AUBURN CITY COUNCIL

JRPP REPORT DA-287/2011

1 2-8 Vaughan Street & 1 Kerrs Rd, LIDCOMBE

DA-287/2011

SUMMARY

Applicant	Mr T Khattar
Owner	Mr T Khattar, Ms C. Khatter, Mr G. Khattar, Mr J. Khattar, Mr P. Khattar, Mr R. Khattar and Proprietors of SP438.
Application No.	DA-287/2011
Description of Land	2-8 Vaughan Street & 1 Kerrs Rd, LIDCOMBE Lot C DP 416771, Lot D DP 416771, Lot A DP 432751, Lot B DP 432751, Lot 1 Sec 8 DP 3424, Lot 2 Sec 8 DP 3424, Lot 5 Sec 8 DP 3424, Lot 6 Sec 8 DP 3424,
Proposed Development	Demolition of existing structures and construction of two 8 storey mixed use buildings comprising of 108 residential units and 16 ground floor commercial tenancies over 2 levels of basement carparking with new laneway, stormwater and landscaping works.
Site Area	2,736 m^2
Zoning	Zone B4 - Mixed Use
Disclosure of political donations and gifts	Nil disclosure
Issues	Flooding Minor non-compliances with SEPP 65 provisions

Recommendation

1. That Development Application No. DA-287/2011 for the demolition of existing structures and construction of 8 storey mixed use development comprising of 108 residential units and 16 ground floor commercial tenancies over 2 levels of basement carparking with stormwater and landscaping works and strata subdivision on land at 2-8 Vaughan Street & 1 Kerrs Rd, LIDCOMBE be approved as a deferred commencement consent.

Consultations

16/11/2011 A pre-lodgement application (PL-32/2010) was initially submitted to Council on the 16 November proposing the construction of 8 storey mixed use building with associated basement parking.

A meeting was held with the applicant on the 14 December 2010 to discuss the proposal. Council staff were of the view that the proposal was considered to be appropriate given the zoning and context of the site, however there were concerns raised with regard to flooding and engineering related matters, FSR, height and the overall design configuration of units in which the applicant was required to demonstrate compliance with SEPP 65 and Council's development controls.

17/08/2011	The subject development application (DA-287/2011) was formally lodged with Council on 17 August 2011.
7/10/2011	Following a detailed assessment of the development proposal against relevant planning controls, a number of matters were raised with the applicant in a letter dated 7 October 2011.
2/12/2011	Due to a lack of response from the applicant, a subsequent reminder letter was sent on the 2 December 2011 advising that the requested information was required to be addressed and amended supporting documentation to be submitted within 7 days.
4/01/2012	Additional information was formally submitted on the 4 January 2012 to address the concerns raised in Council's letter dated 7 October 2011. The information was reviewed by Council's Officers and although the overall design of the development was considered to be generally compliant with some minor departures noted, several matters mainly flooding and engineering related issues were however, found to be unsatisfactory and thus remained outstanding.
2/02/2012 – 21/02/12	Various correspondences via phone and emails were exchanged between the applicant and Council staff regarding the outstanding issues identified in the submission of the additional information.
2/04/2012	A meeting was held between the applicant and Council staff in relation to the flood impact assessment report submitted on the 20/02/2012. Council's Development Engineer advised that the flood report was unsatisfactory and did not appropriately address the flood related issues of the site. Concerns were also raised regarding the colonnade arrangement on Joseph Street reducing the flow path width and consequently increase flood impacts. In addition, details of the flow, flow extent and depth within the passage were required to be identified.
18/04/2012	A revised flood impact study dated April 2012 was submitted by the applicant.
4/05/2012	The report was later superseded by a second amendment to the report dated May 2012.
7/05/2012 – 14/05/2012	Various email correspondence between applicant and Council staff regarding on-going waste management.
28/05/2012	Referral advice provided by Council's engineer advising that latest amendment to flood report submitted is satisfactory, however some minor engineering matters remain outstanding. Notwithstanding, Council's engineers are satisfied for the minor engineering matters to be addressed via deferred commencement conditions of consent to ensure compliance.

Description of Proposed Development

Council has received a development application seeking approval for the following works:

- Demolition of the existing buildings;
- Construction of two eight storey mixed use towers containing 16 commercial/retail suites at ground floor level and seven storey residential building comprising 108 units with:
  - Thirty four (34) x 3 bedroom units plus study;

  - Thirty five (35) x 2 bedroom units plus study;
  - Four (4) x 1 bedroom units plus study;
  - Thirty five (35) x studio units;
  - Common roof terrace area for residents.
- Construction of a 2 level basement car park comprising a total of 175 vehicular spaces consisting of:
  - 133 resident car spaces located within basement levels 1 and 2;
  - 10 designated visitor spaces within basement 1;
  - 32 commercial spaces within basement 1 – (visitor parking shared with commercial parking outside trading hours);
  - 14 adaptable spaces located within basement level 1 and 2;
  - Loading zone for two trucks off the new laneway;
- Construction of a laneway with access to Vaughan Street including all associated drainage works and dedication to Council;
- Landscaping and associated site infrastructure works.

Site and Locality Description

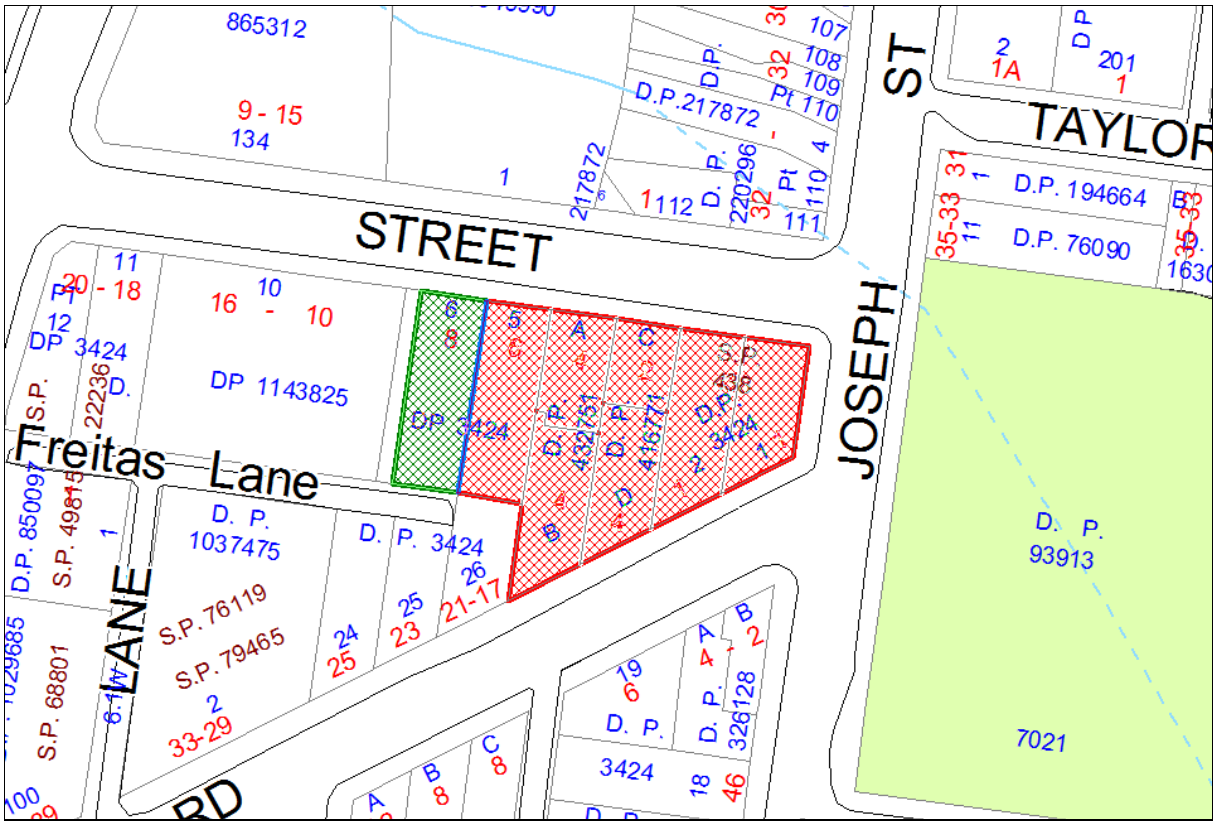
The subject site is legally described as Lot C & D in DP 416771, Lot A & B in DP 432751, Lot 1,2, 5 & 6 Sec 8 in DP 3424. The site is known as 2-8 Vaughan Street & 1 Kerrs Rd, LIDCOMBE and and is located on the south eastern corner of Vaughan and Joseph Street. The proposal comprises of 8 lots in total, forming an irregular shaped configuration with a frontage width of 73.585 metres to Vaughan Street, 20.115 metres to Joseph Street and 60.35 metres to Kerrs Road. The proposed development creates a combined land area of 2736 square metres.

The site is currently occupied by two residential dwellings located further to the western end of the site and a two storey brick building with attached one storey building and associated carparking to the eastern corner of the site.

The land has a gentle slope with a level change of approximately 1.2 metres across the site entire site. Various existing trees are identified within the site and are proposed to be removed to accommodate the new development.

The site is situated within part of Lidcombe Town Centre on the southern side of the Lidcombe Railway Station. Adjoining developments immediately to the west of the subject site comprise a recently completed residential flat building of 4 storeys over basement parking. Vacant development site is located immediately to the south that is separated from the site by the service laneway. Light industrial type service uses are also located further south of the site. To the north of the subject site (opposite the site of Vaughan Street) is a large expansive car parking area that operates in conjunction with a function centre and small scale retail/business uses. Directly to the east of the subject site is a substantial area of public open space known as Wellington Park and an item of local heritage significance known as the Lidcombe War Memorial Statute.

The site is identified on the map below:



Referrals

Internal Referrals:-

Development Engineer

The development application was referred to Council's Development Engineer and the comments received initially raised various significant concerns with regard to flooding, stormwater drainage, access, parking and loading. The applicant was advised of the concerns in a letter dated 7 October 2011 and additional information was submitted between 25 August 2011 and 3 April 2012 to address the matters raised. The information was again reviewed by Council staff and was found to be unsatisfactory and inadequate.

Subsequently, various meetings were held between Council Staff and the applicant on numerous occasions regarding the flooding impacts on the site and the proposed floor levels for the development. Various amendments to the flood report were also submitted to address the issue and assess the extent of flooding on the site.

On 18 April 2012, a final amendment to the flood report was submitted and reviewed by Council's Engineer. The advice provided indicated that whilst the flood report was now satisfactory, other matters concerning parking configuration and stormwater drainage remained outstanding. Notwithstanding this, it was further advised that Council staff may support to the proposal, subject to the inclusion of a deferred commencement condition in any consent, requiring the submission of complete and amended plans and information, prior to the consent becoming operable. Therefore, the proposal, subject to the imposition of deferred commencement conditions can be made to be consistent with Council's Stormwater Drainage DCP, prior to an operable consent being 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 of consent.

Environmental Health

The development application was referred to Council's Environmental Health Officer for comment who has generally raised no objections to the proposal subject to specific conditions of consent.

External Referrals:-

Roads and Maritime Services (RMS)

On the 2 September 2011, Council referred the subject development application to the Roads and Maritime Services (RMS) in accordance with the State Environmental Planning Policy (Infrastructure) 2007 at clause 104(2) – Traffic generating development; *site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road).*

Council received a formal response from the RMS on the 23 November 2011 in which, no objections to the proposed development were raised, subject to Council taking into consideration the installation of signage regarding the illegal queuing across intersections, provision of a construction traffic management plan, swept path of longest vehicles including garbage trucks entering and exiting the site to be in accordance with AUSTROADS, sight distances, carparking layouts to comply with relevant Australian Standards and the consideration of pedestrian safety due to increased pedestrian movements as a result of the proposed development.

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 No. 55 for Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development has been considered in the following table:

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

Matter for Consideration	Yes/No
	☒ 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: ***A phase 2 Environmental Site Assessment report (ref ES4703) prepared by Aargus Australia, dated December 2011 was submitted with the development application. The report concluded that the site is suitable for the proposed use and recommends that any fibro identified as asbestos containing material be removed and disposed of by a licensed contractor and that a clearance certificate from a hygienist be obtained once all asbestos has been cleared from site.***	
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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted to accompany the development application. The plans and details submitted with the development application satisfy the relevant BASIX commitments required to be endorsed on the development application plans. Conditions will be imposed on the development consent to ensure that the construction of the new building is in accordance with all specified BASIX commitments. The proposed development is considered acceptable in respect of the relevant requirements of SEPP (BASIX) 2004.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings

The provisions and design quality principles 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:*				The development is considered to be in accordance with the aims and objectives of the State Environmental Planning Policy no. 65
(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	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Clause 30 Determination of DAs *(1) 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* *(2) In determining a DA, the following is to be considered:* *(a) the advice of the design review panel (if any)* *(b) the design quality of the residential flat development when evaluated in accordance with the design quality principles* *(c) the publication "Residential Flat Design Code" – DoP Sept. 2002*	☐ ☐ ☒ ☒	☐ ☐ ☐ ☐	☒ ☒ ☐ ☐	No formalised Design Review Panel exists in respect of the Auburn LGA Refer discussion of design quality principles below. Refer discussion of Residential Flat Design Code 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 of the area.	☒	☐	☐	The subject site is zoned B4 – Mixed use development and is in a precinct undergoing transformation. The result of the rezoning allows for increased density and the associated planning controls and intentions of the Auburn DCP 2010 encourage redevelopment for the purpose of high-density residential with elements of commercial and retail consistent with an urban centre expansion.
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 scale of the development is compliant, being well within the height and controls of the ALEP 2010. A minor departure from the FSR is proposed, however conditions of deferred commencement consent may be imposed to ensure compliance with the LEP in his regard. The development is still considered to be acceptable and responds appropriately with the scale, built form, context and desired future character of the area.
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 proposal will result in a quality development which will establish an appropriate level of built form that defines the public and private space in accordance with the desired future character of the zone and locality. The facade is divided into three distinct elements providing articulation of the built form and a sense of reduction in bulk and scale of the development by establishing a strong base, middle and top to the building. Various architectural elements, materials and finishes are incorporated into the building design to achieve this.

Requirement	Yes	No	N/A	Comment
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 new B4 – Mixed use zone is in an area designated for high density mixed use development and the location of the site also means that the site can benefit from public transport availability such as trains and buses. Whilst the development complies with the height provisions of the ALEP 2010, the applicant maintains that the departure of 2.7% (257 sqm) to the FSR proposed is not considered to compromise the standard of the development in terms of residential amenity or architectural composition. This is demonstrated by the design of two distinct building elements both complying with height controls and separated by an open plaza promoting a building form that is considered to respond to the town centre context consistent with planning design objectives. Whilst these design elements are highly commended compliance with the FSR provisions has been consistently applied. Therefore it is recommended that a deferred commencement condition be imposed to ensure compliance with the LEP FSR requirements. A total of 108 new dwelling units will contribute to the redevelopment of the area providing for greater housing choice.
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.	☒	☐	☐	A satisfactory BASIX Certificate has been submitted with the development application together with an ABSA building sustainability assessment report. The development incorporates appropriate energy efficient fixtures and fittings and various water saving devices, such as a system of rainwater collection and storage utilised in the irrigation system proposed for the planter boxes and deep soil areas. The development proposal is considered acceptable in this regard.

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	☒	☐	☐	Given that the subject site is located in a town centre, deep soil zones are not considered to be practical due to requirements for basement parking and desired built forms requiring nil street setbacks to create a street edge. The subject site which is located on a corner junction is seen as a prominent site in which the proposal incorporates an open pedestrian plaza as a focal point with the provision of active shopfronts and outdoor dining entertainment to create a hub and maximise pedestrian activity. This is considered to be consistent with desired context of the area. Some landscaping in the form of planter boxes are also proposed to be integrated into the public domain area of the open pedestrian plaza to enhance the commercial/public domain interface, overall setting of the building, streetscape character.
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.	☒	☐	☐	Council is satisfied that the proposal will deliver an acceptable level of amenity to residents of the building. The building design incorporates access and circulation, apartment layouts, floor area, ceiling height, private open space, common open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities. The proposal substantially complies with the Residential Flat Design Code and Residential Flat Building DCP which contains numerous amenity controls. The development is acceptable in this regard.
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 is maximised through orientation of units towards the street and open pedestrian plaza. Street level activity will be encouraged via provision of three separate residential building entries and direct public access from pedestrian plaza/footpath to commercial tenancies. Controlled access to pedestrian foyer prevents unauthorised access to residential floors and basement design provides sightlines to and from lifts and stairs. Lighting is being provided to all common areas including carparking.
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 building will introduce an appropriate mix of 1, 2 and 3 bedroom residential apartments and commercial tenancies in accordance with the zoning of the site and future desired character of a locality undergoing transition.

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 proposal integrates a number of recesses and projections into the elevations of the building to articulate the overall mass and form to reflect the buildings residential/mixed use character. The proposed design provides two distinct building elements separated by an open pedestrian plaza to reduce overall building bulk and mass of the building that would otherwise arise if a single building was constructed over the site. Further the corner building reinforces and strengthens the street corner and the elevations present a balance of vertical and horizontal framing elements to establish a well defined base, middle and top. The second building addresses Vaughan Street and responds to the setbacks and horizontal lines of the established neighbouring western flat building. Changes in building setback, party wall dimensions, articulated building entries with awnings, colonnades and recesses provide human scale to the design of the building at street level.
Clause 30 Determination of DAs After receipt of a DA, the advice of the relevant designed reviewed panel (if any) is to be obtained concerning the design quality of the residential flat development. In determining a DA, the following is to be considered: • The advice of the design review panel (if any); • 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.	☐ ☐ ☒ ☒	☐ ☐ ☐ ☐	☒ ☒ ☐ ☐	Auburn City Council does not employ a formal design review panel. The design quality principles have been considered above and the Residential Flat Design Code is considered in the assessment table immediately below.

Residential Flat Design Code

The development controls and site and building design requirements within the Residential Flat Design Code have been considered in the assessment of the development application within the following table:

Requirement	Yes	No	N/A	Comment
Part 01 Local Context				
Building Type				
• Residential Flat Building • Terrace • Townhouse • Mixed-use development • Hybrid (refer p8-17 of Design Code)	☒ ☐ ☐ ☐	☐ ☐ ☐ ☐	☐ ☒ ☒ ☒	The proposed development consists of 2 mixed residential flat buildings with ground floor commercial tenancies to create an active shopfront and encourage pedestrian circulation. Car parking is located within the two levels of basement and the provision of an open pedestrian plaza linking Vaughan Street to Kerr's Road divides the two towers to reduce the building mass and scale.

Requirement	Yes	No	N/A	Comment
Subdivision and Amalgamation				
Objectives • Subdivision/amalgamation pattern arising from the development site suitable given surrounding local context and future desired context. • Isolated or disadvantaged sites avoided.	☐ ☐	☐ ☐	☒ ☒	No land subdivision is proposed as part of the development application. An appropriate consolidation of the existing allotments would be recommended as a condition on any consent to be issued for the development.
Building Height				
Objectives • To ensure future development responds to the desired scale and character of the street and local area. • To allow reasonable daylight access to all developments and the public domain.	☒ ☒	☐ ☐	☐ ☐	The development is compliant with the height controls stipulated for the B4 – Mixed Used zone and is in accordance with the desired future scale and character of the area. The units within the development and the public domain area will receive an acceptable level of solar access for the town centre.
Building Depth				
Objectives • To ensure that the bulk of the development is in scale with the existing or desired future context. • To provide adequate amenity for building occupants in terms of sun access and natural ventilation. • To provide for dual aspect apartments.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The bulk and scale of the development is in accordance with the desired future character of the zone and future context. The building is considered to provide adequate amenity for the building occupants with regard to solar access and natural ventilation as a slim tower type structure is proposed. The proposal provides for a mix of dual aspect, cross through apartments and single aspect apartments.
Controls • The maximum internal plan depth of a building should be 18 metres from glass line to glass line. • 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. • Slim buildings facilitate dual aspect apartments, daylight access and natural ventilation. • In general an apartment building depth of 10-18m is appropriate. **Developments that propose wider than 18m must demonstrate for satisfactory day lighting and natural ventilation are to be achieved.**	☐ ☒ ☒ ☒	☒ ☐ ☐ ☐	☐ ☐ ☐ ☐	**The building exceeds the 18 metre plan depth glass line to glass line, having an overall depth of up to 20.019m in some instances. However, the two buildings being separated by an open pedestrian plaza and of a typically slim tower type structure achieves satisfactory daylight and natural ventilation for the units within the development. This is considered to be acceptable in this instance.** The design proposal achieves 74% compliance with minimum 3 hours solar access and 70% of units achieving cross ventilation.
Building Separation				

Requirement	Yes	No	N/A	Comment
Objectives • To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings. • 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.	☒	☐	☐	The building is appropriate and responds to the desired future character of the area. Appropriate building separation distance is being provided between adjoining buildings to minimise bulk and scale of the building, visual and acoustic privacy and to allow for adequate solar amenity.

Requirement	Yes	No	N/A	Comment
Controls • For buildings over three storeys, building separation should increase in proportion to building height: o 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 o 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 o 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.	☐ ☐ ☐ ☒ ☒ ☒ ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☐ ☒ ☐ ☐ ☒ ☐ ☐ ☒	☐ ☐	☒ ☒ ☒ ☐ ☐ ☐ ☒ ☒ ☒ ☒ ☐ ☐ ☒ ☐ ☐ ☒ ☐ ☐ ☒ ☐ ☐	Height of building = 28.7 metres including lift overrun. The proposal is eight storeys minus lift overrun. The subject site is located adjacent to a 4 residential flat building to the west and a recently approved 9 storey mixed used development to the south. From the western side boundary, a 3 metre extension of the existing adjacent service laneway is proposed together with a setback of 800mm from the newly dedicated laneway. This provides a complying building separation distance of 7 metres at street level between the existing residential flat building and the subject development. In addition, the residential component above the street level at levels 1-7 are stepped in providing an overall building separation of 9 metres to allow for articulation of the facade as well as further increasing the separation distance of adjacent buildings to control and minimise acoustic and visual privacy impacts. From the southern side, a building separation of 7 metres is proposed between the building façade of the adjacent approved, (but not yet constructed) development and the building façade of the subject development at ground level. The subject development is further stepped in at level 1 to 7 provide an overall building separation of 10.62 metres between the wall of the subject building and the wall of the adjacent building (non-habitable rooms), thus achieving compliance with this requirement. A nil setback is proposed at the 3 street frontages on the northern, eastern and south-eastern boundaries. This is consistent with Council's DCP requirements by generating active street frontages as a concentration of retail outlets; restaurant and multiple entries at street level are being provided. This in conjunction with building articulation increases passive surveillance and safety with good sightlines between dwelling units and the public domain. The residential components above street level at level 1-7 are stepped in to allow for articulation of the facade and an increase in the separation distance of adjacent buildings. The separation distance between the two proposed buildings within the site have a minimum distance of 9 metres between non-habitable rooms and a minimum distance of 15 metres between habitable balconies and non-habitable rooms.

Requirement	Yes	No	N/A	Comment
Street Setbacks				
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.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	A portion of the building is built to the edge of the boundary to Vaughan, Joseph Street and Kerr's Road; providing an active street frontage with passive surveillance. The residential component above street level is set back to allow for articulation of the façade and an increase in the separation distance of adjacent buildings to maintain acoustic and visual privacy. The three entry points providing access to the residential units above are clearly defined and visible from the open pedestrian plaza and street frontage to ensure casual surveillance.
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 1.2m above ground where this is consistent with the desired streetscape, awnings, balconies and bay windows.	☒ ☒	☐ ☐	☐ ☐	Due to the orientation of the site and the development being on a corner allotment, overshadowing is unavoidable in this instance. Increasing setbacks from the street is not considered to be an effective improvement to overshadowing without compromising the overall building design and amenity. The development does not result in any encroachments into a setback zone, inclusive of the first floor balcony and the basement does not protrude above 1.2m from finished ground level. Awning cover is the only structure that encroaches the property boundary to provide continuous weather protection. This is considered to be appropriate given the commercial context of the site.

Requirement	Yes	No	N/A	Comment
Objectives – Side Setbacks • 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	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	As discussed above under building separation controls, sufficient side and rear setbacks are being provided to allow for appropriate building separation between buildings that is consistent with the provisions under SEPP 65. The subject site is located in a town centre and thus deep soil zones are not considered to be practical due to requirements for basement parking and desired built forms requiring nil street setbacks to create a street edge. The subject site which is located on a corner junction of 3 street frontages is also seen as a prominent site in which the proposal incorporates an open court area as a focal point providing pedestrian linkages through the site as well as maximising pedestrian activity through active shopfronts and outdoor dining entertainment to create a hub. This is considered to be consistent with desired context of the area. Further, some landscaping in the form of planter boxes/street tree planting are also proposed to be integrated into the public domain area of the open pedestrian plaza to further enhance the commercial/public domain interface, overall setting of the building, streetscape and character. In this instance, the lack of deep soil/landscaping provided on the subject site is considered to be acceptable given the prevailing commercial context of the site having regard to the land uses.
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 1.2m above ground where this is consistent with the desired streetscape, awnings, balconies and bay windows.	☒ ☒	☐ ☐	☐ ☐	Sufficient building setbacks are proposed between the two buildings and the adjoining developments which are compliant with the building separation controls. Residential components above street level are also appropriately setback where necessary to allow separation distance to adjacent developments and to minimise overall bulk and mass of the development.
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. • To promote thin cross section buildings, which maximise daylight access and natural ventilation. • To allow generous habitable balconies.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The subject site has a maximum permitted FSR of 3.4:1. The floor space ratio proposed for the development is 3.49:1 and results in a departure of 0.027% (257 sqm). This minor departure is considered to be unacceptable due to the undesirable precedent that this may set for future development in the Lidcombe town Centre. A condition is therefore recommended to be included to reduce FSR to a compliant level. The building will have satisfactory daylight access and natural ventilation. The proposed balconies are considered to be of suitable size to accommodate a table and chairs.
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 (refer page 39 of Design Code for requirements) • A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the application	☒ ☒	☐ ☐	☐ ☐	The development application has been accompanied by a Design Verification Statement prepared by Darko Hizar of Le Design Studio (registration no. 6741) which discusses the features of the design and their response to the site analysis.
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	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	As discussed previously, no deep soil is provided onsite and a variation to this control is considered acceptable in this instance due to the prevailing commercial context of the site and the urban character of the Lidcombe Town Centre. Local embellishments including planter boxes are proposed to be integrated into the pedestrian plaza to further enhance overall setting of building, streetscape and character.

Requirement	Yes	No	N/A	Comment
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.	☒ ☒ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☒	☐ ☐ ☐ ☐ ☐	**As discussed previously, there is no deep soil being provided on site and this is considered satisfactory given the predominantly commercial context of the site, land use zoning and urban character of the Lidcombe Town Centre as opposed to a residential area. In addition, the proposed pedestrian open court area has been proposed to be integrated into the design of the two towers. It is also considered that the proposed pedestrian plaza is provided in place of landscaping and encourages pedestrian activity that responds appropriately in an urban character and context of the site.**
Fences and Walls				
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 separation between the private and public domain is established by a strong commercial building facade at street level and the open pedestrian plaza, landscaping and paving material. The proposal will contribute positively to the public domain with the provision of intervening landscaping to the open court area generating pedestrian activity as well as an active street frontage.

Requirement	Yes	No	N/A	Comment
Design Practice • Respond to the identified architectural character for the street and/or the area (refer page 45 of the Design Code for design considerations) • 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 subject development application will establish the high density character for the site and immediate locality that is consistent with the desired future character of the area. As per the objectives section, the private and public domain are delineated via, a strong commercial building facade at street level and paving material. The residential lobby entries are separated and in some instances recessed from the commercial facades. The proposed public domain is enhanced with the provision of active shop/street frontages resulting from the proposed open pedestrian plaza, paving material and multiple entries with no rigid defined edges.
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.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	Landscaping in the form of planter boxes are proposed to be located in the open court area to integrate the overall appearance of the development and enhance the setting of the building.

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.	☒	☐	☐	Landscaping is provided within public domain areas of the pedestrian access areas to enhance streetscape character and provide human scale to the design of the building at street level.
• 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. (Refer planting design solutions at p46-47 of Design Code)	☒	☐	☐	
• 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.	☒	☐	☐	Street landscaping planters and planter boxes on roof top terrace have sufficient depth to support the proposed level of growth.
• Minimise maintenance by using robust landscape elements.	☒	☐	☐	
Open Space				
Objectives • To provide residents with passive and active recreational opportunities.	☒	☐	☐	The communal open space area located on the roof terrace is of sufficient size to allow residents the opportunity for recreation. Further, landscaping in the form of planter boxes contributes to a pleasant outlook from the site. In addition to the communal space, all units within the development are provided with a private balcony capable of supporting a table and chairs. Outdoor dining areas proposed adjacent to pedestrian access areas provide entertainment and increased pedestrian circulation.
• 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 (refer to guidelines on p48 of Design Code)	☒	☐	☐	The development proposes a functional communal outdoor area located at the roof top.
• 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.	☒	☐	☐	Every unit within the development is serviced by a functional balcony capable of supporting a table and chairs.
• 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.	☒	☐	☐	The communal space is located at the roof top optimising its solar access. Most balconies are orientated either to the north/south and/or east of the site to maximise their outlook and solar access.
• Provide environmental benefits including habitat for native fauna, native vegetation and mature trees, a pleasant microclimate, rainwater percolation and outdoor drying area.	☒	☐	☐	
• The area of communal open space required should generally be at least 25-30% of the site area. Larger sites and brownfield sites may have potential for more than 30%.	☒	☐	☐	The roof top terrace consisting of 145 sqm is dedicated to the communal open space for residents. At ground/street level, an open court area/plaza is provided between the two building towers providing entertainment, pedestrian access and circulation around the two buildings. This is considered to be satisfactory.
• 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.	☒	☐	☐	
• Minimum recommended area of private open space for each apartment at ground level or similar space on structure is $25m^2$ and the minimum preferred dimension is 4m.	☐	☐	☒	
Orientation				
Objectives				
• To optimise solar access to residential apartments within the development and adjacent development.	☒	☐	☐	The building is appropriately located to maximise solar access to the proposed building but also maintain solar access to adjoining buildings.
• 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	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
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.	☒	☐	☐	The sitting of the two buildings has been optimized to provide the best possible building separation to adjoining buildings, streetscape address and alignment.
• 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.	☒	☐	☐	The two building towers proposed built form will result in the majority of the building enjoying good solar access depending on the unit orientation. Cross-through and dual aspect apartments have been proposed to increase solar amenity and single aspect apartments are minimised in depth of the required 8 metres.
• Optimise solar access to living spaces and associated private open spaces by orienting them to the north.	☒	☐	☐	The development has been specifically designed to take advantage of multiple street frontages or excellent solar access offered to the north elevation of the building.
• Detail building elements to modify environmental conditions as required maximising sun access in winter and sun shading in summer.	☒	☐	☐	
Planting on Structures				
Objectives • To contribute to the quality and amenity of communal open space on roof tops, podiums and internal courtyards.	☒	☐	☐	Communal open space provided at roof top.
• To encourage the establishment and healthy growth of trees in urban areas.	☒	☐	☐	Landscaping planter boxes proposed have sufficient depth to support the proposed level of growth.

Requirement	Yes	No	N/A	Comment
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	☒	☐	☐	As per the drawings submitted, the proposal will incorporate planter boxes and/or a variety of tree plantings within the pedestrian open court area. Landscape planter boxes are also proposed to be located on the roof top terrace.
• 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 soli depths greater than 1.5m are unlikely to have any benefits for tree growth.	☒	☐	☐	Planter boxes proposed are of sufficient depth and capable of supporting the proposed trees and landscaping.
• 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 16m at maturity):	☐	☐	☒	
▪ Min. soil volume 150cum				
▪ Min. soil depth 1.3m				
▪ Min. soil area 10m x 10m	☒	☐	☐	
○ Medium trees (canopy diameter of up to 8m at maturity):				
▪ Min. soil volume 35cum	☒	☐	☐	
▪ Min. soil depth 1m				
▪ Approx. soil area 6m x 6m				
○ Small trees (canopy diameter of up to 4m at maturity):	☒	☐	☐	
▪ Min. soil volume 9cum	☒	☐	☐	
▪ Min. soil depth 800mm	☒	☐	☐	
▪ Approx soil area 3.5m x 3.5m				
○ Shrubs:				
▪ Min. soil depths 500-600mm				
○ Ground cover:				
▪ Min. soil depths 300-450mm				
○ Turf:				
▪ Min. soil depth 100-300mm				
▪ Any subsurface drainage requirements are in addition to the min. soil depths				
Stormwater Management				

Requirement	Yes	No	N/A	Comment
Objectives • To minimise the impacts of residential flat development and associated infrastructure on the health and amenity of natural waterways. • 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 (refer design solutions on p54 of Design Code) • 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.	☒ ☒ ☐ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☒ ☐ ☐ ☐	The development proposal has been assessed by Council's Development Engineer and comments provided advised that the proposed method of stormwater drainage for the site is generally satisfactory subject to compliance with deferred commencement conditions. As discussed previously, non-provision of deep soil on site is considered to be acceptable in this instance due to the predominant commercial context and urban character of the area. Appropriate conditions can be imposed for stormwater design to incorporate a stormwater primary filtering device before discharge of stormwater from the site. A water reuse tank is also incorporated into the stormwater design that is to be concealed within the roof space above the ground floor amenities. Water will be used recycled for use of common area landscaping and ground floor amenities – such as toilets.
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 proposal provides secure separate residential entries. Safety of the public domain is enhanced via the opportunity for passive surveillance from the upper unit balconies.
Design Practice • Reinforce the development boundary to strengthen the distinction between public and private space. This can be actual or symbolic and 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. • 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	☒ ☒	☐ ☐	☐ ☐	The separation between the private and public domains is established by strong commercial building facade, semi-recessed or clearly defined residential entries, landscaping and paving material. Safety for residents is further enhanced via the provision of multiple lifts and secured ground level residential entrances. The entrances are visible from the street and or the open plaza providing greater casual surveillance.

Requirement	Yes	No	N/A	Comment
common foyer; direct and well lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances.	☒	☐	☐	
• 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.	☒	☐	☐	The opportunity for casual surveillance of the public domain is available from the balconies of units located on the eastern and western elevations as both building towers have views over the open court area to provide casual overlooking of communal and public areas.
• 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.	☒	☐	☐	Due to the provision of multiple lift cores, all active corridors of the development are generally short. The proposal also incorporates a crime safety design principles in the Design Verification Statement which outlines general security measures proposed and general illumination of common areas.
• 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.	☒	☐	☐	Balconies of apartment units are inaccessible from the ground floor. The residential lobbies of the development are separate from the commercial tenancies.
• Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	☒	☐	☐	A crime risk assessment has been considered in accordance with the CPTED principles and is detailed in the Design Verification Statement submitted.
Visual Privacy				
Objectives • To provide reasonable levels of visual privacy externally and internally during the day and night.	☒	☐	☐	The general privacy provided to the residents of the building is considered acceptable.
• To maximise outlook and views from principal rooms and private open space without compromising visual privacy.	☒	☐	☐	Outlook is considered to be maximised without compromising visual privacy to the residents.

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.	☒	☐	☐	The proposal is considered to have optimized building separation to all existing surrounding development.
• 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.	☒	☐	☐	The proposal is not considered to raise any significant privacy issues from the adjoining development to the west. The development has also been designed to consider future potential development to the south of the site by orientating the units to face the street and maximising setbacks where possible to achieve an appropriate building separation that meets the required amenity objectives.
• Use detailed site and building design elements to increase privacy without compromising access to light and air (refer p58-59 of Design Code for detailing)	☒	☐	☐	
Building Entry				
Objectives • To create entrances which provide a desirable residential identity for the development.	☒	☐	☐	The proposed development is considered to be consistent with the Building Entry Objectives as multiple communal entries which are easily identifiable are proposed.
• To orient the visitor.	☒	☐	☐	
• To contribute positively to the streetscape and building facade design.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
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. • Provide as direct a physical and visual connection as possible between the street and the entry. • 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 (refer design solutions on p60 of the Design Code) • 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 (refer design solutions on p61 of the Design Code).	☒	☐	☐	Multiple communal entries are to be provided, which integrate with the public domain through the provision of a pedestrian open court area with feature paving and landscaping. Entry foyers are spacious, feature glazing for clear sight lines and will be secured with resident-access locked doors. Equitable access is provided via at grade entries and lift cores. Ramped access paths and lifts from the basement car parking levels will provide access to commercial ground floor level of the development and to all residential floors above. Pedestrian and vehicular entrances are separated. The ground floor will be dedicated to commercial uses however the residential lobbies are clearly separated from the commercial tenancies. Appropriate conditions can be imposed to demonstrate compliance.
Parking				
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.	☒	☐	☐	Sufficient parking has been proposed to service the residential, commercial and visitor requirements of the development. The location of the site also means the site can benefit from public transport availability such as trains and buses. The parking is designed to be unobtrusive and integrated with the design of the building.

Requirement	Yes	No	N/A	Comment
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.	☒	☐	☐	The appropriate level of parking has been provided to service the development. The specific parking calculations are discussed later in the report. The site also benefits by access to public transport.
• Limit the number of visitor parking spaces, particularly in small developments where the impact on landscape and open space is significant.	☒	☐	☐	Sufficient visitor spaces including disabled space are proposed to service both the residential and the commercial components of the development. Breakdown of parking is as follows: • 10 designated visitor spaces + 32 spaces shared with commercial parking outside trading hours. • 14 disabled parking spaces. • 2 loading spaces All parking proposed is located over two underground basement levels.
• 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.	☒	☐	☐	
• Where above ground 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.	☐	☐	☒	There is no above ground enclosed parking.
• 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 and motorcycle bays are to be provided within the basement levels to service the development.
Pedestrian Access				
Objectives • To promote residential flat development which is well connected to the street and contributes to the accessibility of the public domain.	☒	☐	☐	The proposed development is considered to be consistent with the Pedestrian Access objectives as barrier free communal entries are provided to each lift core of the building. The development is acceptable in this regard.
• 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.	☒	☐	☐	

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, 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 entires, 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.	☐	☐	☒	There are no ground floor apartments.
• Maximise the number of accessible, visitable and adaptable apartments in a building.	☒	☐	☐	The development is fully accessible and visitable.
• Separate and clearly distinguish between pedestrian accessways and vehicle accessways.	☒	☐	☐	
• Consider the provision of public through site pedestrian accessways in large development sites.	☒	☐	☐	Site general access is available from the street through to the rear parking area.
• 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 vehicular access point has been designed to minimise the streetscape impact and promote active street usage. Additionally, being a mixed use building, the proposed building will be able to promote street activity via the commercial tenancies in the open court area.
• 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 (refer design approaches on p65 of the Design Code)	☒	☐	☐	
• Ensure adequate separation distances between vehicular entries and street intersections.	☒	☐	☐	The driveway width is not excessive and is of sufficient distance from an intersection.
• Optimise the opportunities for active street frontages and streetscape design by: making vehicle access points as narrow as possible; limit the number of vehicle accessways to a minimum; locating car park entry and access from secondary streets and lanes.	☒	☐	☐	
• 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 at the ground level adjacent to the proposed new service laneway at the rear of the site and not visible from public areas.
• **Generally limit the width of driveways to a maximum of 6m.** • Locate vehicle entries away from main pedestrian entries and on secondary frontages.	☐ ☐	☒ ☐	☐ ☒	**All access driveway widths do not exceed 6 metres apart from the main driveway access servicing the basement levels and the at grade loading zone at the rear of the site. This vehicular access is 10 metres at the property boundary. Given that this driveway essentially provides for two separate accesses, it is considered to be acceptable as the combined width of the driveway does not exceed 12 metres.**
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.	☒	☐	☐	The building offers a variety of unit types of 1 to 3 bedroom 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	☒	☐	☐	Apartment layouts are generally considered satisfactory in terms of orientating living areas and private open spaces to optimise solar access where possible. A suitable furniture layout can be achieved for all the units.

Requirement	Yes	No	N/A	Comment
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.	☒	☐	☐	Every unit has a private balcony which is appropriately orientated to maximise solar access and views where possible. Single aspect units are limited to a depth of 8.5 metres to ensure sufficient solar amenity and natural ventilation.
• 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 capitalise on natural daylight by providing corner apartments, cross-over/cross-through apartments; split-level/maisonette apartments, shallow/single aspect apartments.	☒	☐	☐	All balconies within the development can be accessed from a primary habitable living room.
• 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 sufficient storage space in addition to kitchen cupboards and wardrobes.
• Ensure apartment layouts and dimensions facilitate furniture removal and placement.	☒	☐	☐	
• Apartment dimensions on p67-68 of the Design Code achieved.	☒	☐	☐	
• Apartment areas on p69 of the Design Code achieved.	☒	☐	☐	
• Single aspect apartments should be limited in depth to 8m from a window.	☒	☐	☐	Majority of the units comply with this requirement.
• The back of a kitchen should be no more than 8m from a window.	☒	☐	☐	
• The width of cross-over/cross-through apartments over 15m deep should be 4m or greater.	☐	☐	☒	
• Buildings not meeting the minimum standards must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly for habitable rooms.	☒	☐	☐	
• Minimum apartment sizes: 1 bed = 50m^2, 2 bed = 70m^2, 3 bed = 95m^2				The proposal complies with the minimum apartment sizes as follows: • Smallest studio unit size = 38.5 sqm • Smallest 1 bedroom unit size (single aspect) = 70 sqm. • Smallest 2 bedroom unit size = 79 sqm • Smallest 3 bedroom unit size = 95 sqm.
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) • 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. • Locate a mix of 1 and 3 bed apartments on the ground level where accessibility is more easily achieved. • Optimise the number of accessible and adaptable units to cater for a wider range of occupants. • Investigate the possibility of flexible apartment configurations which support change in the future.	☒ ☒ ☐ ☐ ☒	☐ ☐ ☐ ☒ ☐	☐ ☐ ☒ ☐ ☐	The development has the following bedroom mix:- Studio/1 bed – 39 units (36%) 2 bed/ + study – 35 units (33%) 3 bed + study – 34 units (31%) *Total – 108 units* There are no units on the ground floor. The development is fully accessible and 11 units are identified as being specifically adaptable. Detailed floor plans of the adaptable units have been submitted to demonstrate compliance with the relevant Building Code of Australia provisions and Standard Australia requirements.
Balconies				
Objectives • To provide all apartments with private open space. • 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.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	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.
Design Practice • Where other private open space is not provided, provide at least one primary balcony. • 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	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	All apartments have at least one balcony. Access is provided directly from living areas and where possible, secondary access is provided from primary bedrooms. The site is situated on the corner surrounded by two-three street frontages on the north, east and south. This generates a degree of separation from the adjoining developments and views are therefore maximised in all directions, with primary orientation being to the north

Requirement	Yes	No	N/A	Comment
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.				for solar access.
• Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy (refer design considerations on p72 of the Design Code)	☒	☐	☐	Balustrades on the upper residential floors are see- through to promote views however primary living rooms are recessed from the balcony edge to maximise privacy.
• Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design.	☒	☐	☐	Facade appearance is of a contemporary appearance and considered satisfactory given the context of the site.
• Consider supplying a tap and gas point on primary balconies.	☒	☐	☐	The requirement can be conditioned if approval of the proposal is considered.
• Provide primary balconies for all apartments with a min. depth of 2m (2 chairs) and 2.4m (4 chairs).	☐	☒	☐	**All balconies in the proposal, with the exception of studio units; have a minimum depth dimension of 2 metres to accommodate a table and chairs.**
• Developments which seek to vary from the min. standards must demonstrate that negative impacts from the context – noise, wind, cannot be satisfactorily ameliorated with design solutions.	☒	☐	☐	**It is considered that a minor variation to this development standard is acceptable due studio type accommodation proposed. Further it is considered that a minor departure such as this is not considered to warrant the refusal of the application.**
• Require scale plans of balcony with furniture layout to confirm adequate, useable space when an alternate balcony depth is proposed.	☐	☐	☒	Apart from the some studio units, all balconies are of sufficient depth to ensure functionality.
Ceiling Heights				
Objectives • To increase the sense of space in apartments and provide well proportioned rooms. • 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.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Ceiling Heights objectives.

Requirement	Yes	No	N/A	Comment
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 units in the complex above the ground floor have a minimum proposed floor to ceiling heights of 2.7 metres. This is considered acceptable for solar access and general residential amenity. Ground floor is proposed to be 3.6 (less slab) metres for commercial tenancies and to allow for adaptability for future uses.
• 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.	☒	☐	☐	
• Coordinate internal ceiling heights and slab levels with external height requirements and key datum lines (refer p73 of Design Code).	☒	☐	☐	Slab thickness has been factored into the calculation of ceiling heights.
• Count double height spaces with mezzanines as two storeys.	☐	☐	☒	No mezzanine style units proposed.
• Cross check ceiling heights with building height controls to ensure compatibility of dimensions, especially where multiple uses are proposed.	☐	☐	☒	The floor heights of the proposed development being of a tower type built form is considered to be consistent.
• Min. dimensions from finished floor level to finished ceiling level:				
○ Mixed use buildings: 3.3m min. for ground floor retail/commercial and for first floor residential, retail or commercial.	☐	☐	☒	
○ For RFBs in mixed use areas: 3.3m min for ground floor;	☒	☐	☐	
○ For RFBs or other residential floors in mixed use buildings: 2.7m min. for all habitable rooms on all floors, 2.4m preferred min for non habitable rooms but no less than 2.25m;	☒	☐	☐	
○ 2 storey units: 2.4m for second storey if 50% or more of the apartments has 2.7m min. ceiling heights;	☐	☐	☒	
○ 2 storey units with a 2 storey void space: 2.4m min;	☐	☐	☒	
○ attic spaces: 1.5m min wall height at edge of room with a 30^0 min. ceiling slope.	☐	☐	☒	
• Developments which seek to vary the recommended ceiling heights must demonstrate that apartments will receive satisfactory daylight.	☐	☐	☒	
Flexibility				

Requirement	Yes	No	N/A	Comment
Objectives • To encourage housing designs which meet the broadest range of the occupants' needs as possible. • 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.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Flexibility objectives as layouts allow for changes to furniture arrangements and a suitable number can be adapted to the changing needs of residents.
Design Practice: • Provide robust building configurations, which utilise multiple entries and circulation cores, especially in larger buildings over 15m 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. • Provide apartment layouts which accommodate the changing use of rooms (refer design solutions on p75 of the Design Code). • Utilise structural systems which support a degree of future change in building use or configuration (refer design solutions on p75 of the Design Code). • Promote accessibility and adaptability by ensuring: the number of accessible and visitable apartments is optimised; and adequate pedestrian mobility and access is provided.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	Apartment layout provides for basic changes to internal configuration.
Ground Floor Apartments				
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.	☐ ☐	☐ ☐	☒ ☒	Being a mixed use building, there are no ground floor apartments proposed. This section is not applicable.

Requirement	Yes	No	N/A	Comment
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. Refer to p77 of the Design Code for design options.	☐	☐	☒	There are no ground floor apartments proposed and accordingly this section is not applicable.
• 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 1.2m; 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 entires 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.	☐	☐	☒	
Internal Circulation				
Objectives • To create safe and pleasant spaces for the circulation of people and their personal possessions.	☒	☐	☐	The proposed development is considered to be consistent with the Internal Circulation objectives.
• To facilitate quality apartment layouts, such as dual aspect apartments.	☒	☐	☐	Short spacious access hallways and apartments are provided around one to two separate lift cores
• 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.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
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. One and two lift access cores are provided to service the complex and each core services a minimum of units and a maximum of 8 units. This is considered to deliver high amenity to the residents and users of the building.
• 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.	☒	☐	☐	
• 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.	☐	☐	☒	
Mixed Use				

Requirement	Yes	No	N/A	Comment
Objectives • To support a mix of uses that complement and reinforce the character, economics and function of the local area. • Choose a compatible mix of uses. • Consider building depth and form in relation to each use's requirements for servicing and amenity (refer details on p80 of the Design Code). • 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 entires 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.	☒ ☐ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☒ ☐ ☐ ☐ ☐	The proposed mixed use building is in accordance with the desired future character of the area. No specific uses of the commercial tenancies are proposed at this time. The commercial tenancies are completely separated from the residential lobbies and tenancies. The public domain interface is considered to positively contribute to the streetscape by providing a strong commercial building façade to generate an active street frontage. Further, the proposed open court area provides for outdoor dining and entertainment thus also generating increased pedestrian circulation around the two buildings. The proposal will be conditioned to comply with the requirements of the Building code of Australia.
Storage				
Objectives • To provide adequate storage for everyday household items within easy access of the apartment. • To provide storage for sporting, leisure, fitness and hobby equipment.	☒ ☒	☐ ☐	☐ ☐	Storage is provided within each unit in the form of built in wardrobes, kitchen cupboards and dedicated separate storage cupboards. Additional storage of 8 cubic metres provided to all units within the basement levels.

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 entires 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 leasible storage in internal or basement car parks.	☒	☐	☐	The plans show that all units will have considerable internal storage space in the form of built in wardrobes and kitchen/ laundry cupboards. Further, separate dedicated storage areas of around 8 cubic metres are also being provided to each unit within the basement levels.
• 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.	☒	☐	☐	
• Ensure that storage separated from apartments is secure for individual use.	☒	☐	☐	
• 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-n 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 = $6m^3$ ○ 1 bed = $6m^3$ ○ 2 bed = $8m^3$ ○ 3+ bed = $10m^3$	☒	☐	☐	Around 8 cubic metres of storage provided to all units within basement levels.
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 to adjoining existing buildings, unit orientation and the grouping of like-use rooms in units 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.	☒	☐	☐	Unit acoustic amenity is considered to be promoted through building separation to adjoining existing buildings, unit orientation and the grouping of like-use rooms in units together.
• 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.	☒	☐	☐	As advised by Council's health officer, appropriate conditions will be imposed to ensure no adverse noise impacts arise from the development. If approval of the proposal is considered, the requirement can be conditioned.
• 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, laundry together.	☒	☐	☐	
• 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.	☐	☐	☒	
• 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 and proposed slim tower form 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.	☒	☐	☐	The site as existing has unrestricted northern and easterly aspect given the allotment pattern. The communal open space of the site being located on the building roof top will receive unimpeded solar amenity.
• Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.	☒	☐	☐	
• 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 ,	☒	☐	☐	Due to the slim tower form of the building the majority of the units in the building will either receive adequate morning, daytime or afternoon solar access from either the north, east of west. However also as a result of the proposed built form there will be a vertical line of 14 single aspect south orientated units in building. Notwithstanding this, the proposal can be considered to have optimised solar access. This is because no further reasonable design amendments can be made to the proposal which would

Requirement	Yes	No	N/A	Comment
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 the number of south acing apartments and increase their window area; use light shelves to reflect light into deeper apartments.				improve solar access without being detrimental to other amenity controls such as visual and acoustic privacy.
• 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).	☒	☐	☐	Shading and glare control has been accommodated for in the design via recessed living rooms and balcony overhangs on the upper floors. A condition can be imposed upon any consent to ensure that all glass balustrade materials to minimise glass reflectance.
• Limit the use of lightwells as a source of daylight by prohibiting their use as the primary source of daylight in habitable rooms.	☒	☐	☐	Proposed building does not incorporate any light wells.
• Where lightwells are used: relate lightwell dimensions to building separation; conceal building services and provide appropriate detail and materials to visible walls; ensure lightwells 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.**	☐	☒	☐	**65% (70 units out of 108) receives the minimum 3 hours of direct sunlight between 9am and 3pm in midwinter. This minor non-compliance is considered to be acceptable due to the orientation of the site preventing some units from achieving this requirement.**
• **Limit the number of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed.**	☐	☒	☐	**A total of 14 units (13%) of the units within the proposal are single aspect south orientated. This is unavoidable due to the orientation and built form of the development as these units are required to address the street; particularly in relation to building B. Further, sufficient building separation between buildings have been proposed and appropriately setback to demonstrate compliance with SEPP 65 requirements and further ensure all units meet minimum solar access standards. Therefore, this is considered acceptable as no further design amendments can be made to the design without being detrimental to other amenity consideration such as visual and acoustic amenity.**
• Developments which seek to vary from the minim standards must demonstrate how site constrains and orientation prohibit 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 (refer design solutions on p86 of the Design Code) • 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 (refer design solution on p86-87 of Design Code) • 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 10-18m. • 60% of residential units should be naturally cross ventilated. • 25% of kitchen within a development should have access to natural ventilation. • 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 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. Generally the unit layouts are grouped to be bedrooms/bathrooms and living/kitchen/dining. The living rooms are adjacent to the balconies and generally promote natural ventilation. The building has been previously established as being optimised for passive solar design access. The building is considered to be sufficiently ventilated. The building depth exceeding 18m is due to the proposed built form as a two separate single tower buildings. Notwithstanding this the built form is considered acceptable as the proposal achieves satisfactory daylight and natural ventilation for units within the development. Out of the 108 units proposed, 76 units (70%) are naturally cross ventilated. Kitchens are generally located with the living/dining room unit grouping and are minimised in depth or are generally not more than 8 metres from a window. (100%)
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 development is consistent with the Awnings and Signage Objectives.

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. • 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 (refer considerations on p88 of Design Code) • 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.	☒ ☒ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☒ ☒ ☒ ☒	An awning is proposed for the ground floor commercial component of the buildings. This awning will improve the amenity for the occupiers of the commercial tenancies and provide continuous weather cover to the commercial tenancies and residential lobbies of the development. In addition, the awning provides a well defined base for the building separating commercial from residential components and creating visual interest and articulation to the building façade. No general signage is proposed nor are any uses of the commercial tenancies proposed at this time.
Facades				
Objectives • To promote high architectural quality in residential flat buildings. • 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.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	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. The design of the building incorporates various architectural elements of blade walls, balconies and awnings and roof structures to provide a segmented contemporary style used to create a strong architectural character that is in keeping with the established urban context of the area. The selection of colours and materials enhances the appearance and provides three distinct and harmonious building facades to inter-relate and provide a somewhat dominant façade to the street frontages.

Requirement	Yes	No	N/A	Comment
Design Practice • Consider the relationship between the whole building form and the façade and/or building elements. • Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. Refer design solutions on p89 of the Design Code. • 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.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	A high level of modulation, articulation and architectural feature elements are incorporated to provide visually interesting and varied facades. The design of the building will establish a good precedent of high quality mixed use building design for the locality. Unsightly elements such as services, piping and plant equipment is to be suitably located and/or screened so as not to detract from the visual quality of facades.
Roof Design				
Objectives • To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings. • 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.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposed development is considered to be consistent with the Roof Design objectives as a flat roof with no prominent elements which detract from the overall building appearance is proposed.
Design Practice • Relate roof design to the desired built form Refer design solutions on p91 of the Design Code. • 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, 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 eg 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 generally flat roof which will not have any impact upon its overall appearance. Rooftop planting is to be suitably setback to ensure it is not visible from street elevations.
Energy Efficiency				

Requirement	Yes	No	N/A	Comment
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 BASIX Certificate for the building 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 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.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Waste Management objectives as suitable arrangements and facilities for waste disposal and storage are proposed.

Requirement	Yes	No	N/A	Comment
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. • 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.	☐ ☒ ☒ ☒ ☒ ☒ ☒ ☐ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	Suitable waste management facilities are proposed throughout the building and will be managed by an appointed caretaker.
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.

Regional Environmental Plans

The site is affected by Sydney Regional Environmental Plan (Sydney harbour Catchment). The development does not however fall within an area of scenic significance or environmental conservation as detailed within this plan. The proposed development is therefore considered to be consistent with the objectives and requirements of the plan.

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:				
(a) to establish planning standards that are clear, specific and flexible in their application,	☒	☐	☐	
(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 the locality in the zone.
(c) to protect areas from inappropriate development,	☒	☐	☐	
(d) to minimise risk to the community by restricting development in sensitive areas,	☒	☐	☐	
(e) to integrate principles of ecologically sustainable development into land use controls,	☒	☐	☐	The proposal has incorporated ESD principles with features such as passive design and BASIX.
(f) to protect, maintain and enhance the natural ecosystems, including watercourses, wetlands and riparian land,	☐	☐	☒	
(g) to facilitate economic growth and employment opportunities within Auburn,	☒	☐	☐	Being a mixed use development the proposal will also create employment opportunities.
(h) to identify and conserve the natural, built and cultural heritage,	☒	☐	☐	
(i) to provide recreational land, community facilities and land for public purposes.	☒	☐	☐	The proposal supplies its own private open space and communal open space.
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*	☒	☐	☐	
(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	☒	☐	☐	

Clause	Yes	No	N/A	Comment
section 36 of the Act.				
(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*	☒	☐	☐	It is noted that the Auburn LEP 2010 repeals State Environmental Planning Policy No 1, to the extent that it pertains to land to which the LEP applies. The development proposal seeks to vary a the FSR development standard and the application is supported by a submission addressing the variation to standards provisions under the Auburn LEP 2010. The submission is however not supported in this instance and conditions of consent are recommended to ensure compliance with the FSR controls.
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 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:	☐	☐	☒	None of these apply to the development site.
(a) to a covenant imposed by the Council or that the Council requires to be imposed, or				
(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	☐	☐	☒	

Clause	Yes	No	N/A	Comment
Governor, before the making of this clause, approved of subclauses (1)–(3).				
Part 2 Permitted or prohibited development				
2.1 Land use zones The land use zones under this Plan are as follows: **Residential Zones** R2 Low Density Residential R3 Medium Density Residential R4 High Density Residential **Business Zones** B1 Neighbourhood Centre B2 Local Centre *B4 Mixed Use* B6 Enterprise Corridor 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 site is zoned B4 - Mixed Use.
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				

Clause	Yes	No	N/A	Comment
(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: *(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.	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	No subdivision (Torrens or Strata) approval is being sought.
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. • 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. • To encourage high density residential development. • To encourage appropriate businesses that contribute to economic growth. • To achieve an accessible, attractive and safe public domain. **2 Permitted without consent**	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The proposed residential and commercial/retail land uses are considered to be compatible with the objectives of the zone. The site enjoys close proximity to the Lidcombe town centre and associated public transport links. Being a mixed use development, the development will create employment opportunities.

Clause	Yes	No	N/A	Comment
Nil	☐	☐	☒	All proposed development requires consent from Council.
3 Permitted with consent 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; **Shop top housing**; Warehouse or distribution centres; Any other development not specified in item 2 or 4	☐	☐	☐	The ground floor commercial component can be considered to be in accordance with the zone by being able to support a variety of permissible uses. The upper portion of the building is a residential flat building which is defined as follows: ***"residential flat building*** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing." 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.

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	☒	☐	☐	In accordance with the lot size map LSZ_007, there is no minimum lot size that applies to the site.
(b) to ensure that subdivision of land is capable of supporting a range of development types.	☐	☐	☒	Existing allotments. No subdivision is proposed. Consolidation would be a recommended condition of development consent.
(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.	☐	☐	☒	

Clause	Yes	No	N/A	Comment
(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.	☐	☐	☒	
(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.	☐	☐	☒	
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	☒	☐	☐	In accordance with the height of building maps HOB_007, the maximum building height permitted for the site is 32 metres.
(b) to ensure that the height of buildings is compatible with the character of the locality	☒	☐	☐	The proposed development has an overall height of 28.7 metres including lift overrun and complies with this development standard.
(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.	☒	☐	☐	

Clause	Yes	No	N/A	Comment
(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,	☐	☐	☒	
(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.	☐	☐	☒	

Clause	Yes	No	N/A	Comment
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	☒	☐	☐	In accordance with the floor space ratio map FSR_007, the maximum FSR permitted for the site is 3.4:1.
(b) To ensure that development intensity reflects its locality.	☒	☐	☐	**The proposed development has a FSR of 3.49:1 representing a departure of 0.027:1 or 2.7% from the development standard. The applicant claims that the variation can be considered subject to satisfying the requirements of clause 4.6 of Council's LEP 2010. This is discussed in further detail under clause 4.6.**
(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	☐	☒	☐	
(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:				The development will establish the desired future density of the B4 – Mixed use zone.
(a) for sites less than 1,300 square metres—0.75:1,	☐	☐	☒	
(b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1,	☐	☐	☒	
(c) for sites that are 1,800 square metres or greater—0.85:1.	☐	☐	☒	
(2B) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows:				
(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and	☐	☐	☒	
(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				

Clause	Yes	No	N/A	Comment
The objectives of this clause are as follows: (a) to define ***floor space ratio***, (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:	☒	☐	☐	FSR has been appropriately calculated in accordance with this clause.
(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and	☐	☐	☒	The subject development site comprises of multiple sites and does not rely on any adjoining or additional site to achieve the floor space ratio. Should approval be recommended, appropriate conditions will be imposed for the consolidation of the lots.
(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.	☐	☐	☒	Floor space concession is sought as part of the application and is discussed in further detail below under clause 4.3 – *exception to development standards*.
(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	☒	☐	☐	
(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,	☐	☐	☒	
(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	☐	☐	☒	

Clause	Yes	No	N/A	Comment
only to the extent that it does not overlap with another lot already included in the site area calculation.				
(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.	☒	☐	☐	
(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.	☐	☐	☒	
(8) Existing buildings The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.	☒	☐	☐	
(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.	☐	☐	☒	
(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.				

Clause	Yes	No	N/A	Comment
(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. (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 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	☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	**The applicant seeks a variation to the FSR provision of clause 4.4(2) as the development proposal exceeds the maximum FSR permitted by 0.027:1 or 2.7% (257 sqm).** **The justification provided by the applicant in support of the variation is as follows:** **The variation in this instance achieves a better development outcome for the subject land. The design solution is the outcome of discussions with Council Officer's central to which was:** • **The desirability of providing a linkage from Vaughan Street to Kerr's Road via an extension of the existing rear service lane.** • **Providing a through site pedestrian linkage from Vaughan Street to Kerr's Road.** **Although neither of the above elements are requirements under Council's LEP or DCP, both have been incorporated within the development to contribute to Council's broader strategic planning objectives for pedestrian and vehicle circulation within the town centre. The development provides an exceptionally high level of public benefit the cost of which is partially offset by the minor increase in development density. The variation promotes a better outcome for and from the development.** **The design objective for the development has been focused upon providing high quality public spaces including the provision of a through site public plaza and the provision of a service road extension both of which are key elements of the local planning controls.** **The FSR increase is minor and does not compromise the standard of the development in terms of residential amenity or architectural composition. The two building elements both complying with the height control and separated by the open pedestrian plaza, promotes a building form well suited to its town centre context and that promotes the primary planning and design objectives of Council's LEP and**

Clause	Yes	No	N/A	Comment
which the development is proposed to be carried out, and (b) the concurrence of the Director-General has been obtained.	☐	☐	☒	**DCP.** **The minor increase will however assist in the economic viability that provides substantial community benefit in the form of the open pedestrian plaza above and beyond Council planning requirements for the site.**
(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	☐	☐	☒	**The applicable planning controls provide an eight storey height control, a 3.4:1 FSR and promote a hard edge to the street through zero setbacks. The building sits comfortably within the building envelope irrespective of the minor departure to the FSR of 0.027:1. The FSR variation does not therefore compromise planning objectives relating to the broader town centre structure; at a macro scale however the variation enables a far superior design outcome by means of the pedestrian plaza and service road extension.**
(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).	☐	☐	☒	**The FSR increase is somewhat inconsequential in terms of its influence on the overall site density and building scale. The design provides two separate buildings the subject site that is separated by a well proportioned open pedestrian plaza. The two building elements significantly reduce the building mass that would otherwise arise if a single building was constructed over the site. The corner building reinforces and strengthens the street corner and elevations present a balance of vertical and horizontal lines.** **The development performs well in respect of SEPP 65 Design principles and numeric guidelines and performance objectives contained within the Residential Flat Design Code.** **The development provides a sense of address to all street frontages and has a high proportion of glazed shopfronts and individual shop entries. Vehicle assess has been confined to Kerr's Road (and to a lesser extent of the widened service laneway) retaining the street corner and the entire Vaughan Street frontage as a pedestrian domain.** **The proposal is consistent with the objectives of the zone and the objectives for development in the Lidcombe Town Centre.** **The variation in this instance better promotes the principles of urban consolidation and not adverse state or regional matters arise from the variation.**
(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 Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,	☐	☐	☒	
(c) clause 5.4.	☐	☐	☒	

Clause	Yes	No	N/A	Comment
				Strict application of the development standard would be unreasonable and unnecessary as it would compromise rather than promote the primary objective of clause 4.6 by potentially compromising the design outcome and in particular the exceptionally high standard of public benefit provided by the development. **Comment: Whilst the above submission is noted, the variation to the FSR development standard is not supported on the following grounds:** **a)** **The variation is likely to set an undesirable precedent for the variation of standards for future development within the Lidcombe town centre.** **b)** **The level of compliance with SEPP65 is not dependent on Council's support to the variation to the standard ie. compliance may be achieved with both SEPP 65 and the ALEP2010 without an adverse impacting on the building design.** **c)** **Compliance with the standard is not demonstrated to be unreasonable or unnecessary in the circumstances of the case.**
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	☒	☐	☐	No height concessions sought. The proposal complies with the height provisions.
(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.	☐	☐	☒	
(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:				

Clause	Yes	No	N/A	Comment
(a) the architectural roof feature: (i) comprises a decorative element on the uppermost portion of a building, and (ii) is not an advertising structure, and (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and (iv) will cause minimal overshadowing, and (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	
5.10 Heritage conservation **Note.** Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5. **(1) Objectives** The objectives of this clause are: (a) to conserve the environmental heritage of Auburn, and (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,	☒ ☒ ☒ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☒ ☒ ☒	The subject site is not listed as a heritage item or an archaeological site. The site is however located directly opposite Wellington Park which is identified as an archaeological site of local significance under Council's LEP 2010 – item no. A58, known as the Lidcombe War Memorial Statue. The application has also been accompanied by a heritage impact assessment report and Council Officers are satisfied that the development proposal will not have any significant impact on the heritage item.

Clause	Yes	No	N/A	Comment
(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, 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				

Clause	Yes	No	N/A	Comment
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).	☐	☐	☒	A heritage impact assessment report has been submitted to accompany the development application. The proposed development is not considered to have any significant impact on the local heritage item and as such, no objections are raised in this regard.
(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 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:				

Clause	Yes	No	N/A	Comment
(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 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

Clause	Yes	No	N/A	Comment
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 managed 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 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	☐	☐	☒	

Clause	Yes	No	N/A	Comment
(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	☐	☐	☒	
(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.

Clause	Yes	No	N/A	Comment
(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 excavations are 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,	☒	☐	☐	All fill taken from the site will be required to be taken to an approved landfill site.
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	☒	☐	☐	Soil has been tested in accordance with SEPP 55 requirements. All off site soil disposal to be to an approved landfill site.
(e) the source of any fill material and the destination of any excavated material,	☒	☐	☐	The site is not identified as a potential archaeological site.
(f) the likelihood of disturbing relics,	☒	☐	☐	There are no waterways or environmentally sensitive areas in vicinity.
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water 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:	☒	☐	☐	In accordance with the flood planning map, the site is identified as being within the medium risk flood zone as per the maps in the ALEP 2010. A flood report prepared by Breshwer Consulting dated May 2012, reference no. J2010 has been submitted with the development application and Council's development engineer is now satisfied that the proposed development is acceptable subject to conditions.
(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.				

Clause	Yes	No	N/A	Comment
6.4 Foreshore building line				
(1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.	☐	☐	☒	The subject site is not affected by a 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				

Clause	Yes	No	N/A	Comment
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 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:				The listed services are currently available to the site. Should the development be approved conditions will be imposed requiring that the all services be augmented as necessary in accordance with service provider requirements.
(a) the supply of water,	☒	☐	☐	
	☒	☐	☐	
(b) the supply of electricity,	☒	☐	☐	
(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))

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

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

Auburn Development Control Plan 2010

a) 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 to establish 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 complies with the new 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 commercial and residential developments. **Development Controls** **D1** The minimum finished floor level (FFL) to finished ceiling level (FCL) shall be as follows: • 3300mm for ground level (regardless of the type of development) • 3300mm for all commercial /retail levels; and • 2700mm for all residential levels above ground floor.	☒	☐	☐	Minimum 3.3m floor to ceiling level proposed for ground level commercial. Minimum 2.7m floor to ceiling proposed for upper level residential units.
2.2 Articulation and proportion **Performance criteria** **P2** The bulk, scale and intensity of development is consistent with the scale of surrounding existing and planned developments.	☒	☐	☐	The bulk and scale of the building will be compatible with the surrounding developments in an area undergoing transition. This is consistent with the desired future character of the area.
P3 Existing horizontal or vertical 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	☒	☐	☐	The two buildings incorporate strong horizontal and vertical framing elements with contrasting materials, sunscreen and articulated balconies and entries to create a varied façade and fenestration treatment.

fenestration details; and proportion, spacing and modelling of the surface through detail and relief. **P4** New facades complement the predominant horizontal and vertical proportions in the street and are compatible with surrounding buildings. **Development controls** **D1** Buildings shall incorporate: • balanced horizontal and vertical proportions and well spaced and proportioned windows; • a clearly defined base, middle and top; • modulation and texture; and • architectural features which give human scale at street level such as entrances and porticos. **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. **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. **D5** Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development.	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	The built form is divided into three clearly defined sections of base, middle and top. The building includes articulated walls at all elevations for enhanced modulation and external surface materials which provide for texture. Ground floor provides external arcade spaces and well articulated and defined entrances and covered porticos at street level to meet human scale. No blank walls are provided at ground/street level. Windows of the commercial tenancies dominate the street frontage to enliven the public space and encourage pedestrian activity and circulation. Building exterior is provided with recesses in horizontal and vertical planes, contrasts in materials of construction and design features including balconies and covered entries and awnings over the pathway in front of the site and over the open plaza between the two buildings.
2.3 Materials **Performance criteria** **P1** Materials enhance the quality and character of the business precinct. **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. **D3** Building facades at street level along primary streets and public places consist of a minimum of 80% for 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%.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	Mix of masonry concrete and glazing materials are proposed on elevations consistent with the character of new buildings in the locality. Majority of street frontage consists of glazing materials.

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:	☒	☐	☐	Lift wells located on roof terrace is not visible due to minimised size and centralised location within the terrace area.
• 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.	☒	☐	☐	Roof form does not 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.	☒	☐	☐	Appropriate conditions can be imposed to ensure compliance with this requirement should the application be recommended for approval.
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.	☒	☐	☐	Balustrades consist of transparent materials 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.	☒	☐	☐	
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;	☐	☐	☒	
• Building design incorporates an appropriate transition in scale and character along the site boundary(s);	☐	☐	☒	
• 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. **D3** Fencing along boundaries shared with public open space shall have a minimum transparency of 50%. **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. b. To encourage innovative development which is both functional and attractive in its context.	☒ ☒	☐ ☐	☐ ☐	Proposed development is considered to be design responsive and sympathetic to the existing locality of the area. The provision of appropriate setbacks and building separation aims to minimise the bulk and scale of the development whilst also ensuring buildings on corner and junction sites recognise the importance of the site with the provision of the open plaza being a focal element in the streetscape. The open pedestrian plaza providing a link from Kerr's Road to Joseph Street is proposed, creating a functional and attractive environment that will encourage street activation thereby integrating the built forms with the streetscape and character of the area.
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. **P2** New development conserves and enhances the existing character of the street with particular reference to architectural themes. **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.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposal responds to the characteristics of the site and town centre location. Further the proposed open court area provides for outdoor dining and entertainment generating pedestrian circulation around the buildings which is considered to be consistent with the objectives of an urban town centre. This proposed use is therefore considered to be compatible with the other similar uses in the commercial context of the area. The proposed tower buildings are compatible with the existing streetscape as the proposed building provides retail land uses at ground level to match with the predominantly commercial usage at ground level in the town centre. In this regard, the proposed nil setbacks to the boundary addressing Vaughan /Joseph Street and Kerr's Road are considered to satisfactory. Upper residential floor levels addressing Vaughan/Joseph Street and Kerr's Road are appropriately stepped back from the street frontage to minimise bulk and scale. No signage proposed as part of the application. This can be controlled via conditions and/or future development applications.
3.2 Setbacks **Performance criteria** **P1** The setback of new buildings is consistent with the setback of	☒	☐	☐	The proposal is consistent with the setback requirements.

adjoining buildings. **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 recognises the importance of these sites as dominant elements in the streetscape (see Figure 1 below). **P4** The design of infill buildings reinforces continuity, symmetry and unity in the streetscape (see Figure 2 below). **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 (see Figure 3 below). This reinforces the existing continuity of the streetscape. • 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. **D2** Corner sites shall reinforce the street corner, incorporate strong architectural elements and adhere to a nil setback for the lower two storeys. **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. 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.	☒ ☒ ☒ ☒ ☒ ☒ ☐ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐	Building B is built to the boundary at ground level to provide a street edge consistent with the objectives of the Local Centres chapter of the DCP 2010. Building A is responsive of the adjoining development to the west and thus is setback to align with the adjoining development and appropriately stepped back from the street frontage at level 1 onwards. With the provision of the open pedestrian plaza, the street corner is maintained and recognised as a building landmark as a dominant element in the streetscape.
4.0 Mixed Use Developments				
Objectives a. To encourage sustainable development by permitting services and employment-generating uses in conjunction with residential uses. 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	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	Proposal satisfies the mixed use objectives of this section.

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 while sympathetically integrating into the local centre streetscape. **Development controls**	☒	☐	☐	Concentration of retail outlets at ground level provides a strong base to integrate with local centre streetscape and character of commercial precinct.
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.	☒	☐	☐	Service laneway provided along western rear boundary are separated from residential access.
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.	☒	☐	☐	Ground or street level consists of retail uses and restaurant promoting street activity.
D2 A separate and defined entry shall be provided for each use within a mixed use development.	☒	☐	☐	Residential entries are separated from commercial entries.
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 proposal provides for an appropriate level of amenity. The subject site is located approximately 200 metres from the railway line and approximately 70 metres from a main road. Appropriate referrals have been made to the Roads and Maritime Services as per SEPP (infrastructure) 2007 provisions and the advice received raised no objections to the development proposal subject to conditions. Refer to referrals section of the report above.
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.	☒	☐	☐	
5.0 Privacy and Security				
Objectives O. To provide personal and property security for residents and visitors and	☒	☐	☐	The proposal is considered to promote safety

enhance perceptions of community safety. b. To enhance the architectural character of buildings at night, improve safety and enliven the town centre at night.	☒	☐	☐	and security in the local area as a result of the retail component at street level increasing the opportunity for general pedestrian activity and passive surveillance.
Performance criteria				
P1 Private open spaces and living areas of adjacent dwellings are protected from overlooking.	☒	☐	☐	Views to the north and south comprise the Lidcombe town centre. The units located on the north and east of the site do not overlook any private open space, however face the junction of three street frontages of Vaughan, Joseph Street and Kerr's Road.
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:	☒	☐	☐	Sufficient building separation provided between two buildings and adjoining developments to the west and south of the subject site to minimise visual and acoustic privacy.
• Screening with a maximum area of 25% openings is permanently fixed and made of durable materials; or	☒	☐	☐	
• 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.	☒	☐	☐	
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.	☒	☐	☐	From the west, the existing substantial setback of the 4 storey residential flat development and the extension of the existing intervening access rear service laneway provides for sufficient building separation.
D3 Shared pedestrian entries to buildings shall be lockable.	☒	☐	☐	The orientation of units located on the south and eastern elevations of building A provide for passive surveillance of the street and public domain.
D4 Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	☒	☐	☐	
D5 Development shall be consistent with Council's Policy on Crime Prevention Through Environmental Design.				
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.	☒	☐	☐	An awning is proposed over the commercial tenancies thereby ensuring that lighting will not interfere with residential amenity.
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.	☒	☐	☐	Appropriate conditions could be imposed to ensure compliance with this requirement.
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.	☒	☐	☐	Light spill to be minimised by proposed awning over commercial tenancies.
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.	☐	☐	☒	Façade of commercial tenancies consist predominantly of glazing materials at street frontage.
D2 Security shutters, grilles and screens shall:				There are no shutters being proposed for the commercial tenancies.
• 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.	☐	☐	☒	
5.3 Noise **Performance criteria**				
P1 New commercial developments within major arterial roads or railway lines are designed to mitigate noise and vibration impacts.	☒	☐	☐	Conditions will be imposed for appropriate noise attenuation of the mechanical ventilation systems to comply with the DECCW Interim Noise Design Guidelines.
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 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.	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	The subject development site is located more than 200 metres from the Lidcombe Train Station. Formal referral to the Rail corporation is not required in this instance as per the SEPP (infrastructure) 2007 and the *Interim Guidelines for Development near rail corridors and busy roads*.
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 provided over three levels of basement parking and at rear of building for visitor, commercial and loading requirements. General access and manoeuvring has been assessed by Council's engineering section as being generally acceptable subject to some modification which have been incorporated into conditions of consent. A breakdown of the parking calculations are as follows: 34 x studio unit - - 4 x 1 bedroom unit @ 1.0 per unit 4 35 x 2 bedroom unit @ 1.0 per unit 35 34 x 3 bedroom unit @ 2.0 per unit 68 (108) Units (visitor) @ 0.2 per unit 21.6 1269 Sqm retail/comm @ 1.0 per 40m^3 32.5 Total Required 162 **Total Proposed** **177**

				The development proposes a total of 177 parking spaces within the basement levels: 54 + 79 spaces in level 1 & 2 for residents, 32 spaces in level 1 for visitors and comm/retail and 10 designated spaces in basement 2. This includes 7 disabled parking spaces. The development is considered to provide sufficient parking to accommodate the residential and commercial components of the development. The proposal is acceptable as it is in accordance with 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:				An extension is proposed to the existing rear service laneway providing an exit to Vaughan Street. Council's engineering department have raised no objections in this regard. Proposed extension to the existing laneway is considered to be consistent with this clause.
• 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.	☐	☐	☒	

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 and local ecology of the local centre.	☒	☐	☐	The proposal does not include the provision of any deep soil on site. A variation to this requirement is considered to be acceptable given the commercial context of the site have been discussed extensively throughout the report. Planters proposed are of appropriate depth to support growth of large trees.
Performance criteria **P1** Landscaping forms an integral part of the overall design concept.	☒	☐	☐	Planter boxes proposed at roof top terrace around building edge assist in softening the visual impact of the development.
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.	☒	☐	☐	
Development controls **D1** Development shall incorporate landscaping in the form of planter boxes to soften the upper level of buildings.	☒	☐	☐	
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.	☐	☐	☒	
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.	☐	☐	☒	
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 site, however appropriate conditions can be imposed.
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.	☒	☐	☐	
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 component. The development is considered to be acceptable in this regard.
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	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The development is considered to be generally in accordance with the energy efficiency requirements.

utilising renewable energy resources for all lighting on site. A statement shall be included with the development application addressing these requirements.				
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 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.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	BASIX Certificate submitted addresses water conservation for the residential component.
8.3 Stormwater drainage Applicants shall consult the Stormwater Drainage Part of this DCP for requirements for stormwater management.	☒	☐	☐	The proposed method of stormwater drainage is generally acceptable subject to amendments being made to the design via deferred conditions of consent.
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	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	Appropriate conditions will be imposed to ensure compliance.

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.	☒	☐	☐	
8.5 Ventilation **Performance criteria** **P1** Natural ventilation is incorporated into the building design. **Development controls** **D1** The siting, orientation, use of 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.	☒ ☒	☐ ☐	☐ ☐	70% of the development is considered to be naturally cross ventilated.
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 overall development is considered to comply as 74% of the development meets the minimum solar amenity requirements. It is noted that skylights are proposed on all the top floor units of building B to maximise solar access and to achieve compliance with this requirement.
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	☒ ☒	☐ ☐	☐ ☐	Deliveries to the site will be made via the existing rear service laneway via Freitas Lane. There are no mailboxes shown on the plans submitted, however this can be satisfied via conditions of consent.

units shall be incorporated within the foyer area of the entrance to the residential component of the mixed use developments.	☒	☐	☐	
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.	☒ ☒	☐ ☐	☐ ☐	Satisfactory waste management plan submitted. A waste collection point is to be located at rear of Building A and pick up is to be conducted via the rear service laneway.
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. 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.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The development provides for an attractive public domain interface zone which includes awnings, articulated building entries, balconies, safe pedestrian linkages and to car parks, entertainment provided by outdoor dining and open space at street level, including active shop frontages.
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.	☒	☐	☐	Proposed works to the public domain are consistent with Council's Public Domain Plan.
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. 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.	☐ ☐	☐ ☐	☒ ☒	No subdivision proposed.
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.	☐	☐	☒	
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, 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.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Conditions will be imposed requiring that all services be augmented as necessary in accordance with the relevant service provider requirements.

b) Residential Flat Buildings

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

Requirement	Yes	No	N/A	Comments
1.0 Introduction				
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.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	
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.	☒	☐	☐	The development will establish the desired future character of the locality in accordance with the objectives of the zone.
• To ensure that development is sensitive to the landscape setting and environmental conditions	☒	☐	☐	The development is considered to be satisfactory with regard to landscape setting

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.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	and the environment. Open areas are proposed to promote pedestrian access and circulation around the buildings and integrate the open plaza with the development. The design of the development is considered to be of high quality which will set an acceptable benchmark for mixed use development in the locality. The proposal is considered to respect the amenity of adjoining developments despite the increase in scale. The development will establish the desired future character.
2.1 Site area **Performance criteria** **P1** The site area of a proposed development is of sufficient size to accommodate residential flat buildings. **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.	☒ ☒ ☐	☐ ☐ ☐	☐ ☐ ☒	The development site is considered to be of acceptable size and dimensions with a site area of 2,736 sqm and frontage of 73.585 metres to Vaughan Street, 20.115 metres to Joseph Street and 60.35 metres to Kerrs Road. Development located on a corner site with a junction of three street frontages.
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 site coverage will exceed 50% of the site. Given that the site is for a mix use development in a predominantly commercial context and not a dedicated residential flat building, this is considered to be satisfactory.** **The site is unable to accommodate any deep soil areas and this is considered to be satisfactory as discussed extensively throughout the report. However various planters are introduced to the open pedestrian plaza to further enhance the setting and overall outlook of the development as a whole.**
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 proposed development is consistent with the objectives of the zone and compatible with the desired future character of an area undergoing transition. The development is situated on a corner allotment and the retention of the heritage building establishes that the frontage of the proposed development is to Mary Street.
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.	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	
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 proposed nil setbacks to the three street frontages are consistent with the requirements of Council's DCP for Local Centres by providing a hard street edge. The nil setbacks address all street frontages which are considered to be appropriate given the commercial context of the area.
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). **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'	☐ ☐ ☒	☐ ☐ ☐	☒ ☒ ☐	The subject site is located within the B4 – Mixed use zone. The site is located on the corner. The nil setback to the three street frontages is considered to be acceptable given the B4 – Mixed use zone which is consistent with Council's Local Centres DCP setback requirements. The proposed development is responsive to adjoining developments by

	frontage, the setback may be reduced to 3m except where it relates to a primary frontage on that street.	☐	☐	☒	taking into consideration the established setbacks. As such, Building A has been setback from Joseph Street at ground floor level and appropriately stepped back at level 1 onwards to maintain consistency.
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 setback shall be required.	☒	☐	☐	The development achieves compliance with this requirement and provides a building separation of greater than 10 metres, from the south and west.
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 materials with fenestration treatments to create a varied façade.
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 no windows in the wall to living rooms the setback from the side boundary shall be at least 3m.	☐	☒	☐	**A minimum setback of 800mm is proposed from western side boundary. Whilst this is substantially less than the required 3 metres, it should however be noted that the western boundary adjoins an existing service laneway where an extension of the laneway is also proposed as part of the application thereby contributing to increasing the overall building separation. This, together with the existing setback of the adjacent 4 storey residential flat building provides for sufficient building separation distance of 7-9 metres that is consistent with the building separation controls of SEPP 65. Further it should be noted that the development is situated within a Mixed use zone in the predominantly commercial context of the area and the urban character of the Lidcombe Town Centre rather than a residential area.**
D2	Eaves may extend a distance of 700mm from the wall.	☐	☐	☒	The proposal is for a mixed used development; therefore the requirement is not applicable.
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.	☐	☐	☒	
2.4.3	**Rear setback**				
D1	Rear setbacks shall be a minimum of 10m.	☐	☒	☐	**From the southern boundary, a building separation of 7 metres is proposed between the building façade of the adjacent development and the building façade of the subject development at ground level. The subject development is further stepped in at level 1 to 7 (residential component) thereby**
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.	☐	☐	☒	**providing an overall building separation of 10.62 metres between the wall of the subject building and the wall of the adjacent building (non-habitable rooms) that is consistent with the building separation controls of SEPP 65 – Residential Flat Design Code.**
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 located in the 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.	☐	☐	☒	The development is not located on Olympic Drive.
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.	☐	☐	☒	
2.5 Building depth					
Performance criteria					The proposal is considered to deliver a high level of amenity to the residents of the building. This is due to the high level of solar access and substantial proportion of cross ventilated units.
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.	☐	☒	☐	**As discussed under the compliance table for SEPP 65, a minor variation is sought with the building exceeding 18m is some areas. Notwithstanding this, the building would provide a high level of amenity for future residents and this minor standard variation is considered acceptable in this instance.**
2.6 Number of storeys					
Performance criteria					The proposed development is consistent with this requirement and has been discussed in detail under the SEPP 65 and ALEP 2010 compliance table above.
P1	The number of storeys is achievable within the maximum building height in *Auburn LEP*	☒	☐	☐	

	2010. **Development controls**				Proposed development has an overall height of 28.7 metres and is eight storeys in height.
	D1 Residential flat buildings shall be a maximum four (4) storeys above ground level (existing), except where basement car parking allows for natural ventilation up to less than 1m above ground level.	☐	☐	☒	
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.	☒	☐	☐	2.7 metres floor to ceiling height provided.
	Development controls				
	D1 The minimum floor to ceiling height shall be 2.7m. This does not apply to mezzanines.	☒	☐	☐	No mezzanine space proposed in residential component.
	D2 Where there is a mezzanine configuration, the floor to ceiling height may be varied.	☐	☐	☒	
	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.	☐	☒	☐	**Ground floor height of commercial space is 3.6 metres (less slab). The first floor will be a minimum of 2.7 metres however this is considered acceptable given the residential only use of the floor.**
2.8	**Floor to ceiling heights** **Performance criteria**				
	P1 Window heights allow for light penetration into rooms and well proportioned elevations.	☒	☐	☐	Window head heights are a minimum of 2.4 metres from floor level. The development is acceptable in this regard.
	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.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	
2.10 Building design **Performance criteria** **P1** Building design, detailing and finishes provide an appropriate scale to the street and add visual interest.	☒	☐	☐	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.
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.	☒	☐	☐	
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 framing 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 lobbies are integrated with the commercial facade however they are not the dominate elements.
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.	☒	☐	☐	Flat roof and low horizontal parapet proposed. The roof form is in accordance with this clause.
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.	☒	☐	☐	Semi recessed glass balustrades proposed except on the first storey street elevation to assist in maintaining privacy.
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.	☒	☐	☐	
2.11 Dwelling size **Performance criteria** **P1** Internal dwelling sizes and shapes are suitable for a range of household types. **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 units within the development meet the Residential flat building minimum dwelling size. The layout is suitable to accommodate a variety of furniture layouts.
		☐	☒	☐	• **Smallest studio unit size = 38.5 sqm** • **Smallest 1 bedroom unit size (single aspect) = 70 sqm.** • **Smallest 2 bedroom unit size = 79 sqm** • **Smallest 3 bedroom unit size = 95 sqm.** **The above unit sizes are compliant with the SEPP 65 controls and therefore acceptable in this instance.**
					All balconies are accessible from the living areas 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. **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		☒	☐	☐	The residential component of the building will offer a variety of unit types of differing sizes and bedrooms.
		☒	☐	☐	
		☒	☐	☐	The development has the following bedroom mix:- Studio/1 bed – 39 units (36%) 2 bed/ + study – 35 units (33%)

	buildings. Variety may not be possible in smaller buildings, for example, up to six units.	☒	☐	☐	3 bed + study – 34 units (31%) *Total – 108 units*
D2	The appropriate apartment mix for a location shall be refined by: ▪ considering population trends in the future as well as present market demands; and ▪ noting the apartment's location in relation to public transport, public facilities, employment areas, schools and universities and retail centres.	☒	☐	☐	The building is considered to offer an appropriate unit mix. The development has the benefit of being within close proximity to a public transport. Ground floor is dedicated to commercial tenancies in accordance with the mixed use zoning.
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, elderly people or families with children.	☒	☐	☐	The building is fully visitable due to the lift access. The development has 11 units identified as being specifically adaptable.
D4	The number of accessible and adaptable apartments to cater for a wider range of occupants shall be optimised.	☒	☐	☐	
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.	☒	☐	☐	A total of 3 lift cores are proposed for the development and each lift services a minimum of 6 units and a maximum of 8 units.
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.	☐	☐	☒	No landscape plan submitted. As discussed throughout the report, no deep soil is being provided on site due to the predominantly commercial context and land use zoning of the site and surrounding area. The proposal
	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 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.	☐ ☐	☐ ☐	☒ ☒	is also considered to be consistent with the planning intentions of the area and thus minimal or the lack of any deep soil is considered to be compatible with the area. Nevertheless, planter boxes are proposed within the open pedestrian plaza to enhance the overall setting of the development.
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.	☐	☒	☐	
Development controls					
D1	A minimum of 30% of the site area shall be a deep soil zone.	☐	☒	☐	**As discussed previously, there is no deep soil being provided on site and this is considered satisfactory given the predominantly commercial context of the site, land use zoning and urban character of the Lidcombe Town Centre as opposed to a residential area. In addition, the proposed pedestrian open court area has been proposed to be integrated into the design of the two towers. It is also considered that the proposed pedestrian plaza is provided in place of landscaping and encourages pedestrian activity that responds appropriately in an urban character and context 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.	☒	☐	☐	
P2	Residential flat buildings are adequately designed to reduce the bulk and scale of the development.	☒	☐	☐	The proposed building introduces stepping as well and horizontal and vertical elements to achieve this. In addition, the two distinct buildings separated by the open pedestrian plaza is considered to significantly reduce the overall building mass that would otherwise raised if a single building structure was proposed on site.
P3	Landscaping assists with the integration of the site into the streetscape.	☒	☐	☐	
Development controls		☐	☐	☒	The development site is not steeply sloping.
D1	Development on steeply sloping sites shall be stepped to minimise cut and fill.	☐	☐	☒	
D2	Existing significant trees shall be retained within the development.	☐	☐	☒	There is no adjoining bushland or public reserves.
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.	☒	☐	☐	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 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 in some instances, 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.	☐	☐	☒	There are no ground floor units proposed.
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.	☒	☐	☐	All apartments have a minimum balcony depth of 2 metres and have a total area of 8 sqm or greater, with the exception of some studio units. This minor departure is considered to be acceptable and would not warrant the refusal of the application on this basis alone.
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.	☒	☐	☐	The balconies have been orientated to address the 3 street frontages as well as the open pedestrian plaza to promote either an active frontage or to maximise views and solar amenity.
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: ▪ 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.	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	A communal open space of 145 sqm is proposed for the development at the roof top terrace.
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. **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.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	Existing trees located on site are not identified as being of any particular significance. No objection is raised to the removal of these trees to accommodate the proposed development.
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. **Development controls** **D1** The planting of indigenous species shall be encouraged.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	

3.9 Street trees **Performance criteria** **P1** Existing street landscaping is maintained and where possible enhanced. **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 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.	☒ ☒ ☐	☐ ☐ ☐	☐ ☐ ☒	No street trees are proposed onsite, however appropriate conditions can be imposed to ensure compliance.
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 basement has been contained under the building as proposed. Being a mixed use development, the basement can be provided to the boundary. Basement walls do not appear to protrude over the maximum 1.2 metres.
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.	☒	☐	☐	
5.1	**Privacy**				
Performance criteria					
P1	Private open spaces and living areas of adjacent dwellings are protected from overlooking.	☒	☐	☐	Sufficient building separation provided between buildings and adjacent buildings to the south and west of the site to minimise visual and acoustic privacy. This has been discussed previously under SEPP 65 compliance table and Local Centres chapter of the Auburn DCP 2010.
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.	☐	☐	☒	
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.	☐	☐	☒	
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.	☒	☐	☐	
5.2	**Noise**				
Performance criteria					
P1	The transmission of noise between adjoining properties is minimised.	☒	☐	☐	The development is located more than 200 metres from the nearest railway line and as such is unlikely to result in adverse noise impacts to the development.
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.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposed development is considered to be consistent with the Acoustic Amenity objectives as acoustic intrusion is minimised through building separation to adjoining existing buildings, unit orientation and the grouping of like-use rooms in units together.
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 casual surveillance over the public area. **D3** Ground floor apartments may have individual entries from the street. **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.	☒ ☒ ☒ ☐ ☐	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☒	Passive surveillance of public and communal open space is maximised through orientation of units towards the street. Various building elements allow balconies and habitable rooms of apartments to overlook streets. Street level activity will be encouraged via provision of three separate residential building entries and direct public access from pedestrian footpath to commercial tenancies. A shared entrance pathway and entrance porch area to each lift will provide a secure pedestrian access pathway and path of travel to each dwelling. Lighting is being provided to all common areas including carparking.

5.4 Fences					
Performance controls					
	P1	Front fences and walls maintain the streetscape character and are consistent with the scale of development.	☐	☐	☒ Being a mixed use development there are no front fences specifically proposed.
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.	☐	☐	☒
	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 solar access to the development and surrounding existing buildings complies with the requirements listed below. The site as existing has unrestricted northerly aspect. The communal open space located at roof top will receive unimpeded solar amenity.
	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.
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.
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.	☐	☐	☒	No solar collectors proposed as part of this development.
	Solar collectors existing on the adjoining properties shall not have their solar access impeded between 9:00am to 3:00pm on June 21.	☐	☐	☒	
	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.
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 areas and balconies are orientated towards the street or to the north of the site to maximise solar amenity.

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.	☒	☐	☐	
D8	The western walls of the residential flat building shall be appropriately shaded.	☒	☐	☐	Shading devices are proposed over balcony areas and windows on the western elevation of the building.
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.	☒	☐	☐	70% of the units is considered achieve natural cross ventilation. Single aspect apartments are minimised in depth and the unit layouts are grouped to be bedrooms/bathrooms and living/kitchen/dining.
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 allowing for natural ventilation.
6.3 Rainwater tanks					
Performance criteria					

P1	The development design reduces stormwater runoff. **Development controls**				Appropriate conditions can be imposed to ensure compliance.
	D1 Developments may have rain water tanks for the collection and reuse of stormwater for car washing and watering of landscaped areas.	☐	☐	☒	
	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 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.	☐	☐	☒	
	D6 The rain water tank shall comply with the applicable Australian Standards AS/NZ 2179 and AS 2180 for rainwater goods and installation.	☐	☐	☒	Council's development engineer has raised no objections subject to recommended conditions of consent.
6.4	**Stormwater drainage** Applicants shall refer to the stormwater drainage requirements in the Stormwater Drainage Part of this DCP.	☒	☐	☐	
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 rear of the building along the western boundary and accessed via Frieta's Lane
	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 is provided at the rear of the site.
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.	☒	☐	☐	
Development controls					
D1	Each dwelling shall be provided with individual laundry facilities located within the dwelling unit.	☒	☐	☐	Each unit has a laundry and drying 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					Storage is provided within each unit in the form of built in wardrobes, kitchen cupboards and dedicated separate storage cupboards.
P1	Dwellings are provided with adequate storage areas.	☒	☐	☐	
Development controls					Additional storage of minimum 8 cubic metres is proposed to be provided to all units and are located within the 3 basement levels.
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.	☒	☐	☐	
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.	☒	☐	☐	Conditions will be imposed requiring that the all services be augmented as necessary in accordance with service provider requirements.
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.	☒	☐	☐	Appropriate conditions can be imposed to ensure compliance with this requirement.
Development controls					
D1	A single TV/antenna shall be provided for each building.	☒	☐	☐	
D2	A mailbox structure that meets the relevant Australia Postal Service requirements shall be 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.	☒	☐	☐	Satisfactory waste management plan submitted.
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 required as the subject development site is of sufficient size and dimensions to accommodate the proposed development.
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.	☒	☐	☐	
8.1 Lot amalgamation **Performance criteria** **P1** Lot amalgamations within development sites are undertaken to ensure better forms of housing development and design.	☐	☐	☒	The development site comprises of 8 allotments and appropriate conditions will be imposed for the consolidation of the 8 allotments into one allotment. The current allotments do not prevent adjoining lots from being developed.
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.	☒	☐	☐	
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.	☐	☐	☒	Extension of existing rear service laneway is proposed. Council's development engineer is satisfied and has raised no objections in this regard.
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				The development is fully accessible from basement levels via lifts to residential levels

	layouts and features to accommodate changing requirements of residents.	☒	☐	☐	above and from pedestrian footpaths to commercial and 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.	☒	☐	☐	11 units are identified as being specifically adaptable and comply with the relevant access provisions of the BCA.
	External and internal considerations shall include:	☒	☐	☐	
	■ 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. **Note:** In the design of residential flat buildings, applicants shall consider the Access and Mobility Part of this DCP.	☒ ☐ ☒ ☒	☐ ☐ ☐ ☐	☐ ☒ ☐ ☐	Each adaptable unit is provided with a disabled parking space.
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** (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.	☒ ☒	☐ ☐	☐ ☐	A total of 108 residential units are proposed with 11 units specifically identified as being adaptable. The access compliance report prepared by Peter Simpson of PSE Access Consulting P/L has also been submitted confirming that the adaptable units are compliant with the relevant provisions of the BCA. Disabled parking spaces are also being provided in-conjunction with the 11 adaptable units.
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 provide any lifts and includes adaptable housing units, the adaptable housing units shall be located within the ground floor of the development.	☒ ☐	☐ ☐	☐ ☒	There are three lift cores provided for the development and each lift services a maximum of 8 units.
9.4 Physical barriers **Development controls**				The development is fully accessible from

Number of dwellings	Number of units
5-10	**1**
11-20	**2**
21 – 30	**3**
31- 40	**4**
41 - 50	**5**
Over 50	**6**

D1	Physical barriers, obstacles, steps and steep gradients within the development site shall be avoided.	☒	☐	☐	the pedestrian footpath to ground floor lobbies and lifts to basement levels and residential floors above.

c) Access and Mobility

The relevant requirements and objectives of the Access and Mobility part of the Auburn DCP 2010 have been considered in the assessment of the development application. Council may be satisfied that the proposal satisfies the requirements of the DCP in general as pedestrian access ramp is provided to the main entrance of the building and suitable accessible facilities such as communal staff areas, disabled toilet facilities and lifts are provided within the building. In this regard the application is considered to be consistent with the objectives and relevant requirements of the DCP.

d) Stormwater Drainage

The development application was referred to Council's Development Engineer for comment who advised that while the proposed method of stormwater drainage is considered acceptable in principle, insufficient information has been submitted by the applicant to allow a full and thorough assessment. Notwithstanding this, it was further advised that Council may grant approval to the proposal, subject to the inclusion of a deferred commencement conditions in any consent, requiring the submission of complete and amended plans and information, prior to the consent becoming operable. Therefore, the proposal, subject to the imposition of deferred commencement conditions can be made to be consistent with Council's Stormwater Drainage DCP, prior to an operable consent being issued.

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.

Disclosure of Political Donations and Gifts

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

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

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

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

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

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

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

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site can be said to be suitable to accommodate the proposal. The proposed development has been assessed in regard it 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 15.7.11 and 19.2.11. The notification generated one (1) submission in respect of the proposal. The issues raised in the public submissions are summarised and commented on as follows:

- *The objector has raised concerns with regard to flooding of the site and claims that even though residential accommodation is above any projected flood levels, it is not desirable to congregate large numbers of people in a flood area.*

Comment: The development application has been accompanied by a flood impact study which demonstrates that the proposal would not result in increased flooding of the site. Council's Development Engineer having reviewed the report raised no objections to the proposed development.

- *The objector has concerns with regard to insufficient parking being provided for both the residential and commercial components of the development due to the proposed undesirable number of stacked spaces. Further, the mixing of residential and commercial parking areas is not good practice and with seven day extended hours shopping, the commercial spaces would not be available for visitors use on an extended basis. Also if the property is strata-ed these parking lots would not be common property.*

Comment: Parking calculations have been verified in accordance with the numerical parking requirements of the Parking and Loading chapter of Council's DCP 2010. It is noted that 162 parking spaces are required for the development and as the development will provide a total of 177 parking spaces; the development is considered to satisfy the parking requirements in this instance. In relation to the concerns regarding the number of stacked parking spaces and the mixing of residential with commercial parking areas, it is considered that the overall configuration of the parking layout can be satisfied via a deferred commencement condition of consent to ensure a modified and acceptable layout is achieved.

- *The objector claims that the residential flat DCP applies to the residential component of this application despite the applicant's argument to the contrary and is breached in three important areas. There are 35 bed sitter flats which are not provided for in the DCP. It is noted that these are listed as one bedroom in the SEE; 53 of the 108 flats are single aspect, a very unreasonable number; none of the 3 bedroom flats meets the minimum size although the 2 bedroom can be considered to; the four 1 bedroom flats are 50 sqm each but this is negated by being single aspect.*

Comment: Whilst there is a higher number of single aspect apartments proposed, it should be noted that the number of south facing single aspect apartments amounts to 13% (14 out of 108) and exceeds the maximum 10% permitted under the SEPP 65 Residential Flat Design Code. This minor departure is considered to be acceptable due to the orientation of the site where some

overshadowing is considered to be unavoidable. However, it is considered that the proposed development has been designed to maximise solar amenity through two building elements which significantly reduces the building mass that would otherwise arise if a single building constructed over the site. Further, adequate building separation distances have been proposed to minimise bulk and scale of the building, reduce the level of visual and acoustic privacy and to allow for adequate solar amenity into adjoining developments.

In response to the objectors concerns, Council Officers have verified the apartment sizes and have found the proposed apartment sizes to be consistent with the minimum requirements as stipulated by the SEPP 65 – Residential Flat Design Code for 1, 2 and 3 bedroom apartments. In addition, the development is also located in an appropriate zone encouraging redevelopment for the purpose of high-density residential with elements of commercial and retail consistent with an urban centre expansion and which is also consistent with the planning controls and intentions of the Auburn DCP 2010. The proposal is therefore considered to be compatible with the desired future character of the locality and is considered to perform satisfactorily in with regard to the provisions of SEPP 65 – Residental Flat Design.

- *There is not any indication as to how the garbage, particularly residential will be collected. The garbage room in building A has access to the new laneway but the only way into and out of the two in building B is through the lobbies which is unsatisfactory. Also there is not any indication from where the bins will be collected. It is not acceptable for them to be emptied from the footpath.*

Comment: A waste management plan has been submitted and is considered to be satisfactory. Waste will be delivered from the waste rooms to the collection area located adjacent to the rear service laneway. The waste bins will be moved by tractor and trolley, contracted to the Waste Management Company, engaged by the future Body Corporate. Garbage collection will be at ground floor level at the rear of the development via the laneway that provides easy access and collection.

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 and this report has been prepared for the information of Councillors.

The proposed development is appropriately located within the B4 – Mixed use zone under the relevant provisions of Auburn Local Environmental Plan 2010. The proposal is consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with Council's controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

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

ATTACHMENTS