non-compliance.**
○ **For RFBs or other residential floors in mixed use buildings: 2.7 metres minimum for all habitable rooms on all floors, 2.4 metres preferred minimum for non-habitable rooms but no less than 2.25 metres;**	☐	☒	☐	**Units 10.1 and 10.3 have 2.4m ceilings in bedrooms however have skillion ceilings in living rooms which rise up to 3.8m. No objection raised as the affected bedroom windows are located on the topmost floor and have large windows.**
○ 2 storey units: 2.4 metres for second storey if 50% or more of the apartments has 2.7 metres minimum ceiling heights;	☐	☐	☒	
○ 2 storey units with a 2 storey void space: 2.4 metres minimum;	☐	☐	☒	
○ Attic spaces: 1.5 metres minimum wall height at edge of room with a 30^0 minimum ceiling slope.	☐	☐	☒	
• Developments which seek to vary the recommended ceiling heights must demonstrate that apartments will receive satisfactory daylight.	☐	☐	☒	The floor to ceiling heights proposed are considered satisfactory.
Flexibility				
Objectives • To encourage housing designs which meet the broadest range of the occupants' needs as possible.	☒	☐	☐	The proposed development is considered to be consistent with the Flexibility objectives as layouts promote changes to furniture arrangement and a suitable number can be adapted to the changing needs of residents.
• To promote 'long life loose fit' buildings, which can accommodate whole or partial changes of use.	☒	☐	☐	
• To encourage adaptive reuse.	☒	☐	☐	
• To save the embodied energy expended in building demolition.	☒	☐	☐	
Design Practice • Provide robust building configurations, which utilise multiple entries and circulation cores, especially in larger buildings over 15 metres long by: thin building cross sections, which are suitable for residential or commercial uses; a mix of apartment types; higher ceilings in particular on the ground floor and first floor; separate entries for the ground floor level and the upper levels; sliding and/or moveable wall systems.	☒	☐	☐	Apartment layout provides for basic changes to internal configuration. The building is serviced by 1 lift and has accessible apartments
• Provide apartment layouts which accommodate the changing use of rooms.	☒	☐	☐	Apartment layout provides for basic changes to internal configuration.
• Utilise structural systems which support a degree of future change in building use or configuration.	☒	☐	☐	
• Promote accessibility and adaptability by ensuring: the number of accessible and visitable apartments is optimised; and adequate pedestrian mobility and access is provided.	☒	☐	☐	Accessible and visitable apartments are promoted. There are 67 units in the development. Of that figure, 7 or 10% are to be designated as "Adaptable units". In this regard the proposal is considered to be satisfactory.
Ground Floor Apartments				

Requirement	Yes	No	N/A	Comment
Objectives • To contribute to the desired streetscape of an area and to create active safe streets. • To increase the housing and lifestyle choices available in apartment buildings.	☒ ☒	☐ ☐	☐ ☐	The proposed development is considered to be consistent with the "Ground Floor Apartment Objectives" as a range of ground-floor apartments are proposed which contribute to an active streetscape.
Design Practice • Design front gardens or terraces which contribute to the spatial and visual structure of the street while maintaining adequate privacy for apartment occupants. • Ensure adequate privacy and safety of ground floor units located in urban areas with no street setbacks by: stepping up the ground floor level from the level of the footpath a maximum of 1.2 metres; designing balustrades and establishing window sill heights to minimise site lines into apartments, particularly in areas with no street setbacks; determining appropriateness of individual entries; ensuring safety bars or screens are integrated into the overall elevation design and detailing. • Promoting house choice by: providing private gardens, which are directly accessible from the main living spaces of the apartment and support a variety of activities; maximising the number of accessible and visitable apartments on the ground floor; supporting a change or partial change in use, such as a home office accessible from the street or a corner shop. • Increase opportunities for solar access in ground floor units, particularly in denser areas by: providing higher ceilings and taller windows; choosing trees and shrubs which provide solar access in winter and shade in summer. • Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. • Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	☒ ☐ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☒ ☐ ☐ ☐ ☐	The ground-floor apartments are setback from the boundary with adjoining street. The setback area is utilised for private terrace/landscape area screened by fencing which provides sufficient visual privacy. This is available to ground floor units.
Internal Circulation				
Objectives • To create safe and pleasant spaces for the circulation of people and their personal possessions. • To facilitate quality apartment layouts, such as dual aspect apartments. • To contribute positively to the form and articulation of the building façade and its relationship to the urban environment. • To encourage interaction and recognition between residents to contribute to a sense of community and improve perceptions of safety.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Internal Circulation objectives as spacious access hallway and apartments are provided around the lift core.
Design Practice • Increase amenity and safety in circulation spaces by: providing generous corridor widths and ceiling heights particularly in lobbies, outside lifts and apartment entry doors; providing appropriate levels of lighting, including the use of natural daylight where possible; minimising corridor lengths to give short, clear sight lines; avoiding tight corners; providing legible signage noting apartment numbers, common areas and general directional finding; providing adequate ventilation.	☒	☐	☐	Corridor, foyer and hallway widths are sufficiently lit, articulated and dimensioned to promote safety and movement of residents and their belongings.

Requirement	Yes	No	N/A	Comment
• Support better apartment building layouts by designing buildings with multiple cores which: increase the number of entries along a street; increase the number of vertical circulation points; give more articulation to the façade; limiting the number of units off a circulation core on a single level.	☒	☐	☐	One lift access core is provided to service the building.
• Articulate longer corridors by: utilising a series of foyer areas and/or providing windows along or at the end of a corridor.	☒	☐	☐	
• Minimise maintenance and maintain durability by using robust materials in common circulation areas.	☒	☐	☐	
• Where units are arranged off a double loaded corridor, the number of units accessible from a single core/corridor should be limited to 8 - exceptions for: adaptive reuse buildings; where developments can demonstrate the achievement of the desired streetscape character and entry response; where developments can demonstrate a high level of amenity for common lobbies, corridors and units.	☒	☐	☐	A maximum of 8 apartments are arranged from each access corridor.
Mixed Use				
Objectives • To support a mix of uses that complement and reinforce the character, economics and function of the local area.	☐	☐	☒	The Mixed Use objectives are not applicable to the proposed development as exclusive residential use is proposed.
• Choose a compatible mix of uses.	☐	☐	☒	
• Consider building depth and form in relation to each use's requirements for servicing and amenity.	☐	☐	☒	
• Design legible circulation systems, which ensure the safety of users by: isolating commercial service requirements such as loading docks from residential access, servicing needs and primary outlook; locating clearly demarcated residential entries directly from the public street; clearly distinguishing commercial and residential entries and vertical access points; providing security entries to all entrances into private areas, including car parks and internal courtyards; providing safe pedestrian routes through the site, where required.	☐	☐	☒	
• Ensure the building positively contributes to the public domain and streetscape by: fronting onto major streets with active uses; avoiding the use of blank walls at the ground level.	☐	☐	☒	
• Address acoustic requirements for each use by: separate residential uses, where possible, from ground floor retail or leisure uses by utilising an intermediate quiet-use barrier, such as offices; design for acoustic privacy from the beginning of the project to ensure that future services, such as air conditioning, do not cause acoustic problems later.	☐	☐	☒	
• Recognising the ownership/lease patterns and separating requirements for purposes of BCA.	☐	☐	☒	
Storage				
Objectives • To provide adequate storage for everyday household items within easy access of the apartment.	☒	☐	☐	Storage is provided within each unit in the form of built in wardrobes, kitchen cupboards and in some units dedicated separate storage cupboards.
• To provide storage for sporting, leisure, fitness and hobby equipment.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Locate storage conveniently for apartments including: at least 50% of the required storage within each apartment and accessible from either the hall or living area - best provided as cupboards accessible from entries and hallways and/or under internal stairs; dedicated storage rooms on each floor within the development, which can be leased by residents as required; providing dedicated and/or leasable storage in internal or basement car parks.	☒	☐	☐	Apartments are to have varying levels of storage areas. However, the storage space per unit varies.
• Provide storage which is suitable for the needs of residents in the local area and able to accommodate larger items such as sporting equipment and bicycles.	☒	☐	☐	Most units has a dedicated storage space within the apartment in addition to kitchen cupboards and wardrobes.
• Ensure that storage separated from apartments is secure for individual use.	☒	☐	☐	Designated bicycle parking areas are provided within the basement levels.
• Where basement storage is provided: ensure that it does not compromise natural ventilation in car parks or create potential conflicts with fire regulations; exclude it from FSR calculations.	☒	☐	☐	
• Consider providing additional storage in smaller apartments in the form of built-in cupboards to promote a more efficient use of small spaces.	☒	☐	☐	
• In addition to kitchen cupboards and wardrobes, provide accessible storage facilities at the following rates: ○ Studio = 6cum; ○ 1 bed = 6cum; ○ 2 bed = 8cum; ○ 3+ bed = 10cum.	☒	☐	☐	Satisfactory storage areas are provided to satisfy the DCP requirements as detailed on the submitted plans.
Acoustic Amenity				
Objectives • To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private open spaces.	☒	☐	☐	The proposed development is considered to be consistent with the Acoustic Amenity objectives as acoustic intrusion is minimised through building separation and the grouping of like-use rooms in apartments together.

Requirement	Yes	No	N/A	Comment
Design Practice • Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings.	☒	☐	☐	Suitable building separation is provided to allow private open space areas to be located away from each other.
• Arrange apartments within a development to minimise noise transition between flats by: locating busy, noisy areas next to each other and quieter areas next to other quieter areas (kitchen near kitchen, bedroom near bedroom); using storage or circulation zones within an apartment to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas; minimising the amount of party walls with other apartments.	☒	☐	☐	Like-use areas of apartments are grouped to avoid acoustic disturbance of neighbouring apartments where possible, i.e. bedrooms adjoin bedrooms and living areas adjoin living areas.
• Design the internal apartment layout to separate noisier from quieter spaces by: grouping uses within an apartment – bedrooms with bedrooms and service areas like kitchen, bathroom, and laundry together.	☒	☐	☐	Where possible, noisier areas such as bathrooms and laundries are distanced from bedrooms.
• Resolve conflicts between noise, outlook and views by using design measures including: double glazing, operable screened balconies; continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements.	☒	☐	☐	The Acoustic Report provided with the application, prepared by Acoustic Logic, rev. 3 dated 6 September 2011 (ref: 20110234.1.0609A/R3/RL) provided Acoustic criteria and recommended construction methods/materials/treatments to be used to meet the criteria for the site especially as they relate to potential noise from the adjoining Primary School and rail corridor.
• Reduce noise transmission from common corridors or outside the building by providing seals at entry doors.	☐	☐	☒	
Daylight Access				
Objectives • To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development.	☒	☐	☐	The proposed development is considered to be generally consistent with the Daylight Access objectives as the orientation of living areas allows for daylight infiltration.
• To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.	☒	☐	☐	
• To provide residents with the ability to adjust the quantity of daylight to suit their needs.	☒	☐	☐	
Design Practice • Plan the site so that new residential flat development is oriented to optimise northern aspect.	☒	☐	☐	There are many units facing north, east or west that receives an adequate amount of solar penetration from March through to September. However there are a number of units facing south that do not receive solar penetration.
• Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.	☒	☐	☐	The rear communal open space within the development is north facing and will provide shade in summer whilst allowing solar penetration in winter.
• Optimise the number of apartments receiving daylight access to habitable rooms and principal windows: ensure daylight access to habitable rooms and private open space, particularly in winter; use skylights, clerestory windows and fanlights to supplement daylight access; promote two storey and mezzanine, ground floor apartments or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces; limit the depth of single aspect apartments; ensure single aspect , single storey apartments have a northerly or easterly aspect; locate living areas to the north and service areas to the south and west of development; limit	☒	☐	☐	Apartment living areas and certain bedrooms are provided with openings to outdoor space to maximise access to daylight and where possible, north-facing openings, living areas and private open spaces are optimised.

Requirement	Yes	No	N/A	Comment
the number of south acing apartments and increase their window area; use light shelves to reflect light into deeper apartments.				
• Design for shading and glare control, particularly in summer: using shading devices such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting; optimising the number of north facing living spaces; providing external horizontal shading to north facing windows; providing vertical shading to east or west windows; using high performance glass but minimising external glare off windows (avoid reflective films, use a glass reflectance below 20%, consider reduced tint glass).	☒	☐	☐	Overhanging balconies and louvers are proposed to provide shading to private open spaces. A roof element is provided for the top floors to provide shading to portions of the top floor balconies of the building.
• Limit the use of light wells as a source of daylight by prohibiting their use as the primary source of daylight in habitable rooms.	☐	☐	☒	None proposed for the development
• Where light wells are used: relate light well dimensions to building separation; conceal building services and provide appropriate detail and materials to visible walls; ensure light wells are fully open to the sky; allow exceptions for adaptive reuse buildings, if satisfactory performance is demonstrated.	☐	☐	☒	
• Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter. In dense urban areas, a minimum of 2 hours may be acceptable.	☒	☐	☐	The applicant provided shadow diagram that shows that 51 units or 76% of the units having living areas and private open space areas achieving the minimum 3 hours solar access. Another 7 units or (10%) of the units will have minimum 2 hour of solar access taking the total number to 58 units or 87% of the units. The proposal achieves the requirement and is considered acceptable.
• Limit the number of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed.	☐	☒	☐	**There are 9 single aspect south facing units, which is 13.4% for the development. This is partly due to the orientation of the site. A variation is considered acceptable given that the proposal performs satisfactorily in terms of solar access and supporting documentation demonstrates that the thermal performance of these apartments is such that residential amenity will not be unduly affected.**
• Developments which seek to vary from the minimum standards must demonstrate how site constrains and orientation prohibits the achievement of these standards and how energy efficiency is addressed.	☒	☐	☐	
Natural Ventilation				

Requirement	Yes	No	N/A	Comment
Objectives • To ensure that apartments are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants. • To provide natural ventilation in non-habitable rooms, where possible. • To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposed development is considered to be consistent with the Natural Ventilation objectives as all habitable rooms, and where possible non-habitable rooms, have sufficient openings for ventilation. The BASIX commitments dictate energy consumption requirements.
Design Practice • Plan the site to promote and guide natural breezes by: determining prevailing breezes and orient buildings to maximise use, where possible; locating vegetation to direct breezes and cool air as it flows across the site and by selecting planting or trees that do not inhibit air flow. • Utilise the building layout and section to increase the potential for natural ventilation. • Design the internal apartment layout to promote natural ventilation by: minimising interruptions in air flow through an apartment; grouping rooms with similar usage together. • Select doors and operable windows to maximise natural ventilation opportunities established by the apartment layout. • Coordinate design for natural ventilation with passive solar design techniques. • Explore innovative technologies to naturally ventilate internal building areas or rooms. • **Building depths which support natural ventilation typically range from 10-18 metres.**	☒ ☒ ☒ ☒ ☒ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☒	☐ ☐ ☐ ☐ ☐ ☒ ☐	The building and apartment layouts are designed to maximise natural ventilation through the use of open-plan living areas and generous openings to living areas and bedrooms. **The building depth for the building varies but reaches up to 23m from glass line to glass line. Based on the design the proposed depth is not considered excessive. A variation is supported in this regard as it is not considered to adversely affect the residential amenity of the affected units.**
• 60% of residential units should be naturally cross ventilated.	☒	☐	☐	Up to 43 units or 64% of apartments in the development have openings in two or more external walls of different orientation
• 25% of kitchens within a development should have access to natural ventilation.	☒	☐	☐	All kitchens within the development are considered to be naturally ventilated as they are part of the open plan living areas.
• Developments which seek to vary from the minimum standards must demonstrate how natural ventilation can be satisfactorily achieved particularly in relation to habitable rooms.	☒	☐	☐	The non compliances identified in this section can be considered minor in this instance and generally supportable.
Awnings and Signage				
Objectives • To provide shelter for public streets. • To ensure signage is in keeping with desired streetscape character and with the development in scale, detail and overall design	☐ ☐	☐ ☐	☒ ☒	The Awnings and Signage Objectives are not applicable to the proposed development as no awnings over the public domain or any signage are proposed.

Requirement	Yes	No	N/A	Comment
Design Practice *Awnings* • Encourage pedestrian activity on streets by providing awnings to retail strips, where appropriate, which: give continuous cover in areas which have a desired pattern of continuous awnings; complement the height, depth and form of the desired character or existing pattern of awnings; provide sufficient protection for sun and rain.	☐	☐	☒	No awnings over the public domain are proposed. In this instance, where the proposal is for a wholly residential use and where pedestrian traffic is to be limited, no awnings are considered necessary.
• Contribute to the legibility of the residential flat development and amenity of the public domain by locating local awnings over building entries.	☐	☐	☒	
• Enhance safety for pedestrians by providing under-awning lighting.	☐	☐	☒	
Signage • Councils should prepare guidelines for signage based on the desired character and scale of the local area.	☐	☐	☒	No signage of any kind is proposed under this application. Again, being a residential development, no signage is considered necessary.
• Integrate signage with the design of the development by responding to scale, proportions and architectural detailing.	☐	☐	☒	
• Provide clear and legible way finding for residents and visitors.	☐	☐	☒	
Facades				
Objectives • To promote high architectural quality in residential flat buildings.	☒	☐	☐	The proposed development is considered to be consistent with the Facade objectives as elevations of high architectural design quality which include modulation and articulation are proposed.
• To ensure that new developments have facades which define and enhance the public domain and desired street character.	☒	☐	☐	
• To ensure that building elements are integrated into the overall building form and façade design.	☒	☐	☐	
Design Practice • Consider the relationship between the whole building form and the façade and/or building elements.	☒	☐	☐	Elevations are provided in accordance with the scale requirements of the Auburn Local Environmental plan and Auburn Town Centre controls. The design quality of the development is satisfactory. A high level of modulation, articulation and architectural feature elements are incorporated to provide visually interesting and varied facades. Unsightly elements such as services, piping and plant is to be suitably located and/or screened so as not to detract from the visual quality of facades.
• Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character.	☒	☐	☐	
• Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the façade orientation.	☒	☐	☐	
• Express important corners by giving visual prominence to parts of the façade.	☒	☐	☐	
• Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design.	☒	☐	☐	
• Coordinate security grills/screens, ventilation louvres and car park entry doors with the overall façade design.	☒	☐	☐	
Roof Design				
Objectives • To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings.	☒	☐	☐	The proposed development is considered to be consistent with the Roof Design objectives as a roof box element which reduces the apparent height and enhances the visual quality of the building is proposed.
• To integrate the design of the roof into the overall façade, building composition and desired contextual response.	☒	☐	☐	
• To increase the longevity of the building through weather protection.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Relate roof design to the desired built form. • Design the roof to relate to the size and scale of the building, the building elevations and three dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials. • Design roofs to respond to the orientation of the site. • Minimise the visual intrusiveness of service elements (lift overruns, service plants, chimneys, vent stacks, telecommunication infrastructure, gutters, downpipes, and signage) by integrating them into the design of the roof. • Support the use of roofs for quality open space in denser urban areas by: providing space and appropriate building systems to support the desired landscape design; incorporating shade structures and wind screens to encourage open space use; ensuring open space is accessible. • Facilitate the use or future use of the roof for sustainable functions e.g. rainwater tanks, photovoltaics, water features. • Where habitable space is provided within the roof optimise residential amenity in the form or attics or penthouse apartments.	☒ ☒ ☒ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☒	The proposed building is to have a roof box element which will add visual interest to the overall appearance of the building.
Energy Efficiency				
Objectives • To reduce the necessity for mechanical heating and cooling. • To reduce reliance on fossil fuels. • To minimise greenhouse gas emissions. • To support and promote renewable energy initiatives.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Energy Efficiency objectives as a BASIX Certificate which achieves the relevant energy targets is provided and the relevant commitments shown on plans.
Design Practice Requirements superseded by BASIX.	☒	☐	☐	The various BASIX Certificates for the buildings show that the development as a whole achieves the Pass Mark for energy and water conservation.
Maintenance				
Objectives • To ensure long life and ease of maintenance for the development.	☒	☐	☐	The proposed development is considered to be consistent with the Maintenance objectives as relevant conditions shall be included in any consent to ensure the site is suitably maintained.
Design Practice • Design windows to enable cleaning from inside the building, where possible. • Select manually operated systems in preference to mechanical systems. • Incorporate and integrate building maintenance systems into the design of the building form, roof and façade. • Select durable materials, which are easily cleaned and are graffiti resistant. • Select appropriate landscape elements and vegetation and provide appropriate irrigation systems. • For developments with communal open space, provide a garden maintenance and storage area, which is efficient and convenient to use and is connected to water and drainage.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	Should the application be recommended for approval, relevant conditions in relation to use of high-quality materials and general maintenance of the site shall be included in any consent that may be issued.
Waste Management				
Objectives • To avoid the generation of waste through	☒	☐	☐	The proposed development is

Requirement	Yes	No	N/A	Comment
design, material selection and building practices. • To plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development. • To encourage waste minimisation, including source separation, reuse and recycling. • To ensure efficient storage and collection of waste and quality design of facilities.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	considered to be consistent with the Waste Management objectives as suitable arrangements and facilities for waste disposal and storage including garbage chutes is proposed.
Design Practice • Incorporate existing built elements into new work, where possible. • Recycle and reuse demolished materials, where possible. • Specify building materials that can be reused and recycled at the end of their life. • Integrate waste management processes into all stages of the project, including the design stage. • Support waste management during the design stage by: specifying modestly for the project needs; reducing waste by utilising the standard product/component sizes of materials to be used; incorporating durability, adaptability and ease of future service upgrades.	☐ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☒ ☐ ☐ ☐ ☐	Suitable waste management facilities are proposed throughout the building and will be managed by an appointed caretaker.
• Prepare a waste management plan for green and putrescible waste, garbage, glass, containers and paper. • Locate storage areas for rubbish bins away from the front of the development where they have a significant negative impact on the streetscape, on the visual presentation of the building entry and on the amenity of residents, building users and pedestrians. • Provide every dwelling with a waste cupboard or temporary storage area of sufficient size to hold a single day's waste and to enable source separation. • Incorporate on-site composting, where possible, in self contained composting units on balconies or as part of the shared site facilities. • Supply waste management plans as part of the DA submission.	☒ ☒ ☒ ☐ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☐	
Water Conservation				
Objectives • To reduce mains consumption of potable water. • To reduce the quantity of urban stormwater runoff.	☒ ☒	☐ ☐	☐ ☐	The proposed development is considered to be consistent with the Water Conservation objectives as on-site detention and a suitable stormwater drainage plan is proposed.
Design Practice • Requirements superseded by BASIX.	☐	☐	☒	The design practice requirements are superseded by commitments listed in the accompanying BASIX Certificate.

State Environmental Planning Policy (Infrastructure) 2007

The development application was referred to RailCorp in accordance with the requirements of "Clause 86 - Excavation in, above or adjacent to rail corridors" of State Environmental Planning Policy (Infrastructure) 2007. Clause 86(3) required the concurrence of RailCorp to be obtained prior to granting any consent to development to which clause 86 applies. See details provided earlier under the "External Referrals" heading of the report.

Regional Environmental Plans

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

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

Local Environmental Plans

Auburn Local Environmental Plan 2010

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

Clause	Yes	No	N/A	Comment
Part 1 Preliminary **1.2 Aims of Plan** (1) This Plan aims to make local environmental planning provisions for land in Auburn in accordance with the relevant standard environmental planning instrument under section 33A of the Act.	☒	☐	☐	
(2) The particular aims of this Plan are as follows:	☒	☐	☐	The proposal substantially complies with the stipulated development standards of the ALEP 2010.
(a) to establish planning standards that are clear, specific and flexible in their application,	☒	☐	☐	The proposal is considered to establish an acceptable benchmark of future development in the immediate area.
(b) to foster integrated, sustainable development that contributes to Auburn's environmental, social and physical well-being,	☒	☐	☐	The development is not considered to be inappropriate for the area. The development substantially complies and will establish the future desired character for its immediate area.
(c) to protect areas from inappropriate development,	☒	☐	☐	
(d) to minimise risk to the community by restricting development in sensitive areas,	☒	☐	☐	The proposal has incorporated ESD principles with features such as passive design and BASIX. The development is acceptable in this regard.
(e) to integrate principles of ecologically sustainable development into land use controls,	☐	☐	☒	
(f) to protect, maintain and enhance the natural ecosystems, including watercourses, wetlands and riparian land,	☒	☐	☐	Being a residential development the proposal will also create employment opportunities.
(g) to facilitate economic growth and employment opportunities within Auburn,	☒	☐	☐	The site is within the vicinity of identified heritage items.
(h) to identify and conserve the natural, built and cultural heritage,	☐	☐	☒	
(i) to provide recreational land, community facilities and land for public purposes.				
1.8 Repeal of other local planning instruments applying to land (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed. **Note.** The following local environmental plans are repealed under this provision: *Auburn Local Environmental Plan 2000*	☒	☐	☐	Noted
(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other and cease to apply to the land to which this Plan applies.	☒	☐	☐	
1.9 Application of SEPPs and REPs (1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.	☒	☐	☐	

Clause	Yes	No	N/A	Comment
(2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies: *State Environmental Planning Policy No 1—Development Standards* *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* (clause 6, clause 10 and Parts 3 and 4) *State Environmental Planning Policy No 60—Exempt and Complying Development* *Sydney Regional Environmental Plan No 24—Homebush Bay Area*	☐	☐	☒	The state policies stated below are not relevant to this application.
1.9A Suspension of covenants, agreements and instruments				
(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.	☒	☐	☐	There are no known covenants, agreements or instruments applying to the land which will prevent the development proceeding in accordance with the plan.
(2) This clause does not apply:				
(a) to a covenant imposed by the Council or that the Council requires to be imposed, or	☐	☐	☒	None of these apply to the development site.
(b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or	☐	☐	☒	
(c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or	☐	☐	☒	
(d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or	☐	☐	☒	
(e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or	☐	☐	☒	
(f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or	☐	☐	☒	
(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.	☐	☐	☒	
(3) This clause does not affect the rights or interests of any public authority under any registered instrument.	☐	☐	☒	The development is not on behalf of a public authority.
(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).	☐	☐	☒	
Part 2 Permitted or prohibited development				

Clause	Yes	No	N/A	Comment
2.1 Land use zones The land use zones under this Plan are as follows: **Residential Zones** R2 Low Density Residential R3 Medium Density Residential R4 High Density Residential **Business Zones** B1 Neighbourhood Centre B2 Local Centre **B4 Mixed Use** B6 Enterprise Corridor B7 Business Park **Industrial Zones** IN1 General Industrial IN2 Light Industrial **Special Purpose Zones** SP1 Special Activities SP2 Infrastructure **Recreation Zones** RE1 Public Recreation RE2 Private Recreation **Environment Protection Zones** E2 Environmental Conservation **Waterway Zones** W1 Natural Waterways	☒	☐	☐	The land is zoned B4 - Mixed use, which permits residential flat buildings.
2.5 Additional permitted uses for particular land (1) Development on particular land that is described or referred to in Schedule 1 may be carried out: (a) with consent, or (b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development. (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	No additional uses in accordance with this clause are being applied for under this application.
2.6Subdivision—consent requirements (1) Land to which this Plan applies may be subdivided, but only with consent. (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following: (a) widening a public road, (b) a minor realignment of boundaries that does not create:	☐ ☐	☐ ☐	☒ ☒	No subdivision (Torrens or Strata) approval is being sought.

Clause	Yes	No	N/A	Comment
(i) additional lots or the opportunity for additional dwellings, or	☐	☐	☒	
(ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned,	☐	☐	☒	
(c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,	☐	☐	☒	
(d) rectifying an encroachment on a lot,	☐	☐	☒	
(e) creating a public reserve,	☐	☐	☒	
(f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.	☐	☐	☒	
Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.	☐	☐	☒	
2.6 AA Demolition requires consent The demolition of a building or work may be carried out only with consent. **Note.** If the demolition of a building or work is identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development, the Act enables it to be carried out without consent.	☒	☐	☐	The demolition component of the development is being considered as part of this application.
Zone B4 Mixed Use **1 Objectives of zone** • To provide a mixture of compatible land uses.	☒	☐	☐	The proposed residential flat building is considered to be compatible with the objectives of the zone.
• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	☒	☐	☐	The site enjoys close proximity to the core Lidcombe town centre and associated public transport links.
• To encourage high density residential development.	☒	☐	☐	The residential building development is high density in accordance with the zone.
• To encourage appropriate businesses which contribute to economic growth.	☐	☐	☒	Wholly residential development proposed.
• To achieve an accessible, attractive and safe public domain.	☒	☐	☐	The proposal is considered to provide an attractive public domain interface through the use of high quality materials and accessible entry.
2 Permitted without consent Nil **3 Permitted with consent**	☐	☐	☒	All proposed development requires consent from Council.

Clause	Yes	No	N/A	Comment
Backpackers' accommodation; Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; **Residential flat buildings**; Retail premises; Roads; Self-storage units; Seniors housing; Serviced apartments (but only as part of a mixed use development); Shop top housing; Warehouse or distribution centres; Any other development not specified in item 2 or 4	☒	☐	☐	The proposed building is defined as residential flat building development meaning "*a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing".* In this instance, a residential land use is proposed. All components of the proposed development are permissible with consent from Council.
4 Prohibited Agriculture; Air transport facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Canal estate developments; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Marinas; Mining; Moorings; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Rural supplies; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies	☐	☐	☒	No prohibited development is proposed.

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

Clause	Yes	No	N/A	Comment
4.3 Height of buildings				
(1) The objectives of this clause are as follows:				
(a) to establish a maximum building height to enable appropriate development density to be achieved, and	☒	☐	☐	Whilst the proposed development will marginally exceed the maximum height of 32m permissible for the site, the proposal is considered to be consistent with the building height objective.
(b) to ensure that the height of buildings is compatible with the character of the locality	☒	☐	☐	
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	☐	☒	☐	**A maximum height of 32.4m is proposed to the top of the highest roof. The marginal 0.4m non compliance is as a result of the angular roof design which gives the building a distinctive architectural roof feature. It is noted that the area that exceeds the control is centrally located in the site and the ridge height at the front (Church Street) of the building is 1600mm lower than the 32m control.** **Furthermore, Clause 5.6 of ALEP 2010 (as discussed later in the report) permit variations to height controls for architectural roof features under certain circumstances.** **No objection is raised to this non compliance as to require strict compliance by reducing the overall height by 400mm is likely to significantly reduce the visual quality of the built form and desired design outcome.**
(2A) Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is:				
(a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres,	☐	☐	☒	Development not on Parramatta Road Precinct.
(b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map—14 metres.	☐	☐	☒	Development not on land within zone B6 – Enterprise Corridor.
4.4 Floor space ratio				
(1) The objectives of this clause are as follows:				
(a) To establish a maximum floor space ratio to enable appropriate development density to be achieved, and	☒	☐	☐	A floor space ratio of 3:4 is specified for the site.
(b) To ensure that development intensity reflects its locality.	☒	☐	☐	The development will establish the desired future density of the B4 – Mixed use zone.
(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on	☒	☐	☐	The proposal's floor space ratio is 3.39: 1 which is less than the maximum

Clause	Yes	No	N/A	Comment
the Floor Space Ratio Map.				allowable floor space ratio limit of 3.4 : 1. The development is acceptable in this regard.
(2A) Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows:				
(a) for sites less than 1,300 square metres—0.75:1,	☐	☐	☒	Not a multi dwelling development.
(b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1,	☐	☐	☒	
(c) for sites that are 1,800 square metres or greater—0.85:1.	☐	☐	☒	
(2B) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows:				
(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and	☐	☐	☒	Not within Zone – B6 Enterprise Corridor.
(b) 3:1 for office premises and hotel or motel accommodation.	☐	☐	☒	
(2C) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Floor Space Ratio Map, is as follows:				
(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and	☐	☐	☒	
(b) 2:1 for office premises and hotel or motel accommodation.	☐	☐	☒	
4.5 Calculation of floor space ratio and site area				
(1) Objectives				
The objectives of this clause are as follows:				
(a) to define ***floor space ratio***,	☒	☐	☐	Noted
(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:				
(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and	☐	☐	☒	
(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and	☐	☐	☒	
(iii) require community land and public places to be dealt with separately.	☐	☐	☒	

Clause	Yes	No	N/A	Comment
(2) Definition of "floor space ratio" The ***floor space ratio*** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. **(3) Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the ***site area*** is taken to be:				
(a) if the proposed development is to be carried out on only one lot, the area of that lot, or	☒	☐	☐	Noted
(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.	☐	☐	☒	
In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development. **(4) Exclusions from site area** The following land must be excluded from the site area:				
(a) land on which the proposed development is prohibited, whether under this Plan or any other law,	☐	☐	☒	No exclusions in accordance with this clause are being applied.
(b) community land or a public place (except as provided by subclause (7)).	☐	☐	☒	
(5) Strata subdivisions The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.	☐	☐	☒	No existing strata subdivision or proposed strata subdivision being applied.
(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.	☒	☐	☐	The site consists of 1 lot.
(7) Certain public land to be separately considered For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.	☐	☐	☒	No public land incorporated into the proposal.
(8) Existing buildings The gross floor area of any existing or	☒	☐	☐	All above ground floors of the proposal

Clause	Yes	No	N/A	Comment
proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.				are factored into the floor space ratio calculation.
(9) Covenants to prevent "double dipping" When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.	☐	☐	☒	The site consists of 1 lot.
(10) Covenants affect consolidated sites If: (a) a covenant of the kind referred to in subclause (9) applies to any land (***affected land***), and (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development, the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.	☐ ☐	☐ ☐	☒ ☒	No consolidation covenant is being applied in this instance.
(11) Definition In this clause, ***public place*** has the same meaning as it has in the *Local Government Act 1993*.				
4.6 Exceptions to development standards (1) The objectives of this clause are: (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	☐ ☐	☐ ☐	☒ ☒	The applicant has not applied for any exceptions to development standards in accordance with this clause.
(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	☐	☐	☒	
(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a				

Clause	Yes	No	N/A	Comment
written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:				
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	☐	☐	☒	
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	☐	☐	☒	
(4) Consent must not be granted for development that contravenes a development standard unless:				
(a) the consent authority is satisfied that:				
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	☐	☐	☒	
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	☐	☐	☒	
(b) the concurrence of the Director-General has been obtained.				
(5) In deciding whether to grant concurrence, the Director-General must consider:	☐	☐	☒	
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and	☐	☐	☒	
(b) the public benefit of maintaining the development standard, and				
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.	☐	☐	☒	
(6) Not applicable	☐	☐	☒	
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).	☐	☐	☒	
(8) This clause does not allow consent to be granted for development that would contravene any of the following:				
(a) a development standard for complying development,				
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning*	☐	☐	☒	
	☐	☐	☒	

Clause	Yes	No	N/A	Comment
Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated, (c) clause 5.4.	☐	☐	☒	
Part 5 Miscellaneous provisions				
5.6 Architectural roof features (1) The objectives of this clause are: (a) To ensure that any decorative roof element does not detract from the architectural design of the building, and	☒	☐	☐	An angular architectural roof feature is proposed to the built form of the building to add visual interest to the development. The roof feature adds 400mm to the overall height of the building, as discussed earlier in the report.
(b) To ensure that prominent architectural roof features are contained within the height limit.	☐	☐	☒	
(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.	☒	☐	☐	The applicant seeks Council's consent for a variation to the height limit set by clause 4.3 and no objection is raised in this instance (see below):
(3) Development consent must not be granted to any such development unless the consent authority is satisfied that: (a) the architectural roof feature: (i) comprises a decorative element on the uppermost portion of a building, and	☒	☐	☐	The roof features perform a decorative element on the uppermost portion of the building.
(ii) is not an advertising structure, and	☒	☐	☐	The roof features are not an advertising structure and not likely to be used as one given that the building is for residential use only.
(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and	☒	☐	☐	The roof features do not include floor space and are not reasonably capable of modification to include floor space area.
(iv) will cause minimal overshadowing, and	☒	☐	☐	The roof features does not in itself result in additional shadow affectation on adjoining properties.
(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.	☒	☐	☐	The roof features will fully contain the lift overrun.
5.10 Heritage conservation **Note.** Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and				

Clause	Yes	No	N/A	Comment
nature of any such item, area or site is also described in Schedule 5.				
(1) Objectives				
The objectives of this clause are:				
(a) to conserve the environmental heritage of Auburn, and	☒	☐	☐	The land is not listed as being a heritage item or part of a heritage group or being an archaeological site. The site is however within the vicinity of known heritage items being: 1) St Joachims School – item #139; 2) Lidcombe Fire Station – item # 132; and 3) Hotel Lidcombe – item # 131 A heritage impact assessment report prepared by Andrew Starr and Associates, Heritage Consultants dated April 2011 was submitted with the application. The report indicated that the Lidcombe Fire Station and Hotel Lidcombe are far enough away from the subject site to only have minimal effect on their heritage significance. The report also indicated that the proposed development does have some impact on the school but this impact does not affect the heritage significance of the school buildings. The report concludes that *"The heritage impact on nearby heritage items is not significant. Principal views of all nearby heritage items are not obscured by the proposed development. A building of ten storeys fits within the changing context of this business zone. There are no heritage issues that conflict with the development on the site".*
(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and	☒	☐	☐	
(c) to conserve archaeological sites, and	☐	☐	☒	
(d) to conserve places of Aboriginal heritage significance.	☐	☐	☒	
(2) Requirement for consent				
Development consent is required for any of the following:				
(a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,	☐	☐	☒	
(b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,	☐	☐	☒	
(c) altering a heritage item that is a building by making structural changes to its interior,	☐	☐	☒	
(d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,	☐	☐	☒	
(e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,	☐	☐	☒	
(f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,	☐	☐	☒	
(g) subdividing land on which a heritage item is located or that is within a heritage conservation area.	☐	☐	☒	
(3) When consent not required				
However, consent under this clause is not required if:				
(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:				
(i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building,	☐	☐	☒	

Clause	Yes	No	N/A	Comment
work, relic, tree or place within a heritage conservation area, and				
(ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or	☐	☐	☒	
(b) the development is in a cemetery or burial ground and the proposed development:				
(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and	☐	☐	☒	
(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or	☐	☐	☒	
(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or	☐	☐	☒	
(d) the development is exempt development.				
Note. For land known as Rookwood Cemetery zoned SP1 Cemetery, development consent from, and notification to, the consent authority is not required under this plan for the further use of an existing grave site or crypt within a graveyard that is a heritage item, provided the heritage significance of the item is not adversely affected.	☐	☐	☒	
(4) Effect on heritage significance				
The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	☒	☐	☐	
(5) Heritage impact assessment				
The consent authority ***may***, before granting consent to any development on land:				
(a) on which a heritage item is situated, or	☐	☐	☒	
(b) within a heritage conservation area, or	☐	☐	☒	
(c) within the vicinity of land referred to in paragraph (a) or (b),	☐	☐	☒	
require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.				
(6) Heritage conservation management plans	☐	☐	☒	
The consent authority may require, after considering the significance of a heritage item				

Clause	Yes	No	N/A	Comment
and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.				
(7) Archaeological sites				
The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):				
(a) notify the Heritage Council of its intention to grant consent, and	☐	☐	☒	
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	☐	☐	☒	
(8) Places of Aboriginal heritage significance				
The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:				
(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and	☐	☐	☒	
(b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.	☐	☐	☒	
(9) Demolition of item of State significance				
The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):	☐	☐	☒	
(a) notify the Heritage Council about the application, and	☐	☐	☒	
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.				
(10) Conservation incentives				
The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:	☐	☐	☒	
(a) the conservation of the heritage item is facilitated by the granting of consent, and	☐	☐	☒	
(b) the proposed development is in accordance				

Clause	Yes	No	N/A	Comment
with a heritage conservation management plan that has been approved by the consent authority, and	☐	☐	☒	
(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and				
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and	☐	☐	☒	
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.	☐	☐	☒	
Part 6 Additional local provisions				
6.1 Acid sulfate soils				
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	☒	☐	☐	The site lies over Class 5 Acid Sulfate Soils and does not lie within 500 metres of an adjacent altered classification soil.
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.				Class 5 soils are general acceptable to undertake significant excavation without the need for further studies or management plans to manage Acid Sulfate issues during construction. The development is acceptable in this regard.
Class of land **Works**	☐	☐	☒	
1 Any works.	☐	☐	☒	
2 Works below the natural ground surface. Works by which the watertable is likely to be lowered.				
3 Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.	☐	☐	☒	
4 Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.	☐	☐	☒	
5 Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	☒	☐	☐	
(3) Development consent must not be granted under this clause for	☐	☐	☒	

Clause	Yes	No	N/A	Comment
the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.				
(4) Despite subclause (2) Development consent is not required under this clause for the carrying out of works if:				
(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and	☐	☐	☒	
(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.	☐	☐	☒	
(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):	☐	☐	☒	
(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,	☐	☐	☒	
(b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),	☐	☐	☒	
(c) minor work, being work that costs less than $20,000 (other than drainage work).				
(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:	☐	☐	☒	
(a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or	☐	☐	☒	

Clause	Yes	No	N/A	Comment
(b) the works are likely to lower the watertable.				
6.2 Earthworks				
(1) The objectives of this clause are as follows:				
(a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land,	☒	☐	☐	Development consent is required for the proposed basement level excavations.
(b) to allow earthworks of a minor nature without separate development consent.	☐	☐	☒	
(2) Development consent is required for earthworks, unless:				
(a) the work does not alter the ground level (existing) by more than 600 millimetres, or	☐	☐	☒	
(b) the work is exempt development under this Plan or another applicable environmental planning instrument, or	☐	☐	☒	
(c) the work is ancillary to other development for which development consent has been given.	☐	☐	☒	
(3) Before granting development consent for earthworks, the consent authority must consider the following matters:				
(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	☒	☐	☐	The proposed excavation is not anticipated to disrupt local drainage patterns or soil stability.
(b) the effect of the proposed development on the likely future use or redevelopment of the land,	☒	☐	☐	The proposed development is in accordance with the desired future character of the area and zone B4 – mixed use zone objectives.
(c) the quality of the fill or of the soil to be excavated, or both,	☒	☐	☐	Should the application be approved, appropriate conditions will be imposed to ensure that all fill taken from the site are taken to an approved landfill site.
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	☒	☐	☐	Should the application be approved, appropriate noise, construction and traffic control conditions will be imposed to ensure minimal impact on the amenity of adjoining uses.
(e) the source of any fill material and the destination of any excavated material,	☒	☐	☐	Soil has been tested in accordance with SEPP 55 requirements. All off site soil disposal to be to an approved landfill site.
(f) the likelihood of disturbing relics,	☒	☐	☐	The site is not identified as a potential archaeological site.
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water	☒	☐	☐	There are no waterways or environmentally sensitive areas in vicinity of the site.

Clause	Yes	No	N/A	Comment
catchment or environmentally sensitive area. **Note.** The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.				

Clause	Yes	No	N/A	Comment
6.3 Flood planning				
(1) The objectives of this clause are:	☒	☐	☐	The site is not identified as being flood prone as per the maps in the ALEP 2010. This clause is not applicable to the development.
(a) to minimise the flood risk to life and property associated with the use of land,	☐	☐	☒	
(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,	☐	☐	☒	
(c) to avoid significant adverse impacts on flood behaviour and the environment.	☐	☐	☒	
(2) This clause applies to:	☐	☐	☒	
(a) land that is shown as "Flood planning area" on the Flood Planning Map, and	☐	☐	☒	
(b) other land at or below the flood planning level.	☐	☐	☒	
(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:	☐	☐	☒	
(a) is compatible with the flood hazard of the land, and	☐	☐	☒	
(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and	☐	☐	☒	
(c) incorporates appropriate measures to manage risk to life from flood, and	☐	☐	☒	
(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and	☐	☐	☒	
(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.	☐	☐	☒	
(4) A word or expression used in this clause has the same meaning as it has in the NSW Government's *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this clause.	☐	☐	☒	
(5) In this clause:				
flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.				
Flood Planning Map means the Auburn Local Environmental Plan 2010 Flood Planning Map.				
6.4 Foreshore building line				
(1) The objective of this				The subject site is not affected by a

Clause	Yes	No	N/A	Comment
clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.	☐	☐	☒	foreshore building line.
(2) This clause applies to land identified as below the foreshore building line on the Foreshore Building Line Map.	☐	☐	☒	
(3) Development consent must not be granted for development on land in the foreshore area except for the following purposes:				
(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,	☐	☐	☒	
(b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,	☐	☐	☒	
(c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).				
(4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that:	☐	☐	☒	
(a) the development will contribute to achieving the objectives for the zone in which the land is located, and	☐	☐	☒	
(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and	☐	☐	☒	
(c) the development is not likely to cause environmental harm such as:	☐	☐	☒	
(i) pollution or siltation of the waterway, or	☐	☐	☒	
(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or	☐	☐	☒	
(iii) an adverse effect on drainage patterns, and				
(d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and	☐	☐	☒	
(e) opportunities to provide continuous public access				

Clause	Yes	No	N/A	Comment
along the foreshore and to the waterway will not be compromised, and	☐	☐	☒	
(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained,	☐	☐	☒	
(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and				
(h) sea level rise or change of flooding patterns as a result of climate change have been considered.				
6.5 Essential Services				
(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:				
(a) the supply of water,	☒	☐	☐	The listed services are currently available to the site.
	☒	☐	☐	
(b) the supply of electricity,	☒	☐	☐	Should the development be approved conditions will be imposed requiring that all services be augmented as necessary in accordance with service provider requirements.
(c) the disposal and management of sewage.	☒	☐	☐	
(d) stormwater drainage or on-site conservation,	☒	☐	☐	
(e) suitable road access.	☐	☐	☒	
(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.				

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

Draft SEPP (Competition) 2010

Draft SEPP (Competition) 2010 was exhibited by the Department of Planning from 27 July 2010 until 26 August 2010 and seeks to remove anti-competition barriers to commercial development.

The provisions and requirements of the Draft SEPP raise no concerns as to the proposed development.

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

ADCP 2010 – Local Centres

The relevant objectives and requirements of the DCP 2010 Local Centres have been considered in the following assessment table:

Requirement	Yes	No	N/A	Comments
2.0 Built Form				
Objectives a. To provide richness of detail and architectural interest, especially to visually prominent parts of buildings such as lower storeys and street facades.	☒	☐	☐	The proposed design is considered to be a high quality design of contemporary appearance and consistent with the desired future character of the zone and locality.
b. To ensure that the form, scale, design and nature of development enhances the streetscape and visual quality of commercial areas within the Auburn local government area.	☒	☐	☐	
c. To ensure that the built form and density of a new development respects the scale, density and desired future character of the area.	☒	☐	☐	The design substantially complies with the ALEP 2010 building FSR and building height controls.
d. To ensure development appropriately supports the centres hierarchy within the Auburn local government area.	☒	☐	☐	
2.1 Number of storeys **Performance criteria** **P1** To ensure an acceptable level of amenity and future flexibility is provided for new commercial and residential developments. **Development controls** **D1** The minimum finished floor level (FFL) to finished ceiling level(FCL) shall be as follows:	☒	☐	☐	The proposed development is considered to provide an acceptable level of amenity for the intended occupants.
• **3300mm for ground level (regardless of the type of development);**	☐	☒	☐	**Minimum height of 3.3m provided for 4 of the 5 units on the ground floor. Unit 1.5 is provided with a height of 2.7m to accommodate the ramp and head height for proposed garbage truck to the basement area. Given the residential use of the unit, there is no objection raised to this non-compliance.**
• 3300 for all commercial/retail levels; and	☐	☐	☒	
• **2700mm for all residential levels above ground floor.**	☐	☒	☐	**Units 10.1 and 10.3 have 2.4m ceilings in bedrooms however have skillion ceilings in living rooms which rise up to 3.8m. No objection raised as the affected bedroom windows are located on the topmost floor and have large windows.**
2.2 Articulation and proportion **Performance criteria** **P1** The bulk, scale and intensity of development is consistent with the scale of surrounding existing and planned developments. **P2** Existing horizontal or vertical	☒	☐	☐	The bulk and scale of the development is considered appropriate with regard to the future desired character of the area and zone objectives. The built form is articulated into a

rhythms in a streetscape are complemented by new facades. Visual interest in a building is achieved by: articulation of facade into horizontal divisions of base, middle and top; balcony and fenestration details; and proportion, spacing and modelling of the surface through detail and relief.	☒	☐	☐	clearly defined base with wide pedestrian access, the centre core and top element that is stepped back from the centre core and designed as a roof box element. The development is considered to respond well in this regard.
P3 New facades complement the predominant horizontal and vertical proportions in the street and are compatible with surrounding buildings.	☐	☐	☒	Surrounding development comprises of commercial, educational and mixed use developments.
Development controls				
D1 Buildings shall incorporate:				
• balanced horizontal and vertical proportions and well spaced and proportioned windows;	☒	☐	☐	The proposed design possesses these elements.
• a clearly defined base, middle and top;	☒	☐	☐	The proposed design possesses these elements.
• modulation and texture; and	☒	☐	☐	The proposed design possesses these elements. The building is modulated with the provision of recesses in the front facade of the building.
• architectural features which give human scale at street level such as entrances and porticos.	☒	☐	☐	The ground floor is of an appropriate scale.
D2 The maximum width of blank walls for building exteriors along key retail streets shall be 5m or 20% of the street frontage, whichever is the lesser.	☒	☐	☐	There are no blank walls proposed at the street level facade. The public domain interface is considered to provide an appropriate level of visual interest.
D3 Articulation of the building exterior shall be achieved through recesses in the horizontal and vertical plane, adequate contrasts in materials, design features and the use of awnings.	☒	☐	☐	
D4 Features such as windows and doors shall be in proportion with the scale and size of the new building and any adjoining buildings which contribute positively to the streetscape.	☒	☐	☐	All windows and doors are considered to possess appropriate proportions.
D5 Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development.	☐	☐	☒	No street awning proposed.
2.3 Materials				
Performance criteria				
P1 Materials enhance the quality and character of the business precinct.	☒	☐	☐	The proposed materials are considered to be of high quality and contemporary appearance. The development is acceptable in this regard.
Development controls				
D1 New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the character of buildings in the locality.	☒	☐	☐	
D2 Building materials and finishes complement the finishes predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building.	☒	☐	☐	The facade contains a mix of masonry concrete and glazing materials appropriate to the residential use of the building.
D3 Building facades at street level along primary streets and public places consist of a minimum of 80% for	☐	☐	☒	This is more appropriate where commercial tenancies are proposed on ground floor.

windows/glazed areas and building and tenancy entries. **D4** Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.	☒	☐	☐	Should the application be recommended for approval, appropriate condition could be imposed in this regards.
2.4 Roofs **Performance criteria** **P1** Roof design is integrated into the overall building design. **Development controls** **D1** Design of the roof shall achieve the following: • concealment of lift overruns and service plants; • presentation of an interesting skyline; • enhancing views from adjoining developments and public places; and • complementing the scale of the building. **D2** Roof forms shall not be designed to add to the perceived height and bulk of the building. **D3** Where outdoor recreation areas are proposed on flat roofs, shade structures and wind screens shall be provided.	☒ ☒ ☒ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☒	The roof design does not materially affect views from adjoining developments and/or public spaces. The roof overruns are not visible from the street. Visually interesting roof form proposed and is considered appropriate in this instance. The roof design is not considered to add to the perceived bulk and scale of the building. No outdoor open space is proposed upon the roof.
2.5 Balconies **Performance criteria** **P1** Balconies contribute positively to the amenity of residents and the visual quality of the local centre. **Development controls** **D1** Balustrades and balconies shall be constructed from a balance of solid and transparent material to allow for views from the interior. **D2** Balconies and terraces shall be oriented to overlook public spaces. **D3** The design of the underside of the balcony shall take into consideration the view of the underside from the street and shall not have exposed pipes and utilities. **D4** Screens, louvers or similar devices shall be provided to balconies so as to visually screen any drying of laundry.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The facade and balconies present to the street in a coordinated balance of glass and masonry. Balustrades consist of partly transparent materials to allow for views into public spaces. Should the application be recommended for approval, appropriate condition could be imposed in this regards. The balconies incorporate solid elements to screen drying laundry.
2.6 Interface with schools, places of public worship, and public precincts **Development controls** **D1** Where a site adjoins a school, place of public worship or public open space: • This interface shall be identified in the site analysis plan and reflected in building design;	☒	☐	☐	St Joachims Catholic School is located to the north (rear) and west (side) of the subject development site. The development has undertaken reasonable measures to appropriately

• Building design incorporates an appropriate transition in scale and character along the site boundary(s);	☒	☐	☐	site the building to minimise the impacts of the development on the school. The resultant 10 metre wide landscaping will also enable the associated deep soil area be capable of supporting large trees (proposed on the landscaping plan)
• Building design presents an appropriately detailed facade and landscaping in the context of the adjoining land use.	☒	☐	☐	
D2 The potential for overlooking of playing areas of schools shall be minimised by siting, orientation or screening.	☒	☐	☐	The development is considered to be acceptable in this regard.
D3 Fencing along boundaries shared with public open space shall have a minimum transparency of 50%.	☐	☐	☒	The development does not directly adjoin public open space.
D4 Sight lines from adjacent development to public open space shall be maintained and/or enhanced. Direct, secure private access to public open space is encouraged, where possible.	☒	☐	☐	
3.0 Streetscape and Urban form				
Objectives a. To ensure development integrates well with the locality and respects the streetscape, built form and character of the area.	☒	☐	☐	The development in itself is not considered to be inappropriate for the area in terms of streetscape and built form.
b. To encourage innovative development which is both functional and attractive in its context.	☒	☐	☐	
3.1 Streetscape **Performance criteria** **P1** New and infill development respects the integrity of the existing streetscape and is sympathetic in terms of scale, form, height, shopfront character, parapet, verandah design, and colours and materials, in a manner which interprets the traditional architecture, albeit in modern forms and materials.	☒	☐	☐	The building as proposed is considered to be an appropriate design given the zoning and use.
P2 New development conserves and enhances the existing character of the street with particular reference to architectural themes.	☒	☐	☐	The development site is located at the north-eastern end of the Lidcombe Town Centre and if constructed will attenuate the boundary of the Town Centre.
Development controls **D1** Applicants shall demonstrate how new development addresses the streetscape and surrounding built environment.	☒	☐	☐	
D2 Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	☐	☐	☒	There are no signs proposed for this development.
3.2 Setbacks **Performance criteria** **P1** The setback of new buildings is consistent with the setback of adjoining buildings.	☒	☐	☐	Proposed setbacks considered appropriate and consistent with the setback requirements.
P2 The built edge of development at the street frontage contributes to a sense of enclosure and scale within the centre.	☒	☐	☐	
P3 The design of landmark or gateway buildings on corner and junction sites	☐	☐	☒	The site is not located on a corner or identified as a gateway site.

recognises the importance of these sites as dominant elements in the streetscape.				
P4 The design of infill buildings reinforces continuity, symmetry and unity in the streetscape.	☐	☐	☒	The development is not infill development.
Development controls				
D1 New development or additions to existing development shall adopt the following front setbacks:				
• Nil setbacks for the first two storeys, particularly if adjoining buildings are on a nil setback. This reinforces the existing continuity of the streetscape.	☐	☐	☒	No commercial tenancies are proposed within the development.
• **Where new buildings are more than two storeys in height, the levels above the first two storeys are set back by stepping the upper levels and/or roof.**	☐	☒	☐	**A 4m setback is provided for the first 8 storeys of the development and the last two storeys are recessed with a setback of 7.5m. The development is considered acceptable in this regard given the wholly residential use of the building.**
D2 Corner sites shall reinforce the street corner, incorporate strong architectural elements and adhere to a nil setback for the lower two storeys.	☐	☐	☒	Not a corner site.
D3 Where business development is located adjacent to existing residential properties, new development shall be set back from side boundaries as follows:				
• External walls – 900mm for single storey development.	☐	☐	☒	
• External walls – 1500mm for two storeys.	☒	☐	☐	Minimum 3000mm setback provided from external walls
Depending on performance and other criteria, side setbacks may be required to be increased in order to minimise potential impacts on adjoining properties in terms of solar amenity, views, privacy and overshadowing.				
4.0 Mixed Use Developments				
Objectives				
a. To encourage sustainable development by permitting services and employment-generating uses in conjunction with residential uses.	☐	☐	☒	Development not a mixed use development.
b. To provide affordable residential development within close proximity to transport, employment and services.	☐	☐	☒	
c. To enhance the vitality and safety of commercial centres by encouraging further residential development.	☐	☐	☒	
d. To achieve a lively and active street frontage by encouraging the integration of appropriate retail and commercial uses with urban housing.	☐	☐	☒	
4.1 Building design				
Performance criteria				
P1 Mixed use developments are designed to architecturally express the different functions of the building	☐	☐	☒	Not a mixed use development.

while sympathetically integrating into the local centre streetscape. **Development controls** **D1** The architecture of ground level uses shall reflect the commercial/retail function of the centre. **D2** Buildings shall achieve a quality living environment that sympathetically integrates into the character of the commercial precinct. **D3** Commercial and retail servicing, loading and parking facilities shall be separated from residential access and servicing and parking.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	
4.2 Active street frontages **Performance criteria** **P1** Street activity is enhanced by: • the concentration of retail outlets and restaurants at street level; and • the number of entrances at street level. **Development controls** **D1** Retail outlets and restaurants are located at the street frontage on the ground level. **D2** A separate and defined entry shall be provided for each use within a mixed use development.	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	Not a mixed use development.
4.3 Amenity **Performance criteria** **P1** The amenity provided for residents of a mixed use development is similar to that expected in residential zones in terms of visual and acoustic privacy, solar amenity and views. **Development controls** **D1** The internal environment of dwellings within mixed use developments in the vicinity of major arterial roads or railway lines shall provide an appropriate level of amenity for privacy, solar access and views.	☒ ☒	☐ ☐	☐ ☐	The development provides for an appropriate level of amenity for the residential use. See the SEPP 65 assessment section of the report. The development is located in near vicinity of railway corridor. The Acoustic Report provided with the application, prepared by Acoustic Logic, rev. 3 dated 6 September 2011 (ref: 20110234.1.0609A/R3/RL) provided Acoustic criteria and recommended construction methods/materials/treatments to be used to meet the criteria for the site especially as they relate to potential noise from the adjoining Primary School and rail corridor.
4.4 Residential flat building component of mixed use developments Applicants shall consult the Residential Flat Buildings Part of this DCP for the design requirements for the residential flat building component of a mixed use development.	☒	☐	☐	Assessment provided later in addition to the SEPP 65 assessment undertaken.
5.0 Privacy and Security				
Objectives a. To provide personal and property security for residents and visitors and enhance perceptions of community safety. b. To enhance the architectural	☒ ☒	☐ ☐	☐ ☐	The proposal is considered to promote safety and security in the local area and allows for passive surveillance in the locality.

character of buildings at night, improve safety and enliven the town centre at night.				
Performance criteria				
P1 Private open spaces and living areas of adjacent dwellings are protected from overlooking.	☒	☐	☐	The development has provided numerous privacy features to ensure adjoining development (existing and future) is not adversely impact upon.
P2 Site layout and design of buildings, including height of front fences and use of security lighting, minimises the potential for crime, vandalism and fear.	☒	☐	☐	
Development controls				
D1 Views onto adjoining private open space shall be obscured by:				
• Screening with a maximum area of 25% openings is permanently fixed and made of durable materials; or	☒	☐	☐	Sufficient building separation provided to minimise visual and acoustic overlooking onto adjoining private open spaces.
•				
• Incorporating planter boxes into walls or balustrades to increase visual separation between areas. Existing dense vegetation or new planting may be used as a secondary measure to further improve privacy.	☒	☐	☐	The development is acceptable in this regard.
D2 Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings.	☒	☐	☐	Privacy screens, windows treatment and in some cases solid walls are proposed to the edges of balconies to minimise overlooking impacts.
D3 Shared pedestrian entries to buildings shall be lockable.	☒	☐	☐	
D4 Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	☒	☐	☐	The units facing Church Street provides for passive surveillance of the street and public domain.
D5 Development shall be consistent with Council's Policy on Crime Prevention Through Environmental Design.	☒	☐	☐	A crime risk report has been submitted with the application. No objection is raised in this regards.
5.1 Lighting				
Performance criteria				
P1 Lighting is provided to highlight the architectural features of a building and enhance the identity and safety of the public domain but does not floodlight the facade.	☒	☐	☐	Should the application be recommended for approval, appropriate condition may be imposed with regards to lighting.
P2 The use of integrated lighting systems in retail shops is both functional and decorative.	☒	☐	☐	
P3 Lighting is sufficient for its purpose and used to make bold design statements.	☒	☐	☐	
P4 Lighting does not interfere with amenity of residents or safety of motorists.	☒	☐	☐	
Development controls				
D1 Lighting design shall be integrated with the interior design of a retail/commercial premise. The use of low voltage track lighting, recesses spotlighting and designer light fittings	☒	☐	☐	

is encouraged. **D2** Lighting systems shall incorporate specific display lighting to reinforce merchandise and provide a contrast against the street lighting generally. **D3** Surface mounted fluorescent fixtures shall not be considered in any part of the retail areas of the premises. **D4** The light source shall be selected to provide the desired light effect; however, fitting and methods shall be chosen produce the highest energy efficiency. **D5** Lighting shall not interfere with the amenity of residents or affect the safety of motorists. **D6** Excessive lighting shall not be permitted. Light spill onto the street into the public domain shall be minimised.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	
5.2 Shutters and grilles **Performance criteria** **P1** Security shutters, grilles and screens allow the viewing of shopfront windows and light to spill out onto the footpath. **P2** Shutters, grilles and screens are to be made from durable, graffiti-resistant materials and compatible with the building style. **Development controls** **D1** Windows and doors of existing shopfronts shall not be filled in with solid materials. **D2** Security shutters, grilles and screens shall: • be at least 70% visually permeable (transparent); • not encroach or project over Council's footpaths; and • be made from durable, graffiti-resistant materials. **D3** Solid, external roller shutters shall not be permitted.	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒	No shutters are noted as being proposed for the development.
5.3 Noise **Performance criteria** **P1** New commercial developments within major arterial roads or railway lines are designed to mitigate noise and vibration impacts. **P2** Commercial uses in the local centres must minimise noise impacts on adjoining residential areas caused by loading/unloading, late night operations, use of plant and equipment and entertainment activities. **Development controls** **D1** New commercial development (whether part of a mixed use development or not) shall comply with the provisions of the relevant acts, regulations, environmental planning instruments, Australian Standards and guidelines produced by the NSW	☐ ☐	☐ ☐	☒ ☒	Not a commercial development however an Acoustic report has been submitted with the application in relation to potential rail noise. Should the proposal be recommended for approval, the recommendations of the noise report shall be included in any consent that may be issued for the site.

Department of Environment, Climate Change and Water, the NSW Roads and Traffic Authority and the NSW Department of Planning as applicable for noise, vibration and quality assurance. This includes:				
• Development Near Rail Corridors and Busy Roads, NSW Department of Planning, December 2008 – Interim Guidelines.	☐	☐	☒	
• NSW Industrial Noise Policy;	☐	☐	☒	
• Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and	☐	☐	☒	
• Environmental Criteria for Road and Traffic Noise.	☐	☐	☒	
D2 Restaurant and cafe design shall minimise the impact of noise associated with late night operation on nearby residents. Operation includes loading/unloading of goods/materials and the use of plant and equipment at a proposed commercial premise.	☐	☐	☒	
D3 An acoustic report shall be submitted with a development application for a proposed commercial use in the local centre that operates during the hours between 10pm and 6am.	☐	☐	☒	
6.0 Access and Car Parking In addition to this section, applicants shall consult the Parking and Loading Part of this DCP for other access, parking and loading requirements for all development within local centres.				
6.1 Access, loading and car parking requirements **Development controls** **D1** Car parking rates shall be provided in accordance with the Parking and Loading Part of this DCP.	☒	☐	☐	Car parking will be accommodated over three levels of basement with loading area located also on the basement level. General access and manoeuvring has been assessed by Council's engineering section as being generally acceptable subject to some modifications which could be resolved by appropriate conditions of consent. With regard to car parking required, the following calculations are provided: 17 x 1 br units (1 space per unit) = 17 46 x 2 br units (1 space per unit) = 46 4 x 3 br units (2 spaces per unit) = 8 67 x 0.2 visitor (0.2 per total units) = 14 Total = 17 + 46 + 8 + 14 = 85 spaces required. The subject proposal proposes 85 total car parking spaces including 14 visitor spaces, 2 tandem spaces for resident and 8 disabled spaces.

				The development is considered to provide enough parking to service the residential development. The development is considered acceptable with regard to the Parking and Loading section of the DCP.
6.2 Creation of new streets and laneways **Performance criteria** **P1** All new proposed roads are designed to convey the primary function of the street, including: • Safe and efficient movement of vehicles and pedestrians; • Provision for parked vehicles and landscaping, where appropriate; • Location, construction and maintenance of public utilities; and • Movement of service and delivery vehicles. **Development controls** **D1** On some sites, new streets may be able to be introduced. Where a new street shall be created, the street shall be built to Council's standards, Road Design Specification D1 and relevant Quality Assurance requirements while having regards to the circumstances of each proposal. Consideration will be given to maintaining consistency and compatibility with the design of existing roads in the locality. **D2** Development adjoining a new laneway shall contribute to an attractive streetscape and presents a well designed and proportioned facade and incorporates windows, balconies, doorways and landscaping, where possible. **D3** New public laneways created within large blocks shall maximise pedestrian and vehicle connections within local centres. **D4** A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side. **D5** New streets shall be dedicated to Council. The area of any land dedicated to Council shall be included in the site area for the purpose of calculating the floor space ratio.	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	No new streets or laneways are being proposed under this development application. This section of the DCP is not applicable.
7.0 Landscaping				
Objectives a. To create attractive buildings, public spaces and walkways. b. To improve visual quality and contribute to a more positive local centre experience. c. To reduce impacts on climate change at the local level and improve the natural environmental features	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The landscape details generally indicate appropriate landscaping on the site and responds adequately to the proposed built form. The landscape concept provides for private and communal open spaces for future residents of the development.

and local ecology of the local centre.				
Performance criteria				
P1 Landscaping forms an integral part of the overall design concept.	☒	☐	☐	
P2 Landscape reinforces the architectural character of the street and positively contributes to maintaining a consistent and memorable character.	☒	☐	☐	
P3 Landscaped areas are used to soften the impact of buildings and car parking areas as well as for screening purposes.	☒	☐	☐	
P4 Landscaped areas are provided for passive and recreational use of workers.	☐	☐	☒	No commercial tenancies proposed.
Development controls				
D1 Development shall incorporate landscaping in the form of planter boxes to soften the upper level of buildings.	☒	☐	☐	The landscape design incorporates a series of terraced gardens and planter boxes.
D2 At grade car parking areas, particularly large areas, shall be landscaped so as to break up large expanses of paving. Landscaping shall be required around the perimeter and within large carparks.	☐	☐	☒	No at grade car parking proposed.
D3 In open parking areas, one (1) shade tree per ten (10) spaces shall be planted within the parking area.	☐	☐	☒	
D4 Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to provide associated site security.	☐	☐	☒	No fencing proposed.
D5 Paving and other hard surfaces shall be consistent with architectural elements.	☒	☐	☐	
7.1 Street trees				
D1 Street trees shall be planted at a rate of one (1) tree per lineal metre of street frontage, even in cases where a site has more than one street frontage, excluding frontage to laneways.	☐	☐	☒	No street trees proposed on the public domain. It is however noted that some trees are proposed to be planted within the frontage of the site.
D2 Street tree planning shall be consistent with Council's Street Tree Masterplan or relevant Public Domain Plan or Infrastructure Manual.	☐	☐	☒	
D3 Significant existing street trees shall be conserved and, where possible, additional street trees shall be planted to ensure that the existing streetscape is maintained and enhanced.	☐	☐	☒	No significant existing tree observed on site.
D4 Where street trees and the provision of awnings are required, cut-outs shall be included in the awning design to accommodate existing and future street trees.	☐	☐	☒	
D5 Driveways and services shall be located to preserve significant trees.	☐	☐	☒	
D6 At the time of planting, street trees shall have a minimum container size of 200 litres and a minimum height of 3.5m, subject to species availability.	☐	☐	☒	
D7 Planter boxes (or similar) surrounding trees in the footpath shall	☒	☐	☐	

be 1.2m x 1.2m, filled with approved gravel and located 200mm from the back of the kerb line.				
8.0 Energy Efficiency and Water Conservation				
Objectives a. To achieve energy efficient commercial and retail developments. b. To encourage site planning and building design which optimises site conditions to achieve energy efficiency. c. To minimise overshadowing of the public domain including streets and open space. d. To give greater protection to the natural environment by reducing greenhouse gas emissions. e. To encourage the installation of energy efficient and water conserving appliances. f. To reduce the consumption of non-renewable energy sources for the purposes of heating, water, lighting and temperature control. g. To minimise potable water mains demand of non residential development by implementing water efficiency measures.	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	ABSA and BASIX Certificates have been submitted with the application to address thermal comfort and energy efficiency for the residential development. The development is acceptable in this regards. With regard to overshadowing of the public domain, the building has been appropriately sited however if the building was sited in a way to minimise the overshadowing of the street, this would result in an unacceptable design outcome and increased overshadowing impact on adjoining uses. Accordingly the buildings overshadowing of the street and public domain is considered acceptable in this instance.
8.1 Energy efficiency **Performance criteria** **P1** Internal building layouts are designed to minimise use of fossil fuel for heating and cooling and to encourage use of renewable energy in their running. Building materials and insulation assist thermal performance. **Development controls** **D1** Any hot water heaters to be installed, as far as practicable, shall be solar and, to the extent that this is not practicable, shall be greenhouse gas friendly systems that achieve a minimum 3.5 Hot Water Greenhouse Score. **D2** The practicability of all external lighting and common areas (e.g. undercover car parking) being lit utilising renewable energy resources generated on site shall be investigated. Larger developments (buildings exceeding 400m^2 in area) shall investigate the viability of utilising renewable energy resources for all lighting on site. A statement shall be included with the development application addressing these requirements.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The building internal layout is generally considered acceptable. The building will be made out of appropriate masonry materials with suitable thermal massing properties. This is as per the BASIX certificate requirements. It is noted that the development also comprise of the use of gas boosted solar hot water heating located at the roof top.
8.2 Water conservation **Performance criteria** **P1** Water efficiency is increased by appropriate building design, site layout, internal design and water conserving appliances. **Development controls** **D1** New developments shall connect to recycle water if serviced by a dual reticulation system for permitted non	☒ ☒	☐ ☐	☐ ☐	BASIX Certificate submitted addresses water conservation for the residential development.

potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes. **D2** Where a property is not serviced by a dual reticulation system, development shall include an onsite rainwater harvesting system or an onsite reusable water resource for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes. **D3** Development shall install all water using fixtures that meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.	☒ ☒	☐ ☐	☐ ☐	
8.3 Stormwater drainage Applicants shall consult the Stormwater Drainage Part of this DCP for requirements for stormwater management.	☒	☐	☐	The proposed method of stormwater disposal is generally acceptable to Council's Development engineers subject to appropriate conditions. Should the application be recommended for approval, appropriate conditions will be imposed in this regards.
8.4 Rainwater tanks **Performance criteria** **P1** Adequate measures are incorporated into new development to encourage the collection and reuse of stormwater and reduce stormwater runoff. **Development controls** **D1** Rainwater tanks shall be installed as part of all new development in accordance with the following: • The rainwater tank shall comply with the relevant Australian Standards; • The rainwater tank shall be constructed, treated or finished in a non-reflective material that blends in with the overall tones and colours of the subject and surrounding development; • Rainwater tanks shall be permitted in basements provided that the tank meets applicable Australian Standards; • The suitability of any type of rainwater tanks erected within the setback area of development shall be assessed on an individual case by case basis. Rainwater tanks shall not be located within the front setback; and • The overflow from rainwater tanks shall discharge to the site stormwater disposal system. For details refer to the Stormwater Drainage Part of this DCP.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	The applicant is required to provide rainwater tank within the development in accordance with BASIX requirement. Should the application be recommended for approval, appropriate condition may be imposed in this regards.
8.5 Ventilation **Performance criteria** **P1** Natural ventilation is incorporated into the building design. **Development controls** **D1** The siting, orientation, use of	☒ ☒	☐ ☐	☐ ☐	As per the SEPP 65 section of the report, the building is 64% naturally cross-ventilated. The development is acceptable in this regard.

openings and built form of the development shall maximise opportunities for natural cross ventilation for the purposes of cooling and fresh air during summer and to avoid unfavourable winter winds.				
8.6 Solar amenity **Performance criteria** **P1** New buildings are designed to protect solar amenity for the public domain and residents. **Development controls** **D1** Shadow diagrams shall accompany development applications for buildings which demonstrate that the proposal will not reduce sunlight to less than 3 hours between 9.00 am and 3.00 pm on 21 June for: • public places or open space; • 50% of private open space areas; • 40% of school playground areas; or • windows of adjoining residences. **D2** Lighter colours in building materials and exterior treatments shall be used on the western facades of buildings.	☒ ☐ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☒ ☐ ☐ ☐ ☐	The solar access to the development and surrounding existing buildings complies with the requirements listed below. See also the SEPP 65 Assessment for the solar access discussion. Given the orientation of the building all surrounding building will receive sufficient solar access during the morning, daytime or afternoon. There are no adjoining public places.
9.0 Ancillary Site Facilities				
9.1 Provision for goods and mail deliveries **Performance criteria** **P1** New development incorporates adequate provision in its design for the delivery of goods and mail to both business and residential occupants. **Development controls** **D1** Provision shall be made on-site for courier car parking spaces in a convenient and appropriately signposted location, preferably with access off the principal street frontage, for developments incorporating greater than 3,000m^2 of gross leasable floor area devoted to commercial premises. **D2** Provision of mailboxes for residential units shall be incorporated within the foyer area of the entrance to the residential component of the mixed use developments.	☒ ☐ ☒	☐ ☐ ☐	☐ ☒ ☐	Deliveries to the site can be made via the proposed loading bay. No commercial tenancies proposed. No objection raised to proposed location of mailboxes.
10.0 Other Relevant Controls				
10.1 Waste **D1** Applicants shall consult the Waste Part of this DCP for requirements for disposal. **10.2 Access and amenity** **D1** Applicants shall consult the relevant provisions within the Access and Mobility Part of this DCP.	☒ ☒	☐ ☐	☐ ☐	An acceptable waste management plan dealing with the demolition, construction and on-going waste management has been submitted for the application. The development is acceptable in this regard.
11.0 Public Domain				
Objectives a. To ensure private development contributes to a safe, attractive and useable urban environment within the local centres of the Auburn local government area.	☒	☐	☐	The development does not specifically propose significant public domain works (beyond Council's requirement for footpath re-construction).

b. To ensure the public domain forms an integrated part of the urban fabric of commercial centres. c. To encourage both night and day pedestrian activity in the commercial centres. d. To ensure private development contributes to a positive pedestrian environment. e. To encourage public art in new development. **Development controls** **D1** Any works within the public domain or which present to the public domain shall be consistent with Council's Public Domain Manual and/or the Town Centre Infrastructure Manual and Council's Policy on Crime Prevention Through Environmental Design. **D2** New buildings shall contribute to the public domain through the provision of awnings, sheltered building entries, verandahs and canopies, safe pedestrian linkages to car parks, landscaping, and open space, where appropriate. **Note:** Refer to the relevant Public Domain Plan and Council's Public Art Policy.	☒	☐	☐	
12.0 Subdivision				
Objectives a. To ensure development sites are of a reasonable size to efficiently accommodate architecturally proportioned buildings and adequate car parking, loading facilities, etc.	☒	☐	☐	No subdivision or consolidation is required as the subject development site is of sufficient size and dimensions to accommodate the proposed development.
b. To provide lots which are of sufficient size to satisfy user requirements and to facilitate development of the land while having regard to site opportunities and constraints.	☒	☐	☐	Council's preferred option would be for the amalgamation of the adjoining site to the east known as 45 Church Street into the development. As discussed earlier in the report, as this is not feasible in this instance, there is no objection raised.
12.1 Size and dimensions **Performance criteria** **P1** The size and dimension of proposed lots contribute to the orderly development of the commercial centres. **Development controls** **D1** Proposed lots shall be of sufficient area and dimension to allow a high standard of architectural design, the appropriate siting of buildings and the provision of required car parking, loading facilities, access and landscaping.	☒	☐	☐	As above. It is noted that the total site area is approximately1779qm.
12.2 Utility services **Performance criteria** **P1** All essential public utility services are provided to the development to the satisfaction of relevant authorities. **Development controls** **D1** The applicant shall demonstrate that each proposed allotment can be connected to appropriate utility services including water, sewerage,	☒	☐	☐	The site is currently suitably serviced. Any augmentation required could be resolved by standard conditions should the proposal be recommended for approval.

power and telecommunications and (where available) gas. This may include advice from the relevant service authority or a suitably qualified consultant as to the availability and capacity of services. **D2** Common trenching for gas, electricity and telecommunications shall be provided in accordance with agreements between the relevant servicing authorities in NSW.	☒	☐	☐	
14.0 Lidcombe Town Centre				
14.1 Development to which this section applies This section applies to the Lidcombe Town Centre which is zoned B4 Mixed Use, RE1 Public Recreation and RE2 Private Recreation under the *Auburn LEP 2010*. Refer to Figure 9. Where there are inconsistencies between the controls contained within this Section and other controls within this DCP, these controls prevail to the extent of the inconsistency. Several sites within the Lidcombe Town Centre have been identified as having the greatest potential for intensification with commercial, residential and mixed use development, as shown in Figure 10. Each site has an inherent capacity to contribute to the transformation of the urban form into one which will generate more activity and lead the development of the town centre. The development controls for these sites apply in addition to the development controls presented in previous sections of this Part.	☒	☐	☐	The subject site lies at the north-eastern boundary of Figure 9 and within Mary Street South (No.3) key sites of the Lidcombe Town Centre identified in Figure 10.
14.2 Site 1 – Dooleys **Objectives** a. To ensure architectural design recognises: • the strategic significance of the site within the Lidcombe Town Centre; and • the visual prominence of the site from public areas including the train station and the approach towards the site from the northern end of John Street. b. To reinforce John Street as the main street of the northern area of the Lidcombe Town Centre. c. To ensure development is sensitive in scale and character to the heritage item within the site. d. To provide an appropriate transition to the residential area to the north of the site. e. To improve pedestrian access and circulation within the town centre. **Development controls** **D1** Building separation distances shall be determined by having regard to the *State Environmental Planning No. 65 – Design Quality of Residential Flat Development* and accompanying Residential Flat Design Code. **D2** On the Olympic Drive frontage, development shall be designed to:	☐	☐	☒	Not applicable to subject site.

• address Olympic Drive; and • provide an appropriately landscaped setback with a minimum depth of 6m. A double row of street trees shall be planted along the property boundary. **D3** Through-site linkages shall be provided for pedestrians within the site to improve circulation and access to the town centre. The linkages shall enable connection between Church Street and Board Street and John Street and Board Street. **D4** The preferred access to the site shall be via Church Street with secondary access via Board Street. Outdoor dining shall be encouraged along John Street and Church Street.				
14.3 Site 2 – Mary Street North **Objectives** a. To ensure architectural design recognises: • the strategic significance of the site within the Lidcombe Town Centre; and • the visual prominence of the site from public areas, including the approach towards the site from the northern end of John Street. b. To provide a transition in scale from the proposed taller buildings on John Street to the adjacent residential zone. c. To provide development that is sensitive in scale and character to the heritage item within the site. d. To enhance the public domain and increase accessibility to public open space. e. To improve pedestrian access and circulation within the town centre. **Development controls** **D1** Public open space shall be provided at the intersection of John and Mary Streets, or within close proximity to this intersection. **D2** Retail frontages shall be provided at street level on John Street. **D1** Outdoor dining is encouraged along John Street.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	Not applicable to subject site.
14.4 Site 3 – Mary Street South **Objectives** a. To ensure architectural design recognises the strategic significance of the site within the Lidcombe Town Centre and the visual prominence of the site from public areas, particularly the Lidcombe train station. b. To protect the amenity of the adjacent school and ensure appropriate transitions in scale from the proposed taller buildings on John Street. c. To encourage development that is sensitive in scale and character to the	☒	☐	☐	The proposed development is considered to be consistent with the objectives of the Mary Street South key site.

heritage items within the site. d. To enhance the public domain and increase accessibility to public open space. **Development controls** **D1** Public open space shall be provided at the intersection of John and Mary Streets, or within close proximity to this intersection. **D2** Through-site linkages shall be provided for pedestrians within the site to improve circulation and access to the town centre. The linkages shall enable connection between Church Street and Mary Street. **D1** Outdoor dining is encouraged along John Street and Church Street.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	This requirement is not applicable to the subject site. The subject site is abutted by a school to the north and north-west so that a linkage to Mary Street is not achievable unless the school site was to be redeveloped at a future date. Residential only development proposed.
14.5 Site 4 – Tooheys Lane **Objectives** a. To encourage a mix of uses within the retail core. b. To reinforce Joseph Street as the main street of the southern area of the Lidcombe Town Centre. c. To improve the amenity and safety of Tooheys Lane. d. To ensure development is sensitive in scale and character to the heritage item within the site. e. To improve access to the Lidcombe Town Centre by the upgrading and widening of Tooheys Lane. **Development controls** **D1** Outdoor dining shall be encouraged along Joseph Street and Bridge Street. **D2** The preferred primary access to the site shall be provided via Bridge Street. Consultation with Council shall be undertaken to investigate opportunities to integrate the upgrading and widening of Tooheys Lane as part of the site's redevelopment.	☐	☐	☒	Not applicable to subject site.
14.6 Site 5 – Bridge Street **Objectives** a. To encourage a mix of commercial, entertainment and residential uses in the retail core. b. To continue the main street character of Joseph Street and connect to the existing retail shops area on the southern end of the Lidcombe Town Centre. c. To encourage development that responds to the heritage significance of Remembrance Park. d. To improve pedestrian access and circulation within the town centre. **Development controls** **D1** Building separation distances shall be determined by having regard to the *State Environmental Planning No. 65 – Design Quality of Residential Flat Development* and accompanying Residential Flat Design Code. **D2** On the Olympic Drive frontage,	☐	☐	☒	Not applicable to subject site.

development shall be designed to: • address Olympic Drive; and • provide an appropriately landscaped setback with a minimum depth of 6m. A double row of street trees shall be planted along the property boundary. **D3** Preferred primary access to the site shall be provided via Vaughan Street with a secondary access via Bridge Street. **D5** Through-site linkages shall be provided for pedestrians within the site to improve circulation and access to the town centre. The linkages shall enable connection between Vaughan Street and Bridge Street and Olympic drive and Bridge Street. **D4** New development shall maintain and enhance pedestrian linkages and view corridors to Remembrance Park. Outdoor dining shall be encouraged along Joseph Street and Bridge Street.				
14.7 Site 6 – Railway Street **Objectives** a. To encourage a mix of uses within the retail core. b. To reinforce Joseph Street as the main street of the southern area of the Lidcombe Town Centre. c. To ensure architectural design recognises the strategic significance of the site within the Lidcombe Town Centre and the visual prominence of the site from public areas, particularly the Lidcombe train station. d. To ensure development is sensitive in scale and character to the heritage items within the site. e. To improve pedestrian access and circulation within the town centre. f. To improve the amenity and safety of Taylor Street. **Development controls** **D1** The lane between Taylor Street and Railway Street shall be retained to provide access to parking and loading areas and for waste removal. **D2** Outdoor dining shall be encouraged along Joseph Street and Railway Street. Through-site linkages shall be provided for pedestrians within the site to improve circulation and access to the town centre and Remembrance Park. The linkages shall enable connection between the lane and Joseph Street and/or the lane and Railway Street.	☐	☐	☒	Not applicable to subject site.

ADCP 2010 Residential Flat Buildings

The relevant objectives and requirements of the ADCP 2010 Residential Flat Buildings have been considered in the following assessment table:

Requirement	Yes	No	N/A	Comments
1.0 Introduction				
1.1 Development to which this Part applies This part applies to residential flat building development. It does not apply to Newington and Wentworth Point (formerly Homebush Bay West) areas. Please refer to the Newington Parts of this DCP or the Wentworth Point DCPs listed in Section 1.6 of the Introduction Part of this DCP.				The development site is not located in the Wentworth Point locality.
1.2 Purpose of this Part The purpose of this Part is to ensure residential flat buildings: • are pleasant to live in and create enjoyable urban places; • maintain a high level of amenity; • contribute to the overall street locality; • minimise the impact on the environment; and • optimise use of the land.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The development is considered to be generally in compliance with this part.
2.0 Built Form				
• **Objectives** • To ensure that all development contributes to the improvement of the character of the locality in which it is located. • To ensure that development is sensitive to the landscape setting and environmental conditions of the locality. • To ensure that the appearance of development is of high visual quality and enhances and addresses the street. • To ensure that the proposed development protects the amenity of adjoining and adjacent properties. • To ensure that the form, scale and height of the proposed development responds appropriately to site characteristics and locality. • To ensure that development relates well to surrounding developments. • To ensure that development maximises sustainable living.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	The proposed development is consistent with the built form objectives as it results in an articulated, balanced development which improves the existing streetscape, provides ample deep soil zone and landscaping, is consistent with the form and scale of like developments in the near vicinity and achieves the required energy efficiency ratings.
2.1 Site area **Performance criteria** **P1** The site area of a proposed development is of sufficient size to accommodate residential flat buildings.	☒	☐	☐	The development site is considered to be of acceptable size and dimensions with a site area of approximately 1779sqm and frontage of 47.2m. The

Development controls **D1** A residential flat building development shall have a minimum site area of 1000m^2 and an average minimum width of 24m. **D2** Where lots are deep and have narrow street frontages the capacity for maximising residential development is limited. Two or more sites may need to be amalgamated to provide a combined site with sufficient width for good building design.	☒ ☐	☐ ☐	☐ ☒	development is acceptable in this regard.
2.2 Site coverage **Performance criteria** **P1** Adequate areas for landscaping, open space and spatial separation is provided between buildings. **Development controls** **D1** **The built upon area shall not exceed 50% of the total site area.** **D2** The non-built upon area shall be landscaped and consolidated into one communal open space and a series of courtyards.	☒ ☐ ☒	☐ ☒ ☐	☐ ☐ ☐	**The built upon area will exceed 50% of the site (approximately 71%). Notwithstanding this, the development will provide for a significant landscaped area, deep soil / communal outdoor space of approximately 530sqm or 29% of the site area whilst still providing for basement garage and access driveway. The development is acceptable in this regard.**
2.3 Building envelope **Performance criteria** **P1** The height, bulk and scale of a residential flat building development is compatible with neighbouring development and the locality. Residential flat buildings: • addresses both streets on corner sites; • align with the street and/or proposed new streets; • are located across the site; and • form an L shape or a T shape where there is a wing at the rear. **Note:** The development control diagrams in section 10.0 illustrate building envelope controls**.**	☒ ☐ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐	☐ ☒ ☐ ☐ ☒	The proposal is consistent with the objectives of the zone and compatible with the desired future character of the area in accordance with the zone objectives. The proposal aligns with the street and is not located on a corner allotment nor requires a laneway to meet its service needs. No rear wing proposed.
Development controls				

Council may consider a site specific building envelope for certain sites, including: ■ corner sites; ■ double frontage sites; ■ sites facing parks; ■ sites adjoining higher density zones; and ■ isolated sites.	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	A site specific building envelope is not considered to be necessary in this instance.
2.4 Setbacks **Performance criteria** **P1** Impact on the streetscape is minimised by creating a sense of openness, providing opportunities for landscaping and semi-private areas, and providing visual continuity and building pattern.	☒	☐	☐	The setbacks are considered to be appropriate in this instance.
Development controls **2.4.1 Front setback** **D1** The minimum front setback shall be between 4 to 6m (except for residential flat development in the B1, B2 and B4 zones).	☒	☐	☐	The subject site is located within the B4- Mixed use zone. However being a residential only development, a setback of 4m is provided and is considered acceptable.
D2 Where a site has frontage to a lane, the minimum setback shall be 2m, however, this will vary depending on the width of the lane.	☐	☐	☒	
D3 Where a new building is located on a corner, the main frontage shall be determined on the existing streetscape patterns. Where the elevation is determined as the 'secondary' frontage, the setback may be reduced to 3m except where it relates to a primary frontage on that street.	☐	☐	☒	Not a corner site.
D4 Setbacks from the street shall ensure that the distance between the front of one building to the front of the building on the opposite side of the street is a minimum of 10m for three (3) storey buildings. For example, 2m front setbacks and a 6m wide laneway where that laneway is a shareway. Where a footpath is to be incorporated a greater	☒	☐	☐	The development achieves compliance with this requirement and provides a building separation of greater than 10m from the building across Church Street.

	setback shall be required.				
D5	All walls shall be articulated by bay windows, verandahs, balconies and/or blade walls. Such articulation elements may be forward of the required building line up to 600mm.	☒	☐	☐	The front facade of the development is considered to be well articulated with the incorporation of recesses in horizontal and vertical planes and contrasting material with fenestration treatments to create a varied facade.
2.4.2 Side setback					
D1	Where the external walls have no windows or only windows to bathrooms/laundries, these shall be setback at least 3m from a side boundary. Where there are windows in the wall to living rooms the setback from the side boundary shall be at least 3m.	☒	☐	☐	A minimum setback of 3m is proposed on the western and eastern side boundaries.
D2	Eaves may extend a distance of 700mm from the wall.	☐	☐	☒	
D3	**If the depth of the building is greater than 12m, a courtyard space that is at least 3m from the side boundary and a minimum 3m deep shall be included on the side wall, generally mid-way along the length of the wall.**	☐	☒	☐	**Building depth has been discussed earlier in the report. In this case, a satisfactory side wall alcove articulation is provided and considered acceptable.**
2.4.3 Rear setback					
D1	Rear setbacks shall be a minimum of 10m.	☒	☐	☐	10m rear setback is provided.
D2	Where there is a frontage to a street and a rear laneway the setback to the rear laneway shall be a minimum of 2m.	☐	☐	☒	
D3	Where a building is an L or T shape with the windows facing side courtyards the rear setback shall be a minimum of 2m.	☐	☐	☒	
2.4.4 Haslam's creek setback					
D1	A minimum 10m setback from the top of the creek bank of Haslam's Creek and its tributaries shall be required. Refer to the Stormwater Drainage Part of this DCP for additional controls.	☐	☐	☒	The development site is not in near vicinity of Haslam's Creek.
2.4.5 Setbacks at Olympic Drive,					

Lidcombe **Performance criteria** **P1** Sites with frontage to Olympic Drive, Lidcombe, address this road and provide an appropriately landscaped setback. **P2** East-west streets maintain view corridors to Wyatt Park. **Development controls** **D1** For sites with frontage to Olympic Drive, buildings shall be designed to address Olympic Drive and provide a setback of 6m. **D2** The setback area and verge shall be landscaped and planted with a double row of street trees. **D3** The setback to east-west streets shall be generally 4 to 6m and ensure view corridors to Wyatt Park are maintained.	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	The development is not located on Olympic Drive. This section of the DCP is not applicable.
2.5 Building depth **Performance criteria** **P1** A high level of amenity is provided for residents. **Development controls** **D1** **The maximum depth of a residential flat building shall be 18m excluding balconies.**	☒ ☐	☐ ☒	☐ ☐	The proposal is considered to deliver an appropriate level of amenity to the residents of the building. **As discussed under compliance table for SEPP 65, a variation is proposed with the building depth reaching up to 23m in some areas. Notwithstanding this, the building would provide an appropriate level of amenity for future residents and this minor standard variation is considered worthy of support in this instance. Refer also to SEPP 65 discussions above in this matter.**
2.6 Number of storeys **Performance criteria** **P1** The number of storeys is achievable within the maximum building height in *Auburn LEP 2010*. **Development controls** **D1** Residential flat buildings shall be a maximum four (4) storeys above ground level (existing), except	☒ ☐	☐ ☐	☐ ☒	The proposed development is consistent with this requirement and provides for a building height consistent with the requirements under the ALEP 2010. (*see discussions on height earlier in the report).* The Auburn Local Centres DCP which stipulates maximum height of 8 storeys and the Auburn Local Environmental Plan 2010 which stipulates maximum

	where basement car parking allows for natural ventilation up to less than 1m above ground level.				height of 32m prevails over the RFB height control. In this instance, and as discussed earlier in the report, a 10 storey (32.4m high) building is acceptable
2.7	**Floor to ceiling heights**				
Performance criteria					
P1	Floor to ceiling heights provide well proportioned rooms and spaces to allow for light and ventilation into the built form.	☒	☐	☐	
Development controls					
D1	**The minimum floor to ceiling height shall be 2.7m. This does not apply to mezzanines.**	☐	☒	☐	**Units 10.1 and 10.3 have 2.4m ceilings in bedrooms however have skillion ceilings in living rooms which rise up to 3.8m. No objection raised as the affected bedroom windows are located on the topmost floor and have large windows.**
D2	Where there is a mezzanine configuration, the floor to ceiling height may be varied.	☐	☐	☒	No mezzanine space proposed.
D3	When located near business areas, a floor to ceiling height of 3 to 3.3m for the ground and first floor shall be provided.	☐	☐	☒	
• **D4**	**When located within business areas, a floor to ceiling height of 3.3m for the ground and first floor shall be provided**.	☐	☒	☐	**The development provides minimum 3300mm floor to ceiling height to 4 of the 5 units on the ground floor. The adaptable unit is provided with a 2.7m floor to ceiling height. This is necessitated as a result of the need to accommodate clearance for the vehicle ramp. Given the residential use of the unit, there is no objection raised to this non-compliance.** **The first floor will be 2.7 metres however the 2.7 proposed for the first floor is considered acceptable given the residential only use of the floor. The development is acceptable in this regard.**
2.8	**Floor to ceiling heights**				
Performance criteria					
P1	Window heights allow for light penetration into rooms and well proportioned elevations.	☒	☐	☐	No objections to windows head height as proposed. It is noted that majority of the windows meet the relevant height requirement, however, the 'slot' type windows adjoining bedrooms which do not meet the relevant height requirement, are considered more appropriate for the intended bedroom use giving more privacy for occupants and solid wall space for bed placement.
Development controls					
D1	The head height of windows and the proportion of windows shall relate to the floor to ceiling heights of the dwelling.	☒	☐	☐	
D2	For storeys with a floor to	☒	☐	☐	

	ceiling height of 2.7 metres, the minimum head height of windows shall be 2.4 metres. D3 For storeys with a floor to ceiling height of 3 metres, the minimum head height of windows shall be 2.7 metres.	☒	☐	☐	
2.9 Heritage **Performance criteria** **P1** Development does not adversely affect the heritage significance of heritage items and heritage groups and archaeological sites as well as their settings, distinctive streetscape, landscape and architectural styles. **Development controls** **D1** All development adjacent to and/or adjoining a heritage item shall be: • responsive in terms of the curtilage and design; • accompanied by a Heritage Impact Statement; and • respectful of the building's heritage significance in terms of the form, massing, roof shapes, pitch, height and setbacks.		☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The land is not listed as being a heritage item or part of a heritage group or being an archaeological site. The site is however within the vicinity of known heritage items being: 1) St Joachims School – item #139; 2) Lidcombe Fire Station – item # 132; and 3) Hotel Lidcombe – item # 131 A heritage impact assessment report prepared by Andrew Starr and Associates, Heritage Consultants dated April 2011 was submitted with the application. The report indicated that the Lidcombe Fire Station and Hotel Lidcombe are far enough away from the subject site to only have minimal effect on their heritage significance. The report also indicated that the proposed development does have some impact on the school but this impact does not affect the heritage significance of the school buildings. The report concludes that *"The heritage impact on nearby heritage items is not significant. Principal views of all nearby heritage items are not obscured by the proposed development. A building of ten storeys fits within the changing context of this business zone. There are no heritage issues that conflict with the development on the site".*
2.10 Building design **Performance criteria** **P1** Building design, detailing and finishes provide an appropriate scale to the street and add visual interest. **Development controls** **2.10.1 Materials** **D1** All developments shall be constructed from durable, quality materials. As a guide, preference shall be given to bricks that are smooth faced and in mid to dark tones.		☒ ☒	☐ ☐	☐ ☐	No objection is raised to the materials and colour scheme of the proposal which is considered to be of high quality and will make a positive contribution to the streetscape.

2.10.2 Building articulation					
D1	Windows and doors in all facades shall be provided in a balanced manner and respond to the orientation and internal uses.	☒	☐	☐	The proposal offers an articulated facade with distinct horizontal and vertical elements.
D2	Dwelling entrances shall create a sense of individuality and act as a transitional space between private and communal spaces.	☒	☐	☐	At ground level the residential entrance lobby is internally accessed and integrated with the public domain through the provision of distinct paving and landscaping. The development is considered acceptable in this regard.
D3	Elevations shall provide for variation and depth rather than relying on front façade treatment only. Varied massing projections and recesses shall be used to create a sense of articulation and depth.	☒	☐	☐	The facade provides recessed elements on every facade of the building.
2.10.3 Roof form					
D1	Roof forms shall be designed in a way that the total form does not add to height and bulk of the building.	☒	☐	☐	The top floors have been designed as roof box elements which reduce the overall bulk and scale of the building.
2.10.4 Balustrades and balconies					
D1	Balustrades and balconies shall allow for views from the interior. Accordingly, balustrades shall be partly transparent and partly solid.	☒	☐	☐	Partly transparent and partly solid balustrades proposed.
D2	The design of the underside of the balcony shall take into consideration the view of the underside from the street and shall avoid having exposed pipes and utilities.	☒	☐	☐	Should the application be approved appropriate condition will be included in any consent to ensure compliance with this clause.
2.11 Dwelling size					
Performance criteria					
P1	Internal dwelling sizes and shapes are suitable for a range of household types.	☒	☐	☐	All units within the development meet the Residential flat building minimum dwelling size. The layout is suitable to accommodate a variety of furniture layouts. The development is acceptable in this regard.
P2	All rooms are adequate in dimension and accommodate their intended use.	☒	☐	☐	
Development controls		☒	☐	☐	
D1	The size of the dwelling shall determine the maximum number of bedrooms permitted.				
Number of bedrooms	**Dwelling size**				
Studio	$50m^2$				

1 bedroom (cross through) 50m^2 1 bedroom (masionette) 62m^2 1 bedroom (single aspect) 63m^2 2 bedrooms (corner) 80m^2 2 bedrooms (cross through or over) 90m^2 3 bedrooms 115m^2 4 bedrooms 130m^2					
D2	At least one living area shall be spacious and connect to private outdoor areas.	☒	☐	☐	All balconies are accessible from the living rooms of every unit.
2.12	**Apartment mix and flexibility**				
Performance criteria					
P1	A diversity of apartment types are provided, which cater for different household requirements now and in the future.	☒	☐	☐	The residential building will offer a variety of unit types of differing sizes and bedrooms.
P2	Housing designs meet the broadest range of the occupants' needs possible.	☒	☐	☐	
Development controls					
D1	A variety of apartment types between studio, one, two, three and three plus-bedroom apartments shall be provided, particularly in large apartment buildings. Variety may not be possible in smaller buildings, for example, up to six units.	☒	☐	☐	The development has the following bedroom mix:- 1 bedroom – 17 units (25%) 2 bedroom – 46 units (69%) 3 bedroom – 4 units (6%)
D2	The appropriate apartment mix for a location shall be refined by:	☒	☐	☐	The building is considered to offer an appropriate unit mix.
	▪ considering population trends in the future as well as present market demands; and	☒	☐	☐	The development has the benefit of being within close proximity to public transport.
	▪ noting the apartment's location in relation to public transport, public facilities, employment areas, schools and universities and retail centres.	☒	☐	☐	
D3	A mix of one (1) and three (3) bedroom apartments shall be located on the ground level where accessibility is more easily achieved for disabled,	☒	☐	☐	1 and 2 bedroom apartments are located on the ground floor including an adaptable apartment. The development is acceptable in this regard.

	elderly people or families with children.				
D4	The number of accessible and adaptable apartments to cater for a wider range of occupants shall be optimised.	☒	☐	☐	The building is fully visitable due to the lift access. The development has 7 units identified as being adaptable.
D5	The possibility of flexible apartment configurations, which support future change to optimise the building layout and to provide northern sunlight access for all apartments, shall be considered.	☒	☐	☐	
D6	Robust building configurations which utilise multiple entries and circulation cores shall be provided especially in larger buildings over 15m long.	☒	☐	☐	1 lift core is proposed for the development. The development is acceptable in this regard.
D7	Apartment layouts which accommodate the changing use of rooms shall be provided. Design solutions may include: ■ windows in all habitable rooms and to the maximum number of non-habitable rooms; ■ adequate room sizes or open-plan apartments, which provide a variety of furniture layout opportunities; and ■ dual master bedroom apartments, which can support two independent adults living together or a live/work situation.	☒	☐	☐	Unit floor sizes are considered to be of sufficient size to provide flexible furniture layouts.
D8	Structural systems that support a degree of future change in building use or configuration shall be used. Design solutions may include: ■ a structural grid, which accommodates car parking dimensions, retail, commercial and residential uses vertically throughout the building; ■ the alignment of structural walls,	☒	☐	☐	

	columns and services cores between floor levels; ▪ the minimisation of internal structural walls; ▪ higher floor to ceiling dimensions on the ground floor and possibly the first floor; and ▪ knock-out panels between apartments to allow two adjacent apartments to be amalgamated.				
3.0 Open space and landscaping					
Objectives					
a.	To provide sufficient and accessible open space for the recreation needs of the likely residents of the proposed dwelling.	☒	☐	☐	The development proposal is considered to be consistent with the open space and landscaping objectives.
b.	To provide private open areas that relate well to the living areas of dwellings.	☒	☐	☐	
c.	To enhance the appearance and amenity of residential flat buildings through integrated landscape design.	☐	☐	☒	
d.	To provide for the preservation of existing trees and other natural features on the site, where appropriate.	☐	☐	☒	
e.	To provide low maintenance communal open space areas.	☒	☐	☐	
f.	To provide adequate opportunities for water infiltration and tall trees to grow and to spread, so as to create a canopy effect.	☒	☐	☐	
g.	To conserve and enhance street tree planting.	☒	☐	☐	
3.1	**Development application requirements** A landscape plan shall be submitted with all development applications for residential flat buildings. The landscape plan should specify landscape themes, vegetation (location and species), paving and lighting that provide a safe, attractive and functional environment for residents, integrates the development with the	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	A suitable landscaping plan which details species, quantity required, height and spread, planting depth detail, etc has been submitted and is considered satisfactory.

	neighbourhood and contributes to energy efficiency and water management. A landscape plan prepared by a professionally qualified landscape architect or designer shall be submitted with the development application which shows: ■ proposed site contours and reduced levels at embankments, retaining walls and other critical locations; ■ existing vegetation and the proposed planting and landscaping (including proposed species); ■ general arrangement of hard landscaping elements on and adjoining the site; ■ location of communal facilities; ■ proposed lighting arrangements; ■ proposed maintenance and irrigation systems; and ■ proposed street tree planting.	☒	☐	☐	
3.2	**Landscaping** **Performance criteria** **P1** Paving may be used to: ■ ensure access for people with limited mobility; ■ add visual interest and variety; ■ differentiate the access driveway from the public street; and ■ encourage shared use of access driveways between pedestrians, cyclists and vehicles. **Development controls** **D1** If an area is to be paved, consideration shall be given to selecting materials that will reduce glare and minimise surface run-off. **D2** All landscaped podium areas shall maintain a minimum soil planting depth of 600mm for tree provision and 300mm for	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	

	turf provision.				
3.3	**Deep soil zone**				
Performance criteria					
P1	A deep soil zone allows adequate opportunities for tall trees to grow and spread. **Note:** Refer to the development control diagrams in section 10.0.	☒ ☒	☐ ☐	☐ ☐	A deep soil zone of 269sqm or 15% of the site is proposed for the development. The width of the deep soil zone allows for the planting of medium to large trees. The development is acceptable in this regard.
Development controls					
D1	**A minimum of 30% of the site area shall be a deep soil zone.**	☐	☒	☐	**The proposed development provides approximately 269sqm of deep soil zone which equates to 15% of the site being deep soil zone. The non compliance is supported in this instance given that the development site is within Lidcombe Town Centre. A requirement for minimum 30% deep soil zone may not be practical in this instance without significantly compromising on the development potential of the site.**
D2	The majority of the deep soil zone shall be provided as a consolidated area at the rear of the building.	☒	☐	☐	
D3	Deep soil zones shall have minimum dimensions of 5m.	☒ ☒	☐ ☐	☐ ☐	
D4	Deep soil zones shall not include any impervious (hard) surfaces such as paving or concrete.				
3.4	**Landscape setting**				
Performance criteria					
P1	Development does not unreasonably intrude upon the natural landscape, particularly on visually prominent sites or sites which contribute to the public domain.	☒	☐	☐	All street interface landscaping is appropriately located within the site and not on public street but will make a significant visual improvement to the public domain adjoining the site.
P2	Residential flat buildings are adequately designed to reduce the bulk and scale of the development.	☒	☐	☐	
P3	Landscaping assists with the integration of the site into the streetscape.	☒	☐	☐	
Development controls					
D1	Development on steeply	☐	☐	☒	The development is not on a steeply

	sloping sites shall be stepped to minimise cut and fill.				sloping site.
D2	Existing significant trees shall be retained within the development.	☐	☐	☒	It is noted that 4 of the 5 existing trees on site are proposed to be removed. As noted earlier in the report, the trees are not considered significant and no objection is raised to their removal.
D3	Applicants shall demonstrate that the development will not impact adversely upon any adjoining public reserve or bushland.	☐	☐	☒	
D4	Residential flat buildings shall address and align with any public open space and/or bushland on their boundary.	☐	☐	☒	
D5	All podium areas and communal open space areas, which are planted, shall be provided with a water efficient irrigation system.	☒	☐	☐	
3.5 Private open space					
Performance criteria					
P1	Private open space is clearly defined and screened for private use.	☒	☐	☐	The proposed development is considered to be consistent with the private open space performance criteria as all apartments are provided with suitably sized private open spaces which integrate with the overall architectural form of the building and provide casual overlooking of communal and public areas.
P2	Private open space: ▪ takes advantage of available outlooks or views and natural features of the site;	☒	☐	☐	
	▪ reduces adverse impacts of adjacent buildings on privacy and overshadowing; and	☒	☐	☐	
	▪ resolves surveillance, privacy and security issues when private open space abuts public open space.	☒	☐	☐	
Development controls					
D1	Private open space shall be provided for each dwelling in the form of a balcony, roof terrace or, for dwellings on the ground floor, a courtyard.	☒	☐	☐	All apartments have at least one balcony. Access is provided directly from living areas and where possible, secondary access is provided from primary bedrooms.
D2	Dwellings on the ground floor shall be provided with a courtyard that has a minimum area of $9m^2$ and a minimum dimension of 2.5m.	☒	☐	☐	All ground floor units comply with this requirement.
		☒	☐	☐	All apartments have a minimum

D3	Dwellings located above ground level shall be provided with a balcony or roof terrace that has a minimum area of $8m^2$ and a minimum dimension of 2m.				balcony depth of 2m and have a total area that exceeds 8sqm.
D4	Balconies may be semi enclosed with louvres and screens.	☒	☐	☐	
D5	Private open space shall have convenient access from the main living area.	☒	☐	☐	
D6	Part of the private open space shall be capable of serving as an extension of the dwelling for relaxation, dining, recreation, entertainment and children's play.	☒	☐	☐	
D7	Additional small, screened service balconies may be provided for external clothes drying areas and storage.	☒	☐	☐	
D8	Private open space and balconies shall take advantage of mid to long distance views where privacy impacts will not arise.	☒	☐	☐	
3.6 Communal open space					
Performance criteria					
P1	The site layout provides communal open spaces which:	☒	☐	☐	A communal open space and deep soil zone of 429sqm or 24% of the site is proposed for the development. The width of the deep soil zone allows for the planting of medium to large trees. The outdoor space provided at the northern (rear) boundary of the building provides: • quality outdoor space for the residents, • BBQ area • Tangible improvement to the immediate microclimate and air quality of the site • Provides an opportunity to contribute to biodiversity.
	▪ contribute to the character of the development;	☒	☐	☐	
	▪ provide for a range of uses and activities;	☒	☐	☐	
	▪ allows cost-effective maintenance; and	☒	☐	☐	
	▪ contributes to stormwater management.	☒	☐	☐	
Development controls					
D1	Communal open space shall be useable, have a northern aspect and contain a reasonable proportion of unbuilt upon (landscaped) area and paved recreation area.	☒	☐	☐	

D2	**The communal open space area shall have minimum dimensions of 10m.**	☐	☒	☐	**The communal open space is contained within the 10m rear building setback and one of the dimensions is less than 10m. The development is acceptable in this regard given space allows for ample planting and passive/active recreation.**
3.7	**Protection of existing trees**				
Performance criteria					
P1	Major existing trees are retained where practicable through appropriate siting of buildings, access driveways and parking areas and appropriate landscaping.	☐	☐	☒	No significant trees located within the subject site.
Development controls		☐	☐	☒	
D1	Building structures or disturbance to existing ground levels shall not be within the drip line of existing significant trees to be retained.	☐	☐	☒	
Note: For additional requirements, applicants shall refer to the Tree Preservation Part of this DCP.					
3.8	**Biodiversity**				
Performance criteria					
P1	Existing and native flora at canopy and understorey levels is preserved and protected.	☐	☐	☒	
P2	Plantings are a mix of native and exotic water-wise plant species.	☒	☐	☐	An appropriate mix of species is proposed in the landscaping design.
Development controls					
D1	The planting of indigenous species shall be encouraged.	☒	☐	☐	Trees and shrubs proposed within the deep soil zone. The development is acceptable in this regard.
3.9	**Street trees**				
Performance criteria					
P1	Existing street landscaping is maintained and where possible enhanced.	☐	☐	☒	No street trees exist on the front verge.
Development controls					
D1	Driveways and services shall be located to preserve existing significant trees.	☐	☐	☒	
D2	Additional street trees shall be planted at an average spacing of 1 per 10 lineal metres of street	☐	☐	☒	Planting of street trees are not required in this instance. It is noted that some trees are proposed to be planted within the front elevation of the site.

	frontage. **Note:** Where a site has more than one street frontage, street tree planting shall be applied to all street frontages, excluding frontage to laneways.				
4.0 Access and car parking					
Objectives **5.1 Access and car parking requirements** **Note:** Applicants shall consult the Parking and Loading Part of this DCP. **5.2 Basements** **Performance criteria** **P1** Basements allow for areas of deep soil planting. **Development controls** **D1** Where possible, basement walls shall be located directly under building walls. **D2** A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary. **D3** Basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting. **D4** Basement walls visible above ground level shall be appropriately finished (such as face brickwork and/or render) and appear as part of the building.		☒ ☒ ☐ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☒ ☐ ☐ ☒	The building as proposed provides sufficient onsite parking to service the need of the development in accordance with the needs of the Parking and Loading section of the DCP. The proposal allows for a deep soil zone separate to the basement as proposed. This requirement is a standard requirement for all construction involving the excavation for significant basements.
5.0 Privacy and security					
Objectives a. To ensure the siting and design of buildings provide visual and acoustic privacy for residents and neighbours in their dwellings and private open spaces. *b.* To provide personal and property security for residents and visitors and enhance perceptions of community safety.		☒ ☒	☐ ☐	☐ ☐	The proposal is considered to promote safety and security in the local area by increasing the opportunity for passive surveillance in the locality via balconies coming off living rooms.
5.1 Privacy **Performance criteria**					

P1	Private open spaces and living areas of adjacent dwellings are protected from overlooking.	☒	☐	☐	The development has provided numerous privacy features to ensure adjoining development (existing and future) is not adversely impacted upon including proposed shrubs/trees planting on the sides and rear elevations.
Development controls					
D1	Buildings shall be designed to form large external courtyards with a minimum distance of 10 to 12m between opposite windows of habitable rooms.	☐	☐	☒	Sufficient building separation provided to minimise visual and acoustic overlooking onto adjoining private open spaces.
D2	Windows to living rooms and main bedrooms shall be oriented to the street and to the rear, or to the side when buildings form an 'L' or 'T' shape.	☒	☐	☐	The development is acceptable in this regard.
D3	Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings.	☒	☐	☐	
D4	Views onto adjoining private open space shall be obscured by: ▪ Screening that has a maximum area of 25% openings, shall be permanently fixed and made of durable materials; or ▪ Existing dense vegetation or new planting.	☒ ☒	☐ ☐	☐ ☐	Privacy screens, windows treatment and in some cases solid walls are proposed to the edges of balconies to minimise overlooking impacts.
5.2 Noise					
Performance criteria					
P1	The transmission of noise between adjoining properties is minimised.	☒	☐	☐	The development is located in near vicinity of railway corridor. The Acoustic Report provided with the application, prepared by Acoustic Logic, rev. 3 dated 6 September 2011 (ref: 20110234.1.0609A/R3/RL) provided Acoustic criteria and recommended construction methods/materials/treatments to be used to meet the criteria for the site especially as they relate to potential noise from the adjoining Primary School and rail corridor. Should the proposal be recommended for approval appropriate condition shall be imposed in this regards.
P2	New dwellings are protected from existing and likely future noise sources from adjoining residential properties and other high noise sources (such as busy roads, railway corridors and industries) and the transmission of intrusive noise to adjoining residential properties is minimised.	☒	☐	☐	

Development controls **D1** For acoustic privacy, buildings shall: ▪ be designed to locate noise sensitive rooms and private open space away from the noise source or by use of solid barriers where dwellings are close to high noise sources; ▪ minimise transmission of sound through the building structure and in particular protect sleeping areas from noise intrusion; and ▪ all shared floors and walls between dwellings to be constructed in accordance with noise transmission and insulation requirements of the BCA. **Note:** For development within or adjacent to a rail corridor, or major road corridor with an annual average daily traffic volume of more than 40,000 vehicles, applicants must consult *State Environmental Planning Policy (Infrastructure) 2007* and the NSW Department of Planning's Development Near Rail Corridors and Busy Roads – Interim Guidelines, 2008.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	
5.3 Security **Performance criteria** **P1** Site layout and design of the dwellings, including height of front fences and use of security lighting, minimises the potential for crime, vandalism and fear. **Note:** Consideration shall also be given to Council's Policy on Crime Prevention Through Environmental Design (CPTED). **Development controls** **D1** Shared pedestrian entries to buildings shall be lockable. **D2** Buildings adjacent to streets or public spaces shall be designed to allow	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	A crime safety report was submitted with the application stating that the development had been designed in accordance with the CPTED principles. Shared residential entry lobby on the ground floor are lockable. Casual surveillance to the street will be possible from the balconies and windows of the residential units.

	casual surveillance over the public area.				
D3	Ground floor apartments may have individual entries from the street.	☐	☐	☒	Shared pedestrian entry from Church Street proposed. No objection raised.
D4	Residential flat buildings adjoining a park or public open space shall be treated like a front entrance/garden for the length of the park. Refer to Figure 4 - Park frontage in section 10.0.	☐	☐	☒	
5.4 Fences					
Performance controls					
P1	Front fences and walls maintain the streetscape character and are consistent with the scale of development.	☒	☐	☐	
Development controls					
D1	The front and side dividing fences, where located within the front yard area, shall not exceed 1.2m as measured above existing ground level and shall be a minimum of 50% transparent. Front and side dividing fences where located within the front yard area shall not be constructed of solid pre-coated metal type materials such as Colorbond™ or similar.	☒	☐	☐	Should the application be recommended for approval, appropriate conditions shall be imposed in this regards to ensure compliance.
D2	All fences forward of the building alignment shall be treated in a similar way.	☒	☐	☐	
D3	Solid pre-coated metal fences shall be discouraged and shall not be located forward of the front building line.	☒	☐	☐	
D4	Front fences shall satisfy the acoustic abatement criteria and be provided with a landscaped area on the street side of the fence.	☒	☐	☐	
D5	Fences located on side or rear boundaries of the premises, behind the main building line shall not exceed a maximum height of 1.8m.	☒	☐	☐	
6.0 Solar amenity and stormwater reuse					
Objectives					

a.	To minimise overshadowing of adjoining residences and to achieve energy efficient housing in a passive solar design that provides residents with year round comfort and reduces energy consumption.	☒	☐	☐	The siting of the building is such that surrounding buildings and private open space will receive adequate solar access. The development incorporates a suite of energy efficiency and water conservation measure and detailed in the submitted plans and BASIX certificate. The measures include: • Energy efficient lighting • Water saving fixtures • Appropriate floor and wall insulation measures • Use of shading devices over windows • Installed appliances to meet minimum efficiency targets • Gas boosted solar hot water collectors • Water reuse system
b.	To create comfortable living environments.	☒	☐	☐	
c.	To provide greater protection to the natural environment by reducing the amount of greenhouse gas emissions.	☒	☐	☐	
d.	To reduce the consumption of non-renewable energy sources for the purposes heating water, lighting and temperature control.	☒	☐	☐	
e.	To encourage installation of energy efficient appliances that minimise green house gas generation.				
6.1	**Solar amenity**				
Performance criteria					
P1	Buildings are sited and designed to ensure daylight to living rooms in adjacent dwellings and neighbouring open space is not significantly decreased.	☒	☐	☐	The siting of the building is such that surrounding buildings and private open space will receive adequate solar access either in the morning, daytime or afternoon depending on its positioning relative to the building.
P2	Buildings and private open space allow for the penetration of winter sun to ensure reasonable access to sunlight or daylight for living spaces within buildings and open space around buildings.	☒	☐	☐	Apartment layouts are generally considered satisfactory in terms of orientating living areas and private open spaces to optimise solar access where possible. The primary communal outdoor space is located on the northern side of the building.
Development controls					
D1	Solar collectors proposed as part of a new development shall have unimpeded solar access between 9:00am to 3:00pm on June 21.	☒	☐	☐	Solar collectors proposed as part of this development will receive unimpeded solar access.
	Solar collectors existing on the adjoining properties shall not have their solar access impeded between 9:00am to 3:00pm on June 21.	☒	☐	☐	No solar collectors are noted however any that may be proposed or installed will be able to receive at least three hours of solar access a day on all or a portion of their rooves in accordance with this control. The development is acceptable in this regard.
	Where adjoining properties do not have any solar	☒	☐	☐	

	collectors, a minimum of $3m^2$ of north facing roof space of the adjoining dwelling shall retain unimpeded solar access between 9:00am to 3:00pm on June 21.				
	Note: Where the proposed development is located on an adjacent northern boundary this may not be possible.	☐	☐	☒	
D2	Buildings shall be designed to ensure sunlight to at least 50% of the principal area of ground level private open space of adjoining properties for at least 3 hours between 9:00am and 3:00pm on June 21.	☒	☐	☐	The siting of the building is such that surrounding buildings and private open space will receive adequate solar access either in the morning, daytime or afternoon depending on its positioning relative to the building.
D3	If the principal area of ground level private open space of adjoining properties does not currently receive at least this amount of sunlight, then the new building shall not further reduce solar access.	☐	☐	☒	
D4	Habitable living room windows shall be located to face an outdoor space.	☒	☐	☐	All living rooms and balconies in the proposal are orientated towards the street, rear or sides of the site for maximum outlook and minimal privacy intrusion into adjoining sites.
D5	North-facing windows to living areas of neighbouring dwellings shall not have sunlight reduced to less than 3 hours between 9:00am and 3:00pm on June 21 over a portion of their surface.	☒	☐	☐	
D6	Where the proposed residential flat building is on an adjacent northern boundary or located within an area undergoing transition, compliance with D1, D2, D3 and D4 development controls may not be achievable.	☐	☐	☒	
D7	Internal living areas and external recreation areas shall have a north orientation for the majority of units in the development, where possible.	☒	☐	☐	This has been achieved.
D8	The western walls of the residential flat building shall be appropriately	☒	☐	☐	Shading devices are shown on balconies on the western elevation of the building.

	shaded.				
6.2	**Ventilation** **Performance criteria**				
	P1 The design of development is to utilise natural breezes for cooling and fresh air during summer and to avoid unfavourable winter winds.	☒	☐	☐	The proposed development is considered to be consistent with the Natural Ventilation objectives as all habitable rooms, and where possible non-habitable rooms, have sufficient openings for ventilation.
	Development controls				
	D1 Rooms with high fixed ventilation openings such as bathrooms and laundries shall be situated on the southern side to act as buffers to insulate the building from winter winds.	☐	☐	☒	The building and unit layouts are designed to maximise natural ventilation through the use of open-plan living areas and generous openings to living areas and bedrooms.
	D2 Apartments shall be designed to consider ventilation and dual aspect. This can be achieved with cross over apartments, cross through apartments, corner apartments and two (2) storey apartments. Single aspect apartments shall be kept to a minimum except for those that are north facing. Single aspect apartments shall be limited in depth to 8m from a window.	☒	☐	☐	43 of the units or 64% has access to two or more wall orientation and can be considered to be naturally ventilated. Generally single aspect apartments are minimised in depth especially with regards to their living areas.
	D3 Where possible residential flat buildings shall be designed with bathrooms, laundries, and kitchens positioned on an external wall with a window to allow for natural ventilation of the room.	☒	☐	☐	The living rooms are adjacent to the balconies and generally promote natural ventilation.
6.3	**Rainwater tanks** **Performance criteria**				
	P1 The development design reduces stormwater runoff.				
	Development controls				
	D1 Developments may have rain water tanks for the collection and reuse of stormwater for car washing and watering of landscaped areas.	☒	☐	☐	A below ground rainwater tank is proposed to be provided within the development.
	D2 Rainwater tanks shall be constructed, treated or finished in a non-reflective material which blends in with the overall tones and colours of the building and	☐	☐	☒	Below ground rain water tank proposed.

		the surrounding developments.			
	D3	The suitability of rainwater tanks erected within the side setback areas of development will be assessed on an individual case by case basis.	☒	☐	☒	
	D4	Rainwater tanks shall not be located within the front setback.	☐	☐	☒	
	D5	The overflow from the domestic rain water tank shall discharge to the site stormwater disposal system. For additional details refer to the Stormwater Drainage Part of this DCP.	☒	☐	☐	Should the proposal be recommended for approval, appropriate condition shall be imposed in this regards to ensure compliance.
	D6	The rain water tank shall comply with the applicable Australian Standards AS/NZ 2179 and AS 2180 for rainwater goods and installation.	☒	☐	☐	
6.4	**Stormwater drainage**					
		Applicants shall refer to the stormwater drainage requirements in the Stormwater Drainage Part of this DCP.	☒	☐	☐	Council's development engineer has raised no objections subject to recommended conditions of consent.
7.0 Ancillary site facilities						
Objectives						
	a.	To ensure that site facilities are effectively integrated into the development and are unobtrusive.	☒	☐	☐	All service areas are located at the basement levels of the site and accessed via the driveway.
	b.	To ensure site facilities are adequate, accessible to all residents and easy to maintain.	☒	☐	☐	
	c.	To cater for the efficient use of public utilities including water supply, sewerage, power, telecommunications and gas services and for the delivery of postal and other services.	☒	☐	☐	A loading bay for garbage truck is provided at the basement level.
7.1	**Clothes washing and drying**					
Performance criteria						
	P1	Adequate open-air clothes drying facilities which are easily accessible to all residents and screened, are provided.	☒	☐	☐	The balconies are of sufficient size and appropriate masonry and privacy screens are provided so that any balcony clothes drying will not be readily apparent when viewed from the public domain.
Development controls						

D1	Each dwelling shall be provided with individual laundry facilities located within the dwelling unit.	☒	☐	☐	Each unit has a laundry facility.
D2	Open air clothes drying facilities shall be provided in a sunny, ventilated and convenient location which is adequately screened from streets and other public places, where possible.	☐	☐	☒	
7.2 Storage					
Performance criteria					
P1	Dwellings are provided with adequate storage areas.	☒	☐	☐	Storage is provided within each unit in the form of built in wardrobes, kitchen cupboards and in most cases dedicated separate storage cupboards.
Development controls					
D1	Storage space of $8m^3$ per dwelling shall be provided. This space may form part of a garage or be a lockable unit at the side of the garage.	☒	☐	☐	Additional storage is proposed to be provided for all units on the basement levels.
D2	Storage space shall not impinge on the minimum area to be provided for parking spaces.	☒	☐	☐	
7.3 Utility services					
Performance criteria					
P1	All proposed allotments are connected to appropriate public utility services including water, sewerage, power and telecommunications, in an orderly, efficient and economic manner.	☒	☐	☐	The site is currently suitably serviced. Any augmentation required could be resolved by standard conditions should the proposal be recommended for approval.
Development controls		☒	☐	☐	
D1	Where possible, services shall be underground.				
7.4 Other site facilities					
Performance criteria					
P1	Dwellings are supported by necessary utilities and services.	☒	☐	☐	
Development controls					
D1	A single TV/antenna shall be provided for each building.	☒	☐	☐	This requirement can be conditioned if the proposal is recommended for approval.
D2	A mailbox structure that meets the relevant Australia Postal Service requirements shall be	☒	☐	☐	Mailboxes located close to the shared pedestrian entry.

provided, located centrally and close to the major street entry to the site. All letterboxes shall be lockable. **D3** Individual letterboxes can be provided where ground floor residential flat building units have direct access to the street.	☒	☐	☐	
7.5 Waste disposal Applicants shall refer to the requirements held in the Waste Part of this DCP.	☒	☐	☐	An acceptable waste management plan dealing with the demolition, construction and ongoing waste phase of the development has been submitted for the application. The development is acceptable in this regard.
8.0 Subdivision				
Objectives a. To ensure that subdivision and new development is sympathetic to the landscape setting and established character of the locality.	☐	☐	☒	No subdivision or consolidation is proposed.
b. To provide allotments of sufficient size to satisfy user requirements and to facilitate development of the land at a density permissible within the zoning of the land having regard to site opportunities and constraints.	☐	☐	☒	The subject development site is of sufficient size and dimensions to accommodate the proposed development.
8.1 Lot amalgamation **Performance criteria** **P1** Lot amalgamations within development sites are undertaken to ensure better forms of housing development and design.	☐	☐	☒	
Development controls **D1** Development sites involving more than one lot shall be consolidated.	☐	☐	☒	
D2 Plans of Consolidation shall be submitted to, and registered with, the office of the NSW Land and Property Management Authority. Proof of registration shall be produced prior to release of the Occupation Certificate.	☐	☐	☒	
D3 Adjoining parcels of land not included in the development site shall be capable of being economically developed.	☒	☐	☐	A plan has been provided which outlines potential development envelopes on adjoining site to the east which will become isolated as a result of this proposal.
8.2 Subdivision				

Development controls					
D1	The community title or strata title subdivision of a residential flat building shall be in accordance with the approved development application plans, particularly in regard to the allocation of private open space, communal open space and car parking spaces.	☐	☐	☒	The applicant has not nominated to undertake a strata or community title subdivision of the development.
D2	Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part.	☐	☐	☒	
8.3 Creation of new streets **Performance criteria**					
P1	On some sites, where appropriate, new streets are introduced.	☐	☐	☒	No new streets are being proposed as part of the development. This clause is not applicable to the proposal.
P2	New proposed roads are designed to convey the primary residential functions of the street including:	☐	☐	☒	
	▪ safe and efficient movement of vehicles and pedestrians;	☐	☐	☒	
	▪ provision for parked vehicles;	☐	☐	☒	
	▪ provision of landscaping;	☐	☐	☒	
	▪ location, construction and maintenance of public utilities; and	☐	☐	☒	
	▪ movement of service and delivery vehicles.	☐	☐	☒	
	Development controls				
D1	Where a new street is to be created, the street shall be built to Council's standards and quality assurance requirements having regard to the circumstances of each proposal. Consideration shall be given to maintaining consistency and compatibility with the design of existing roads in the locality.	☐	☐	☒	
D2	A minimum width of 6m shall be provided for all	☐	☐	☒	

	carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side. For specific information detailing Council's road design specifications, refer to Table 1 – Development Standards for Road Widths in section 10.2.				
D3	For larger self-contained new residential areas, specific road design requirements shall be considered for site specific development controls.	☐	☐	☒	
9.0 Adaptable housing					
Objectives					
a.	To ensure a sufficient proportion of dwellings include accessible layouts and features to accommodate changing requirements of residents.	☒	☐	☐	The development is fully accessible from the basement levels via lift to residential levels above and from the street via the shared pedestrian entry to residential levels.
b.	To encourage flexibility in design to allow people to adapt their home as their needs change due to age or disability.	☒	☐	☐	
9.1	**Development application requirements** **Note:** Evidence of compliance with the Adaptable Housing Class C requirements of Australian Standard (AS) 4299 shall be submitted when lodging a development application to Council and certified by an experienced and qualified building professional.	☒	☐	☐	
9.2 Design guidelines **Performance criteria**					
P1	Residential flat building developments allow for dwelling adaptation that meets the changing needs of people.	☒	☐	☐	
Development controls					
D1	The required standard for Adaptable Housing is AS 4299. Wherever the site permits, developments shall include adaptive housing features into the design. External and internal considerations shall include:	☒	☐	☐	Should the application be recommended for approval, appropriate condition shall be imposed to ensure compliance with the relevant BCA and Australian Standards regarding adaptable housing.
	▪ access from an adjoining road and footpath for people	☒	☐	☐	

	who use a wheel chair;				
	▪ doorways wide enough to provide unhindered access to a wheelchair;	☒	☐	☐	
	▪ adequate circulation space in corridors and approaches to internal doorways;	☒	☐	☐	
	▪ wheelchair access to bathroom and toilet;	☒	☐	☐	
	▪ electrical circuits and lighting systems capable of producing adequate lighting for people with poor vision;	☒	☐	☐	
	▪ avoiding physical barriers and obstacles;	☒	☐	☐	
	▪ avoiding steps and steep end gradients;	☒	☐	☐	
	▪ visual and tactile warning techniques;	☒	☐	☐	
	▪ level or ramped well lit uncluttered approaches from pavement and parking areas;	☒	☐	☐	
	▪ providing scope for ramp to AS 1428.1 at later stage, if necessary;	☒	☐	☐	
	▪ providing easy to reach controls, taps, basins, sinks, cupboards, shelves, windows, fixtures and doors;	☒	☐	☐	
	▪ internal staircase designs for adaptable housing units that ensure a staircase inclinator can be installed at any time in the future; and	☐	☐	☒	
	▪ providing a disabled car space for each dwelling designated as adaptable.	☒	☐	☐	Each adaptable unit is provided with a disabled parking space.
	Note: In the design of residential flat buildings, applicants shall consider the Access and Mobility Part of this DCP.	☒	☐	☐	
D1	All development proposals with five or more housing units shall be capable of being adapted (Class C) under AS 4299. The minimum number of adaptable housing units is set out below.	☒	☐	☐	

Number of dwellings Number of adaptable units **Number of dwellings** / **Number of units** 5-10 / **1** 11-20 / **2** 21 – 30 / **3** 31- 40 / **4** 41 - 50 / **5** Over 50 / **6** (Plus 10% of additional dwellings beyond 60, rounded up to the nearest whole number) **Note:** Adaptable Housing Class C incorporates all essential features listed in Appendix A – Schedule of Features for Adaptable Housing in AS 4299.	☒	☐	☐	The development proposes 67 units with 7 units identified as being adaptable. This represent 10% of the units and therefore compliant with this clause.
• **9.3 Lifts** **Development controls** **D1** Lifts are encouraged to be installed in four (4) storey residential flat buildings where adaptable housing units shall be required. **D2** Where the development does not provides any lifts and includes adaptable housing units, the adaptable housing units shall be located within the ground floor of the development.	☒ ☐	☐ ☐	☐ ☒	The development proposed one central lift core within the building. The development is acceptable in this regard.
9.4 Physical barriers • **Development controls** • **D1** Physical barriers, obstacles, steps and steep gradients within the development site shall be avoided.	☒	☐	☐	The development is fully accessible from the pedestrian footpath to ground floor lobby and lift to basement levels and residential floors.

ADCP 2010 – Parking and Loading

Requirement	Yes	No	N/A	Comment
2.0 Off-Street Parking Requirements This section applies to all development. Objectives a. To ensure that an acceptable level of parking is provided on-site to minimise adverse impacts on surrounding streets. b. To provide for the reasonable parking needs of business and industry to support their viability, but discourage unnecessary or excessive parking.	☒ ☒	☐ ☐	☐ ☐	An appropriate amount of parking is provided for the proposed residential development.
Performance criteria **P1** New development provides adequate off-street parking to service the likely parking demand of that	☒	☐	☐	Adequate parking is provided as follows:

development. **P2** New development does not introduce unnecessary or excessive off-street parking. **P3** Parking provided for development which is not defined in this Part on sound and detailed parking assessment. Development controls **D1** All new development shall provide off-street parking in accordance with the parking requirement tables of the respective developments in this Part. **D2** That in circumstances where a land use is not defined by this plan, the application shall be accompanied by a detailed parking assessment prepared by a suitably qualified professional which includes: • A detailed parking survey of similar establishments located in areas that demonstrate similar traffic and parking demand characteristics; • Other transport facilities included in the development; • Anticipated traffic generation directional distribution and nature of impacts expected; • An assessment as to whether the precinct is experiencing traffic and on-street parking congestion and the implications that development will have on existing situation; • An assessment of existing public transport networks that service the site, particularly in the off-peak, night and weekend periods and initiatives to encourage its usage; • Possible demand for car parking space from adjoining localities; • Occasional need for overflow car parking; and • Requirements of people with a limited mobility, sensory impairment.	☒ ☐ ☒ ☐	☐ ☐ ☐ ☐	☐ ☒ ☐ ☒	17 x 1 br units (1 space per unit) = 17 46 x 2 br units (1 space per unit) = 46 4 x 3 br units (2 spaces per unit) = 8 67 x 0.2 visitor (0.2 per total units) = 14 Total = 17 + 46 + 8 + 4 = 85 spaces required. The subject proposal proposes 85 total car parking spaces including 1 loading bay, 14 visitor spaces and 8 disabled spaces. Landuse is defined as residential use.
3.0 Design of parking facilities This section applies to all development. Objectives a. To promote greater bicycle use, decrease the reliance on private vehicles and encourage alternative, more sustainable modes of transport. b. To provide convenient and safe access and parking to meet the needs of all residents and visitors. c. To provide access arrangements which do not impact on the efficient or safe operation of the surrounding road system. d. To encourage the integrated design of access and parking facilities to minimise visual and environmental impacts.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposal is considered to meet the design of parking objectives subject to amendments as suggested by Council's development engineer. The site is in close proximity to public transport and bicycle parking spaces are provided within the basement area.
3.1 Bicycle parking Development controls **D1** Bicycle racks in safe and convenient locations are provided throughout all developments with a total gross floor area exceeding 1,000sqm and shall be designed in accordance with AS2890.3 – Bicycle Parking Facilities. 3.2 Access driveway and circulation roadway design Performance criteria **D1** Vehicular movement to and from the site and within the site reduces potential conflict with other vehicles and pedestrians by creating minimal interference with vehicular and pedestrian movements on public roads, as well as within the	☒ ☒	☐ ☐	☐ ☐	Bicycles spaces provided within the basement area.

site being developed. **D2** Access driveways, circulation roadways and open parking areas are suitably landscaped to enhance amenity which providing for security and accessibility to all residents and visitors. **D3** Access driveways and circulation roadways shall not be wider than prescribed for their particular use. Development controls **D1** Circulation driveways are designed to: • Enable vehicles to enter the parking space in a single turning movement; • Enable vehicles to leave the parking space in no more than two turning movements; • Comply with AS2890 (all parts); • Comply with AS1429.1 – Design for Access and Mobility; and • Comply with Council's road design specifications and quality assurance requirements. 3.3 Sight distance and pedestrian safety Performance criteria **P1** Clear sight lines are provided to ensure pedestrian safety. Development controls **D1** Access driveways and circulation roadways shall be design to comply with sight distance requirements specified in AS2890 – Parking Facilities. **D2** Obstruction/fences shall be eliminated to provide adequate sight distances. 3.4 General parking design Performance criteria **P1** Parking facilities are designed in a manner that enhances the visual amenity of the development and provides a safe and convenient parking facility for users and pedestrians. **P2** The site layout enables people with a disability to use one continuously accessible path of travel: • To the site from the street frontage; • To individual or main car parking areas; and • To all buildings, site facilities and communal open space. Development controls **D1** Visual dominance of car parking areas and access driveways shall be reduced. **D2** All basement/underground car parks shall be designed to enter and leave the site in a forward direction. **D3** Car parking modules and access paths shall be designed to comply with AS2890 – Parking Facilities (all parts). Note 1: Disabled parking shall comply with AS2890 – Parking Facilities requirements. Parking bay envelope width shall be maintained for the length of the parking bay. Note 2: Visitor parking dimensions shall be a minimum 2.6 metres by 5.4 metres. **D4** All pedestrian paths and ramps shall: • Have a minimum width of 1000mm; • Have a non-slip finish; • Not be steep (ramp grades between 1:20 and 1:14 are preferred); • Comply with AS1428.1 – Design for Access and Mobility; and • Comply with AS1428.2 – Standards for blind people or people with vision impairment.	☐ ☒ ☒ ☒ ☒ ☐ ☒ ☒ ☐ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	Basement parking proposed. Should the application be recommended for approval appropriate condition shall be imposed in this regards. Basement car parking proposed. Should the application be recommended for approval appropriate condition shall be imposed in this regards.

4.0 Residential development				
Section 4.1 contains general controls for residential development while sections 4.2 to 4.4 contain controls for specific residential development such as detached dwellings and dual occupancies, multiple dwelling housing and residential flat buildings.	☒	☐	☐	Noted.
Objective				
a. To provide convenient and safe access and parking that meets the needs of all residents and visitors.	☒	☐	☐	As discussed earlier in the report, adequate parking is provided on site to meet the demand for the proposed use.
4.1 General controls				
• These development provisions apply to all residential development.	☒	☐	☐	Noted.
4.1.1 Driveways and entrances				
• **Performance criteria**				
P1 Access driveways reflect the site's function and anticipated volume of use, and provides safe and efficient ingress and egress to individual lots for both pedestrian and vehicle movements.	☒	☐	☐	Council's development engineer has raised no objections to the proposed driveway and entrances.
P2 The driveway gradient is sufficient to allow use by all vehicle types in a safe and convenient manner.	☒	☐	☐	
• **P3** The design of car parking entrances and associated driveways is sympathetic to proposed and adjacent developments, and does not dominate the site or the streetscape.	☒	☐	☐	
Development controls				
D1 Driveways shall be located and designed to avoid the following:	☒	☐	☐	
▪ being located opposite other existing access driveways with significant vehicle usage;	☒	☐	☐	
▪ restricted sight distances;	☒	☐	☐	
▪ on-street queuing; and	☒	☐	☐	
▪ being located within 6m from a tangent point.				
D2 Driveways servicing car parking shall comply with AS 2890 – Parking Facilities or similar designs for car turning paths unless otherwise advised by Council's Works and Services Department.	☒	☐	☐	
D3 Access driveways of a length				

	exceeding 50m shall incorporate: ▪ A driveway width that allows for the passing of vehicles in opposite directions, this may be achieved by intermittent passing bays; and ▪ Turning areas for service vehicles.	☒ ☒	☐ ☐	☐ ☐	
D4	The maximum gradient for a driveway shall be 20% (with appropriate transitions). However, in extreme circumstances, gradients up to 25% (with appropriate transitions) shall be considered.	☒	☐	☐	
D5	For multi dwelling housing, entrances to car parks including the access driveway shall have a minimum clear width of 5.5m wide. (Where there are adjoining walls an additional 300mm on each side of the driveway shall be provided). The above width may be reduced to 3.6m for developments with less than 20 dwellings. In this case, the driveway shall be 5.5m in width for the first 6m from the property boundary leading into the car park to allow for two passing vehicles entering and exiting the car park. Refer to AS 2890.1 – Off-street car parking for more information on access driveway widths. **Note:** Waiting bays shall be provided within the development site.	☐ ☐	☐ ☐	☒ ☒	Not a multi dwelling housing
D6	Circulation roadways and ramps servicing car parking areas shall comply with AS 2890 – Parking Facilities unless otherwise advised by Council's Works and Services department.	☒	☐	☐	
D7	For detached dwellings and dual occupancy development, driveways shall be a maximum of 3.5m in width at the property boundary.	☐	☐	☒	Not a detached dwelling development.
• **D8**	For detached dwellings and dual occupancy development, the minimum width of vehicle access driveways shall be 1.2m clear of structures such as power poles, service pits and drainage pits.	☐	☐	☒	
4.4 Residential flat buildings					
4.4.1 Number of parking spaces					
Performance criteria					

P1 Sufficient car parking spaces shall be provided to meet the likely use and needs of proposed developments.	☒	☐	☐	As discussed earlier in the report, adequate parking is provided on site to meet the demand of the proposed use.
Development controls				
D1 Car parking for residential flat buildings shall comply with the requirements in Table 4: **Table 4 -** Summary of parking requirements – residential flat buildings No of dwelling / Parking per space 1 bedroom / 1.0 space 2 bedroom / 1.0 space 3 bedroom / 2.0 space 4 bedroom / 2.0 space Visitor / 0.2 space	☒	☐	☐	Refer to parking calculations earlier in the report. In this regards, 71 Resident and 14 Visitor parking spaces are provided.
• *Note: Resident and visitor car parking calculations are to be rounded up separately.*				
• **D2** Stacked parking for a maximum of 2 car parking spaces may be provided only for use by the same dwelling.	☒	☐	☐	2 stacked parking proposed for residential use.
• **D3** Parking spaces may be enclosed if they have a minimum internal width of 3m clear of columns and meet the relevant Australian Standards and BCA requirements.	☐	☐	☒	
4.4.2 Design of parking spaces				
Performance criteria				
P1 The design of parking areas and structures reflects functional requirements.	☒	☐	☐	
Development controls				
D1 All residential flat buildings shall have underground car parking and be fitted with a security door. Basement garage doors shall not tilt/swing or open in an outward direction.	☒	☐	☐	3 levels of basement car parking provided within the development. A security door has been provided for added security.
D2 Underground car parking shall be naturally ventilated where possible and shall be less than 1m above existing ground level.	☐	☐	☒	
• **D3** Basement areas shall be used for storage and car parking only.	☒	☐	☐	

Access and Mobility DCP

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

Stormwater Drainage DCP

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

Waste DCP

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

Section 94 Contributions Plan

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

The calculation is based on the following:

Residential component

17 x 1 bedroom units,
46 x 2 bedroom units and;
4 x 3 bedroom units.

As at 28 March 2012, the fee payable is **$324,292.83**. This figure is subject to indexation as per the relevant plan.

Disclosure of Political Donations and Gifts

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

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

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

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

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

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

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

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

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

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

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited for a period of 14 days between 28 June 2011 and 12 July 2011 and notified in the Auburn Review on 28 June 2011. The notification generated 2 (two) submissions (including 1 anonymous submission) in respect of the proposal. The issues raised in the public submissions are summarised and commented on as follows:

- *That the height and bulk of the building is unsuitable for the location being on the border with lower rise buildings in the R4 residential zone and the adjoining primary school.*

Comment: The site is located on the north-eastern boundary of Lidcombe Town Centre and the immediate adjoining site is in the R4 – High Density Residential Zone with a maximum permissible building height of 16m. The proposed development is considered to be of appropriate scale, as it is consistent with other developments of this nature which have been constructed in its near vicinity. The height matches the desired future heights for developments in the Town Centre which is generally 32m high. The design of the building includes adequate measure to minimise amenity impacts on adjoining landuses and the building facade has been articulated to reduce the appearance of scale and bulk. Furthermore, the top two floors have been designed as roof box elements which reduce the apparent height of the building. The proposed design is therefore considered appropriate to the scale of the locality and the desired future character of the area.

- *That the two high rise buildings in the vicinity of the site cannot be taken as precedents (1-3 Mary Street being 7 storeys) and (81 Church Street being 6 to 8 storeys) as they are both lower in height than the proposed development of 10 storeys*

Comment: The developments identified above have both been completed and occupied. They were both approved in 2007 and 1999 respectively under previous sets of Council's LEP and DCP controls. The proposed development is being accessed under Council's current LEP and DCP 2010 controls and subject development is consistent with the desired future development in an area undergoing transition.

- *That the amenity of residents will be poor given that (i) 24 of the 67 units are single aspects; (ii) only 1 lift is provided for the 10 residential and 3 basement storeys; and (iii) adaptable units are provided on levels 4 to 9.*

Comment: It is noted that 22 of the 24 single aspect apartments within the development are less than 8m deep and only 2 are more than 8m deep (ie 8.8m). The habitable rooms of the affected apartments are less than 8m deep. The worst affected areas are often service areas such as entries and passageways or enclosed room such as bathrooms and laundries which would not receive any natural lighting. Therefore, the general residential amenity of apartments is not unduly affected by the non-compliance. With regards to the provision of 1 lift servicing the use and the location of adaptable units on the 4th to 9th floors, Council raises no objections as the provision of 1 central lift is likely to reduce on-going maintenance cost for the lift and disabled access is provided to all floors of the building including the basement levels and the communal areas.

- *That the traffic report does not indicate whether or not garbage trucks could and would access the basement for loading.*

Comment: Substantial amendments have been made to the basement level plans to ensure truck access to the loading area on basement level 1A to ensure garbage collection from the basement.

- *That knocking down single level dwellings and building units that are excessive in height is out of place. The height of the building should not be more than 3 storeys.*

Comment: See comments under height and bulk discussed earlier under this section. It is noted that the site is within the Lidcombe Town Centre and undergoing transition from low/mid rise development to high rise development.

- *That the building will overshadow surrounding houses and the upper floors will look straight into the living rooms on surrounding low density houses.*

Comment: Given the north-south orientation of the site all surrounding building will receive sufficient solar access during the morning, daytime or afternoon. With regards to overlooking from the upper floors of the building, the development is designed to minimise overlooking and privacy impacts by orientating substantial part of the living areas and balcony areas for the residential units to the front (south) and rear (north). Eastern and western views to adjoining sites are minimised as a result. Further, a substantial setback has been incorporated to the northern boundary in conjunction with a landscaped buffer to assist in screening neighbouring properties to the north. The design is considered to be appropriate in terms of reducing privacy and overlooking impacts typically associated with this type and scale of development.

- *That the development of high density residential building is impacting on infrastructure in Lidcombe area including schools, parking, hospitals etc.*

Comment: The development proposes the construction of 67 residential units together with 85 car spaces. The increased number of residences proposed by the development is however, considered to be consistent with the residential capacities envisaged by the Auburn LEP 2010. Further the number of car parking spaces proposed for the development complies with the parking requirements of the Parking and Access Chapter of the Auburn Development Control Plan 2010. To this extent, the local road network is expected to be capable of accommodating the additional traffic that would be generated by the development. The surrounding health services and schools are also considered to be capable of accommodating this minor increase in service demand.

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

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is

considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

Conclusion

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

The proposed development is appropriately located within a locality earmarked for mixed use development however some variations (as detailed above) in relation to State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development; Local Centres Development Control Plan and Residential Flat Building Development Control Plan are sought.

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

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