

Ref: 8013 ACC_L06

26 September 2012

AUBURN CITY COUNCIL
File No:

The General Manager

Auburn City Council

PO Box 118

Auburn NSW 1835

1 Susan Street,

Auburn NSW

27 SEP 2012

REFERRED TO:

Attn: Mr Glenn Francis

Glenn,

Proposal *Demolition of existing structures and construction of mixed use development comprising ground level retail space including supermarket, 24 x 3 bed units, 64 x 2 bed units and 8 x 1 bed units over 3 basement parking levels with associated landscape and drainage works.*

Application *DA-119/2012*

Property *Lot 1 DP 233926, Lot 3 DP 608751, Lot 2 DP 608751, Lot 1 DP 608751
13-15 and 19-21 John Street, Lidcombe*

Further to our meeting with you and Council's independent Planner on 12 September 2012, we have prepared a detailed response to attend to the outstanding issues raised and include various documents and attachments with this letter – which includes:

- A Clause 4.6 Planning Response to address zoning / FSR requirements.
- An architectural Urban Context Plan.
- An A4 alternative Built-form block model sketch.
- A SEPP 65 / RFDC Compliance Schedule.

As a matter of background - In late January / early February 2011, Sydney Constructions and Developments Pty Ltd (ABN: 35 147 549 102) participated in a tender held by Auburn City Council to purchase the car park site at 13 John Street, Lidcombe.

Application was conditional on the tenderer being able to secure/have control authority over an adjoining property to combine with the car park site so as to meet the frontage and other DCP controls applicable for development within the urban centre. In reality, there was only one possible option, as one adjoining property was the old Police Station (a heritage-listed item), and the rear of 11 John Street (old Court building), which at the time was already subject to a separate DA. As our client was able to secure control over 15 and 19 John Street, they were awarded the tender in March 2011 and they then proceeded towards a Development Application.

A DA Pre-lodgement meeting was held with Council on 19 August 2011, where traffic access and circulation issues were raised. Not only was the rear access handle not sufficient for two-way vehicle passage, but Council also requested the separation of commercial and residential traffic.

This necessitated the purchase of a fourth property (21 John Street) to provide sufficient compliant frontage. The purchase of this property was completed by 4 October 2011, and for significantly above market-value. Throughout this sequence, additional land acquisition was either required or indicated as necessary by Council for the DA involving 13 John Street to proceed.

The fact that these properties are affected by differing zonings, yet are required to be amalgamated in order for development to proceed – creates the unique situation where one building bridges differing controls. Further, due to the size of each parcel within each zone, strict application of the FSR controls results in the perverse situation where building form would contradict the desired DCP objectives.

In order to address this situation, the design decision was taken which averages the permissible FSR across the site, which achieves the dual result of complying with the DCP objectives and provides an FSR below the permissible total. We remain of the belief that this approach is sound, and that due to the unique parameters of this site, no erroneous precedent is set. However, so the independent assessment can proceed, a Clause 4.6 application accompanies this letter.

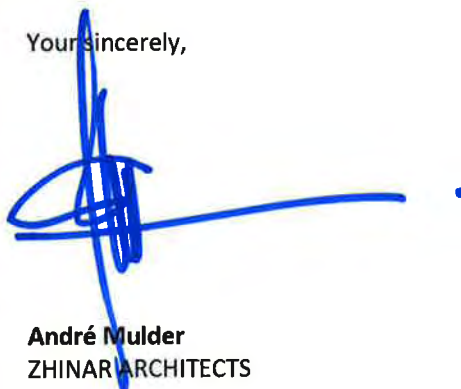
To support the above, attached with the Clause 4.6 application is an architectural Urban Context Plan. This sheet demonstrates the potential future built-form and character of John Street, and demonstrates the proposed development among its neighbours – both existing, approved and conceptual. This plan is provided to demonstrate that the impact of this DA in its current form, and future neighbouring developments will be in keeping with the desired urban streetscape for this precinct.

We have also included a copy of the alternative Block form model sketch which was discussed at the above-listed meeting. This sketch shows the built form if strict FSR adherence is applied, and shows that the building would then step-down to five residential storeys fronting John Street, and the rear section could rise to ten residential storeys.

Finally, following from the 12 September meeting (referenced above), a request was made for a SEPP 65 / Residential Flat Design Code Compliance Schedule to assist in the assessment process, and is hereby provided.

If you require additional information, please contact our office.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'André Mulder', with a long horizontal stroke extending to the right. Below the signature, the name 'André Mulder' and the company name 'ZHINAR ARCHITECTS' are printed in a bold, sans-serif font.

André Mulder
ZHINAR ARCHITECTS



Planning Direction Pty. Ltd.
Town Planning & Development Services

The General Manager
Auburn Council
PO Box 118
Auburn NSW 1835

20th September 2012

Att: Glenn Francis,

Re: No 13-21 John Street Lidcombe – DA No 119/2012

Dear Glenn,

I refer to Council's letter dated the 20th August 2012 requesting additional information in relation to the proposed mixed use development at the above address and the recent meeting between Council and the applicant on the 12th September 2012.

From the meeting with Council representatives it is understood that the means in which floor space has been allocated on-site gives rise to a technical non compliance with the LEP floor space ratio (to be referred to as FSR) control and consequently a detailed Clause 4.6 justification for the proposed variation is required. Other issues relating to the loading dock area and basement car parking levels will be attended to via amendments to the plan.

Please find attached a set of amended plans for Council's consideration.

Planning Direction Pty. Ltd.

A.B.N 60 074 291 615

Office Address: Suite 10, 241 – 245 Pennant Hills Road, Carlingford NSW 2118

Telephone: 9871 4988 – Facsimile: 9871 5218

Email: admin@planningdirection.com.au

Provided below is a justification pursuant to the provisions of Clause 4.6 of the Auburn LEP 2010 inclusive of support documentation from the applicant detailing the contractual obligations requiring the provision of a supermarket on the subject site as part of the sale of Council's land and the subsequent implications affecting the design and consolidation of lots straddling boundaries as delineated on the Auburn LEP 2010 FSR and height maps.

The Subject Site

The subject site comprises of four allotments situated on the eastern side of John Street and is known as No 13-15 and 19-21 John Street, Lidcombe. The subject site has a secondary frontage to Mary Street via an access handle presently used to service the Council car park on site.



Subject Site

The subject site is legally described as Lot 1 in DP 233926, Lots 1, 2 and 3 in DP 608751.

The subject site is generally regular in configuration apart from the rear access handle off Mary Street. The subject site has a frontage to John Street of 30.005m and a depth of approximately 97.7m.

The total area of the land is approximately **3,188.77m²**. A survey plan of the subject site accompanies the development plans.

The Proposal

The applicant proposes to consolidate the 4 lots and erect a purpose built mixed use development inclusive of a supermarket on ground level.

The development application seeks consent to undertake the following development on land known as No 13-15 and 19-21 John Street, Lidcombe:

- Demolish the existing improvements on site, which comprise of retail shops, one residence above and a public car park at the rear of these buildings;
- Erect a mixed use development comprising of 2 x ground level retail tenancies and 24 x 3 bedroom, 64 x 2 bedroom and 8 x 1 bedroom residential apartments in a mixed use building over 8 above ground levels and 3 levels of basement parking; and
- The proposed large retail tenancy (2,004.39m²) has been designed to accommodate a supermarket. Separate development applications will be submitted for the fit-out of the retail spaces, associated signage and for the creation of a Strata Plan over the development.

The Consideration

The applicant expressed an interest initially to purchase Council land comprising of an open car park in Feb 2011.

The sale of the land was pending that the vendor, develop the site inclusive of a supermarket with a minimum area of 2000sqm, and provide sufficient frontage to meet DCP controls by combining adjacent properties in one development.

The applicant exchanged contracts on the land on 1st March, 2011, subject to obtaining development consent.

Through initial pre-lodgement meetings with Council it was determined that the access handle off Mary Street was insufficient in width to provide a compliant dual carriageway for vehicle and pedestrian access to service the whole development. It was acknowledged by Council that vehicle access from John Street is the least preferred of the options, however would be necessary in this instance.

In view of the above the applicant was effectively forced to purchase a fourth lot fronting John Street to ensure sufficient frontage to John Street is available to effectively provide an active street frontage coupled with safe vehicle and pedestrian access to the development.

The purchase of the fourth lot came at a considerable cost to the applicant above market value.

Given the circumstances of the site and Council's requirement for a supermarket on the site consolidation of lots was required beyond that envisaged by the makers of the LEP.

Council's FSR and Height maps are attached as **Figure 1**.

It is evident from the maps that Council plan makers envisaged that the Council car park site could be developed in isolation of the 3 lots fronting John Street by creating a distinct boundary delineating Lot 1 in DP 233926 (the Council car park site) from Lots 1, 2 and 3 in DP 608751 (being the 3 lots fronting John Street) and allocating different FSR and Height controls accordingly.

Such is not the case.

The Proposed Variation

The applicant proceeded with a design which fully utilized the 4 lots to provide the most efficient use of space and optimised the vehicle access to the site in a fully compliant manner.

In doing so consideration was firstly given to the height controls which generated a maximum height of 32m over the majority of the site being the car park site and 36m across the 3 lots fronting John Street being the significant town centre core strip of land. The proposed development was designed at a consistent height of 24m being less than the 32m and significantly less than the 36m allowable across the John Street frontage.

Additional design considerations were as follows:

- The subject site has an elongated east-west axis and the siting and overall height of the proposed development needed to be contained to minimise overshadowing of a recently approved medium rise apartment development to the south.
- The proposed height across the car park site also needed to relate to the adjoining lower rise established residential development to the north and east of the site.

In view of the above the applicant averaged the FSR between the 2 zoned precincts and allocated floor space evenly over the 2 FSR precincts, particularly as the development of the site was predicated on the acquisition of a fourth lot and consolidation of four lots to generate the required development outcome subject to contractual arrangements between the Council and the applicant.

A detailed schedule of the proposed FSR and circumstances arising is provided on the architectural plan attached as **Appendix A**. It is evident that an FSR of 2.68:1 is provided on the larger car park lot being well below that permitted under precinct V2 and that the FSR provided on the John Street lots equates to 5.29:1 being above that permitted under FSR precinct W1 of 3.6:1.

Accordingly a technical variation arises with the FSR control.

Provided below therefore is a justification for the proposed variation in this instance.

The Justification

Clause 4.6 relates to Exceptions to development standards and states the following:

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) Development 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) Development 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.*

Comment:

Clause 4.6 of the LEP is the appropriate planning mechanism enabling a variation from a development standard in circumstances where it can be established that a better planning outcome can be achieved and that strict application of the development standard is unreasonable and unnecessary in the circumstance. In addition there needs to be sufficient environmental planning grounds to justify the variation in this instance.

Clause 4.6 of the LEP goes on to state the following:

- (4) Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Director-General has been obtained.*
- (5) In deciding whether to grant concurrence, the Director-General must consider:*
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) This clause does not allow development 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.*

Comment:

Firstly, the FSR standard is not directly excluded from consideration pursuant to clause 4.6 of the LEP. Therefore clause 4.6 can be relied upon in this instance.

Clause 4.4 of the LEP relates specifically to FSR and states the following:

(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*
- (b) to ensure that development intensity reflects its locality.*
- (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:*
 - (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.*
- (2D) Despite subclause (2), the maximum floor space ratio for retail premises on land in Zone B6 Enterprise Corridor within the Commercial Precinct, as shown edged green on the Floor Space Ratio Map, is 1.5:1.*

Clause 4.5 of the LEP relates to Calculation of floor space ratio and site area.

(1) Objectives

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:

(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and

(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and

(iii) require community land and public places to be dealt with separately.

(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 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 development 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.

Comment:

The provision of FSR over the entire site has been carefully derived after applying consideration of all planning controls and objectives in balanced consideration to achieve the most desirable planning outcome.

It would appear from a hierarchical point of view of Council controls that the height control would appear to be the most significant in developing the desired future context of the Lidcombe town centre.

The height controls establish the transition in built form with lower buildings on the edges of the town centre increasing in height to the town centre core. Such is also evident on the subject site with an allowable maximum height applying to the 3 lots fronting John Street. The height controls establish the built form at the street frontage whereas the FSR control simply enables the infilling and depth of the building within the building envelope.

The provision of an overall height of 9 storeys and 24m across the entire site is an appropriate planning outcome for the following reasons:

- The circumstance of the sale of the land dictates that the site needs to be consolidated and developed in unison.
- A taller building could be provided across the frontage to John Street and across the body of the site with simply a redistribution of floor space. Taller building elements particularly across the body of the site however have the detrimental effect of casting additional shadows and giving rise to costly and unnecessary BCA and fire safety upgrades to the building should the building exceed 25m in height.
- A taller building particularly across the John Street frontage would impose greater bulk impacts on the adjoining southern heritage item. The proposed height of building on the subject site is consistent with the approved height of the adjoining southern apartment complex. The approved height of the adjoining southern apartment complex was deemed appropriate in the town centre context and complementary to the heritage item at the front of the adjoining southern property. Accordingly the proposed height of the building is consistent with rationale applied to the adjoining southern property in terms of building height.

- The applicant has had the benefit of developing other sites within the Lidcombe town centre. A completed project exists at No 46-56 John Street on the opposite side of the road. This development was approved at 9 storeys despite having additional height opportunities as applies to the subject site.
- The applicant also owns No 36-38 John Street and No 40-44 John Street, which is subject to designs and soon to be lodged development applications for similarly scaled 9 storey buildings. It is evident that the desired future context for the northern precinct of the Lidcombe town centre will be developed to a height of 9 storeys and not beyond. Accordingly the provision of a 9 storey building on the subject site will be consistent with the desired future character of the Lidcombe town centre. The proposed building with a height of 9 storeys will appropriately “fit” in its context current and future despite having an FSR greater than that permitted based on site area.
- Attached as **Appendix B** is a plan developed to illustrate the scale of building derived after applying a fully compliant FSR. A building of 6 storeys is achieved across the John Street frontage and 11 storeys across the body of the site. This plan highlights the inappropriateness of the FSR controls applying to the site. The transition in building height is contrary to planning principles and the extent of overshadowing is exacerbated.
- To assist the consent authority in its assessment of the application, the applicant has modelled the potential development of the northern lots fronting John Street and provided a street block analysis – **Appendix C**. The applicant clearly demonstrates that these adjoining lots can and most likely will be developed similarly with up to 9 storey buildings. Given the narrow configuration of lots to the north it is assumed that 2 developable sites can be created through consolidation – sites 1 and 2. The two concept models have been developed based on a compliant FSR and a 9 storey building height. In addition the models respond to SEPP 65 contextual controls relating to overshadowing and achieving reasonable solar access into the respective buildings.
- Perusal of the associated Development Control Plan reveals the general intent for the development of local centres in the Auburn LGA. The purpose of the DCP is to:
 - *promote vibrant, attractive and sustainable local centres;*
 - *to ensure development within local centres has a high level of amenity, quality, architectural and design excellence;*
 - *contribute to the overall streetscape;*
 - *minimise the impact on the environment; and*
 - *optimise use of the land.*

The proposed development will specifically comply with the above. The development of the site as proposed will provide a most needed supermarket

to anchor the commercial and retail sector and provide convenient shopping opportunities to the growing residential sector in the town centre.

The development of the site as proposed is crucial in the delivery of a successful centre stimulating the development of other sites.

The proposed design has been well conceived and contributes to the streetscape at street level and above. The architectural form maintains a consistency with other developments constructed and proposed in the vicinity of the site.

There are no adverse environmental impacts arising with the development of the site as proposed. From a town centre context the proposed development is highly appropriate.

With regards to the site, the proposed development appropriately optimises the available land without giving rise to adverse impacts on adjoining development within a town centre context.

- Consideration of the site specific Mary Street North controls also reveals the following:

The Objectives seek to ensure

architectural design recognises:

- *the strategic significance of the site within the Lidcombe Town Centre; and*
- *the visual prominence of the site from public areas, including the approach towards the site from the northern end of John Street.*

b. To provide a transition in scale from the proposed taller buildings on John Street to the adjacent residential zone.

c. To provide development that is sensitive in scale and character to the heritage item within the site.

d. To enhance the public domain and increase accessibility to public open space.

e. To improve pedestrian access and circulation within the town centre.

The proposed development for the reasons outlined previously, achieve the above objectives, particularly in relation to achieving a transition in building form. An amended Architectural Design Statement is included in the submission.

With regards to Clause 4.6(4)(a)(ii) the proposal is in the public interest in terms of providing a valuable supermarket in the town centre, providing quality residential apartments within the town centre core, providing a well conceived design consistent with other applications in the vicinity of the site and providing Council with a sale of community land. Refusal of the applicant would be contrary to the public interest and therefore the variation is appropriate in this instance

With regards to Clause 4.6(5) it is assumed Council has the delegation from the Director General to vary the standard.

The matter raises no issue of State significance as the issues arises from site specific circumstances.

Conclusion

The proposed design achieves a better planning outcome than applying strict application of the FSR development standard.

The proposed variation is justified and appropriate.

Approval of the application as proposed is warranted given the circumstances of the case. The proposed development is also consistent with the objects of the Environmental Planning and Assessment Act 1979, which seeks to promote inter alia *the promotion and co-ordination of the orderly and economic use and development of land.*

We trust that the above reasonably addresses Council's issues.

Should you wish to discuss this matter further, please contact the undersigned.

Regards

Nigel White
Bachelor of Applied Science (Environmental Planning)

SEPP65 COMPLIANCE ANALYSIS

BUILDING CONFIGURATION

| LEVEL | Dual Aspect Apartments | South Facing Single Aspect Apartments | 2 Hours Sun to Living & Open Space | Total Unit | |
|-------------|------------------------|---------------------------------------|------------------------------------|-----------------------------|-------------------------------|
| | | | | Cross Ventilated Apartments | Naturally Ventilated Kitchens |
| Level 1 | 8 | 1 | 11 | 8 | 5 |
| Level 2 | 8 | 1 | 11 | 8 | 5 |
| Level 3 | 8 | 1 | 11 | 8 | 5 |
| Level 4 | 8 | 1 | 11 | 8 | 5 |
| Level 5 | 8 | 1 | 11 | 8 | 5 |
| Level 6 | 8 | 1 | 11 | 8 | 5 |
| Level 7 | 8 | 1 | 11 | 8 | 5 |
| Level 8 | 8 | 1 | 11 | 8 | 5 |
| TOTAL UNITS | 64 | 8 | 88 | 64 | 40 |
| TOTAL % | 66.60% | 8.30% | 91.60% | 66.60% | 41.60% |
| COMPLIANCE | no limit | Max. 10% | Min. 70% | Min. 60% | Min. 25% |

| Minimum required (sqm) | Minimum proposed (sqm) | Maximum proposed (sqm) |
|------------------------|------------------------|------------------------|
| 1 Bed 50 sqm | 63.79 | 63.79 |
| 2 Bed 70 sqm | 80.59 | 102.86 |
| 3 Bed 95 sqm | 114.61 | 115.09 |

| Minimum Ceiling Height | Minimum required | Minimum proposed |
|------------------------|------------------|------------------|
| Habitable Rooms | 2.7m | 2.7m (TBA) |
| Non Habitable Rooms | 2.4m | 2.4m |

| Storage | Required | |
|--|----------|---|
| Storage is to be provided in addition to kitchen cupboards & wardrobes | | |
| 1 Bed Unit | 6 m3 | Most storage provided in basement refer to unit analysis table |
| 2 Bed Unit | 8 m3 | |
| 3 Bed Unit | 10 m3 | |

| Minimum Balcony Depth | Minimum proposed | Maximum proposed |
|------------------------------------|------------------|------------------|
| Primary Balcony (2m minimum) | 2.15 m | 3 m |
| Secondary Balcony (no requirement) | 1.4 m | 2.2 m |

| Building Separation | Proposed separation | |
|-------------------------------|--------------------------------|------------|
| 0-12m High (up to 4 storeys) | 12m(h-h), 9m(h-nh), 6(nh-nh) | 12m (h-h) |
| 12-25m High (5-8 storeys) | 18m(h-h), 13m(h-nh), 9(nh-nh) | 13m (h-nh) |
| 25m+ High (9 storeys & above) | 24m(h-h), 18m(h-nh), 12(nh-nh) | > 24m |

h-h = between habitable rooms/balconies and habitable rooms/balconies

h-nh = between habitable rooms/balconies and non-habitable rooms

nh-nh = between non-habitable rooms and non-habitable rooms

| Building Depth | Proposed Depth Max |
|----------------|--------------------|
| 10-18m max | 15.47m |

| Open Space | Site Area (sqm) | Proposed Open Space (sqm) |
|---------------------|-----------------|--|
| 25-30% of Site Area | 3 186.77 | ground fl = 180.49 m2 first fl podium = 968.62 m2 TOTAL = 1 149.10 (36%) |

| Site Amenity (Safety) | Proposed Safety Measure |
|-------------------------|--|
| provide safety amenity | Comple. Secure gate with intercom at ground floor. |

| Visual Privacy | Proposed Visual Privacy |
|--|---|
| reasonable level of privacy externally & internally during day & night | privacy louvres & high windows provided |

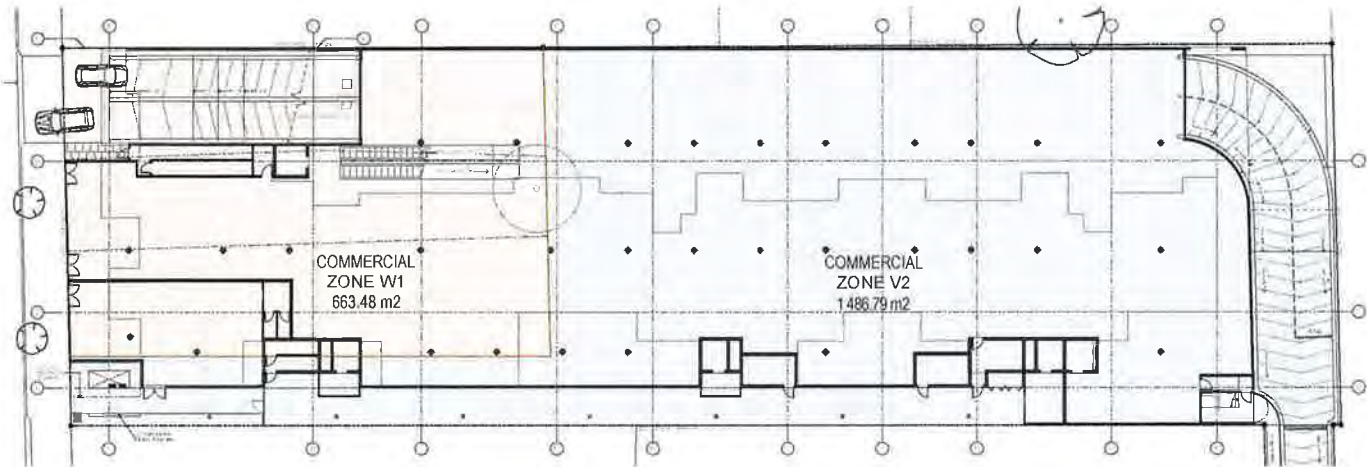
UNIT ANALYSIS

| Unit | Number of Bedrooms | Interior (m2) | External (m2) | Storage (m2) | Kitchen (m) distance to natural vent. | Layout Type |
|-----------------------------|--------------------|-----------------|---|----------------|---------------------------------------|--------------------------------|
| 1 7,13,19,25,31,37,43 | 2 | 84.82 83.91 | 32.55 (unit 7) 19.41 (unit 13 25,31,37) 16.66 (unit 19 43) 17.20 | TBA TBA | 0 0 | corner |
| 2 8,14,20,26,32,38,44 | 2 | 82.78 82.78 | 36.31 12.27 | TBA TBA | 7.6 7.6 | single aspect single aspect |
| 3 3,9,15,21,27,33,39,45 | 3 | 114.82 | 18.09 | TBA | 7.8 | corner |
| 4 4,10,16,22,28,34,40,46 | 3 | 115.09 | 23.74 | TBA | 8.2 | single aspect |
| 5 5,11,17,23,29,35,41,47 | 3 | 115.09 | 22.21 | TBA | 9.2 | dual aspect |
| 6 6,12,18,24,30,36,42,48 | 1 | 83.79 | 9.57 | TBA | 0 | corner |
| 49 | 2 | 86.68 | 15.16 + 5.83 | TBA | 0 | dual aspect |
| 50,53,56,59,62,65,68,71 | 2 | 80.59 | 14.68 | TBA | 8.4 | single aspect |
| 51,54,57,60,63,66,69,72 | 2 | 87.18 | 17.65 + 6.94 | TBA | 8.4 | dual aspect |
| 52,55,58,61,64,67,70 | 2 | 100.26 | 15.18 + 3.12 | TBA | 0 | dual aspect |
| 73,76,79,82,85,88,91,94 | 2 | 87.25 | 17.65 + 6.94 | TBA | 8.4 | dual aspect |
| 74,77,80,83,86,89,92,95 | 2 | 80.59 | 14.68 | TBA | 8.4 | single aspect |
| 75 | 2 | 93.31 | 17.93 + 5.7 | TBA | 0 | dual aspect |
| 78,81,84,87,90,93,96 | 2 | 102.86 | 21.61 + 5.7 + 3.12 | TBA | 0 | corner |

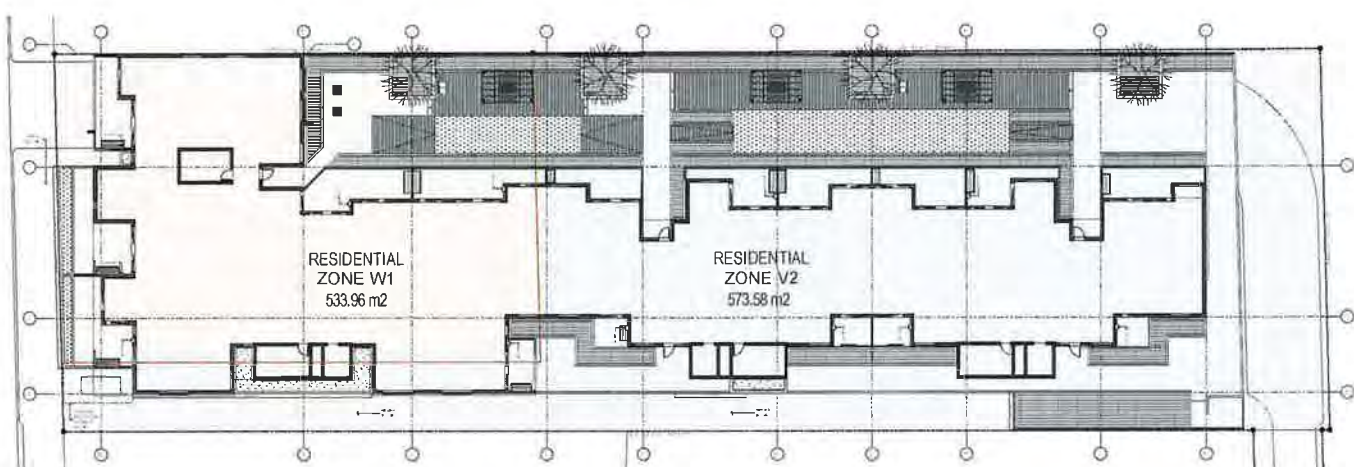
Storage area provided on Basement 2 = 142.47 m2

Storage area provided on Basement 3 = 392.43 m2

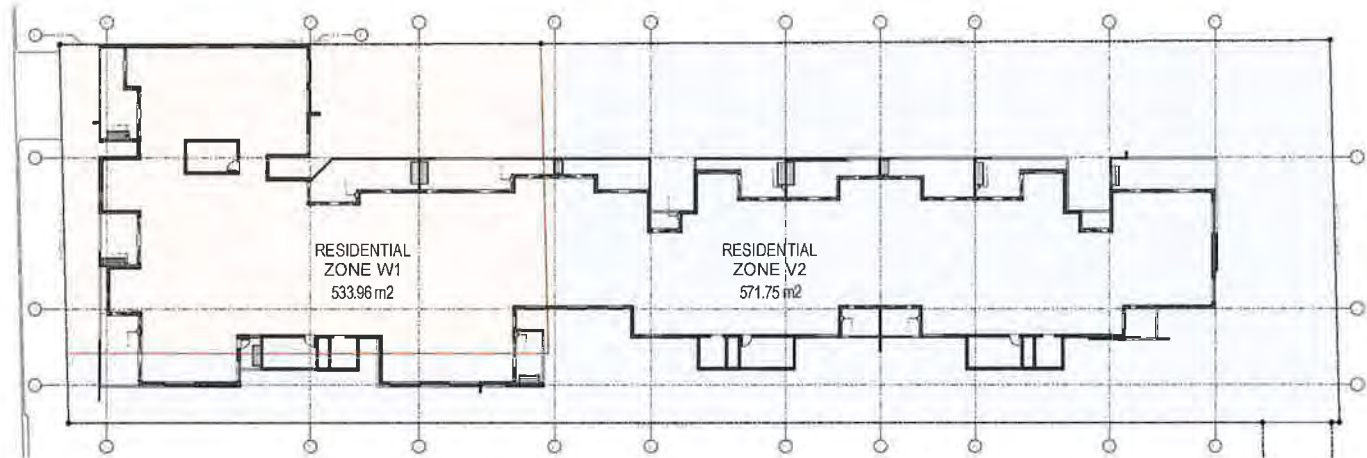
TOTAL storage area = 534.9 m2



Level Ground



Level 1



Level 2 - 8 (typical)

| Level | Zone W1 (Max FSR 3.6 : 1) Site area : 931.78 m² | Zone V2 (Max FSR 3.4 : 1) Site area : 2256.99 m² | Zone W1 & V2 Total Site area : 3 188.77 m² |
|--------------|--|---|---|
| GF | 663.48 m² | 1486.79 m² | |
| L1 | 533.96 m² | 573.58 m² | |
| L2 | 533.96 m² | 571.75 m² | |
| L3 | 533.96 m² | 571.75 m² | |
| L4 | 533.96 m² | 571.75 m² | |
| L5 | 533.96 m² | 571.75 m² | |
| L6 | 533.96 m² | 571.75 m² | |
| L7 | 533.96 m² | 571.75 m² | |
| L8 | 533.96 m² | 571.75 m² | |
| Total area | 4 935.16 m² | 6 062.62 m² | Total Area : 10 997.78 m² |
| Proposed GFA | 5.29 | 2.68 | Average GFA : 3.44 |

| | | | | |
|-----------|---|-----------|-----|-----|
| DA-B | DRAWINGS AMENDED AS PER COUNCIL LETTER DATED 18 JUNE 2012 RE-ISSUED FOR DEVELOPMENT APPLICATION | JULY 2012 | YF | AMM |
| DA-A | ISSUED FOR DEVELOPMENT APPLICATION | DEC 2011 | AMM | AMM |
| AMENDMENT | | | | |

Development Application.

Original Design:
Zhinar Architects Pty Ltd

Client:
Sydney Building Constructions Pty Ltd
Mr M. Mehajer



GENERAL NOTES
Figured dimensions shall be taken to preference to scaling.
Drawing to be read in conjunction with information on first page.
Check all dimensions and levels on site before commencing work or ordering materials.
All existing ground lines & trees location and approximate. Therefore to be verified on site by the builder.
Any discrepancies to be verified back to Zhinar Architects before proceeding.
All workmanship and materials shall comply with all relevant codes, ordinances, Australian Standards and manufacturer's instructions.
Drawing not to be used for construction.
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NORTH:

Unit Matrix & SEPP65 Compliance Table

| | | | | |
|-------------------------|-------|-----------|----------|---------------|
| DESIGNED | DRAWN | COMMENCED | SCALE | PRINT |
| AMM | MM | Nov 2011 | AS NOTED | A1 SHEET PLOT |
| LGA Auburn City Council | | | | |



Mixed Use Development
13-15, 19-21 John Street,
Lidcombe NSW 2141

JOB No
8013 DA - B:14

ISSUE
B

FSR Estimate Calculation

North Adjoining Site # 1 – Amalgamation of 3 Lots
23, 25 + 27 John Street

| | |
|---|-------------------------|
| Approximate Site Area (By measurement) | 1,930.14 m ² |
| Permissible FSR – 3.6 : 1 | 6,948.50 m ² |
| Ground Floor Area | 1,628.39 m ² |
| Typical residential floor area (640.0 m ² ea.) | 5,120.00 m ² |
| Potential Gross Area | 6,948.39 m ² |

North Neighbour (corner) Site # 2 – Amalgamation of 5 Lots
29, 29A, 31, 31A, 31B John Street

| | |
|--|-------------------------|
| Approximate Site Area (By Measurement) | 1,021.74 m ² |
| Permissible FSR – 3.6 : 1 | 3,678.26 m ² |
| Ground Floor Area | 1,000.00 m ² |
| Typical residential floor area (334.7 m ²) | 2,677.60 m ² |
| Potential Gross Area | 3,677.60 m ² |

This Urban Context Models has been prepared to show both the existing, proposed and potential built forms that influence the shape of the John Street precinct.

Building forms include:

| | | |
|--------------------|-----------|----------------------|
| 52-56 John Street | 9 Storeys | Existing |
| 46-50A John Street | 9 Storeys | Existing |
| 40-44 John Street | 9 Storeys | DA under preparation |
| 36-38 John Street | 9 Storeys | DA under preparation |
| 13-21 John Street | 9 Storeys | DA lodged |
| 23-27 John Street | 9 Storeys | Concept based on LEP |
| 29-31B John Street | 9 Storeys | Concept based on LEP |
| 7A-9 John Street | 9 Storeys | Potential concept |

| | | |
|---------------------|-----------|----------------------|
| Corner Mary Street: | | |
| 11 John Street | 9 Storeys | Approved Development |
| Heritage Item | 1 Storey | Existing |
| 2-4 Mary Street | 2 Storey | Existing |
| 1-3 Mary Street | 7 Storey | Existing |

| | | |
|-----------------|----------|----------|
| 1 Doodson Ave | 2 Storey | Existing |
| 3-5 Doodson Ave | 2 Storey | Existing |
| 7 Doodson Ave | 3 Storey | Existing |
| 9 Doodson Ave | 3 Storey | Existing |



| | | | | | |
|------|---|-----------|----|-----|--|
| | | | | | |
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| | | | | | |
| | | | | | |
| DA-6 | DRAWINGS AMENDED AS PER COUNCIL LETTER DATED 18 JUNE 2012 RE-ISSUED FOR DEVELOPMENT APPLICATION | JULY 2012 | WT | AHM | |
| DA-A | ISSUED FOR DEVELOPMENT APPLICATION | DEC 2011 | MH | AHM | |
| DA-C | AMENDMENT | | | | |

Original Design:
Zhinar Architects Pty Ltd

Client:
Sydney Building Constructions Pty Ltd
Mr M. Mehaier



GENERAL NOTES

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NORTH

SHEET TITLE

Urban Context

DESIGNED: DRAWN: COMMENCED: SCALE PRINT
AHM MM Nov 2011 AS NOTED AI SHEET
LGA Auburn City Council
Thursday, 27 September 2012 11:54 am



Zhinan Architects Pty Ltd
ZHINAR ARCHITECTS
241/245 PENNANT HILLS ROAD, CARLINGFORD NSW 2117
PH: 02 9618 8888 FAX: 02 9618 0333 www.zhinan.com.au

13-15, 19-21 John Street,
Lidcombe NSW 2141

JOB No
8013 DA - B:15

ISSUE
3



URBAN CONTEXT MODEL

Strict FSR Compliance Model.

Zone W1 3.6 : 1

Zone V2: 3.4 : 1

Additional built form shown shaded

Ref: 8013 ACC_L05

25 September 2012

The General Manager
Auburn City Council
PO Box 118 1 Susan Street,
Auburn NSW 1835 Auburn NSW

Attn: Mr Glenn Francis

Glenn,

Proposal *Demolition of existing structures and construction of mixed use development comprising ground level retail space including supermarket, 24 x 3 bed units, 64 x 2 bed units and 8 x 1 bed units over 3 basement parking levels with associated landscape and drainage works.*

Application *DA-119/2012*

Property *Lot 1 DP 233926, Lot 3 DP 608751, Lot 2 DP 608751, Lot 1 DP 608751
13-15 and 19-21 John Street, Lidcombe*

Further to our meeting with you and Council's independent Planner on 12 September, 2012 – and his request for an additional SEPP65 Compliance statement - we hereby provide the following:

In addition to the ten design quality principles previously lodged with Council, Clause 30(2) of SEPP65 requires residential flat development to be designed in accordance with the Department of Planning's "Residential Flat Design Code". The following table outlines compliance with the RFDC where numerical requirements ('controls') are specified.

| Standard | Objective | Provided | Complies |
|-------------------------------|--|--|----------|
| PART 1 – LOCAL CONTEXT | | | |
| Building Height | <i>To ensure the proposed development responds to the desired scale and character of the street and local area and to allow reasonable daylight access to all development and the public domain.</i> | <p>The height of the proposal is in keeping with the height control of each applicable zone within the Auburn LEP (2010).</p> <p>The maximum permissible heights are 36m and 32m above NGL. The building has a maximum height of 30.4m, including lift shafts, feature roofs, etc.</p> | Yes |
| Building Depth | <i>In general, apartment depth</i> | The proposed development has a built- | Yes |

| Standard | Objective | Provided | Complies |
|---------------------|--|--|----------|
| | <i>should be between 10-18 meters.</i> | form depth which ranges from 11-14m. Individual apartments are 8m deep (single aspect) and no room is greater than 7.8m from a window in dual aspect apartments. | |
| Building Separation | <p><i>As the building increases in height, differing separation distances between habitable rooms/balconies are required.</i></p> <p><i>Up to four storeys/12m = 12m separation distance between habitable rooms is required.</i></p> <p><i>Between five and nine storeys/up to 25m – 18m separation distance is required for balconies and habitable rooms.</i></p> | <p>To the north are low-scale commercial premises which are permitted to develop to 36m high, and existing two and three storey residential flat buildings set back 9-14m from the boundary.</p> <p>East of the site are two-storey town houses, set back 2.1m-8.1m from the boundary.</p> <p>South of the site is a single storey heritage item set back 6.1m-8.6m from the boundary. There is also a recently approved DA for a nine-storey RFB set back 6.1m-9.2m.</p> <p>The proposal provides for a total averaged setback to the north of 21m, to the east of 16.5m and to the south 12.9m (to non-habitable rooms) and 15.1m.</p> <p>The proximity of 9.1m to the heritage item is considered acceptable, as no future development will take place within the air-space above it. A Heritage Impact Statement is provided with the application which details this issue and supports the proposal.</p> <p>The zero set-back to the north is permissible, as nominated fixed glazing to the subject units is non-essential, and will be subject to an 88B instrument. Until any future development occurs, additional solar access is a bonus.</p> | Yes |
| Street Setbacks | <i>To establish the desired spatial proportions of the street and define the street edge. To relate setbacks to the areas' street hierarchy.</i> | The proposed development is compliant with the street set-backs outlined in Auburn DCP (2010), which permits a zero set-back for the first two floors to John Street, and 3m for the floors above. | Yes |
| Side and Rear | <i>To minimise the impact of the</i> | Setbacks are prescribed in Auburn DCP | Yes |

| Standard | Objective | Provided | Complies |
|-----------------------------|--|--|---|
| Setbacks | <i>development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings.</i> | (2010). The proposed development is set-back between 3m and 9m to the south; 9.1m to the east; and 0m to 10.6m to the north. | |
| Floor Space Ratio (FSR) | <i>To ensure that the development is in keeping with the optimum capacity of the site and the local area. FSR is not specified in the RFDC.</i> | <p>The site has two parcels with differing zoning (FSR) controls. The intent of these controls is to focus height and density to the commercial frontage to John Street, and to step down to lower out-lying zones.</p> <p>To meet the DCP objectives, the proposal has averaged the FSR across both zones, allowing a built form to John Street which is in keeping with the emerging Local Centre character; with a combined total FSR below permissible limits. This results in a compliance discrepancy when calculating the individual zones-totals separately.</p> <p>Variation to the controls is sought, and additional commentary & Clause 4.6 Justification is provided.</p> | <p>No</p> <p><i>(Additional information provided)</i></p> |
| PART 2 – SITE DESIGN | | | |
| Deep Soil Zones | <i>A minimum of 25% of the open space area of a site should be a deep soil zone, more is desirable. Exceptions may be made in urban areas where sites are built out.</i> | <p>As an urban in-fill site within the Lidcombe Local Centre, standard residential DCP requirements for deep soil do not apply.</p> <p>Significant planting on the podium (ranging in depth from 400mm to 1.5m) permits a range of mature species and variation, and new street planting is also proposed. A detailed Landscape Plan is provided with the application.</p> | N/A |
| Open Space | <i>Communal Open Space may be accommodated on a podium or roof in a mixed use building, providing it has adequate amenity.</i> | Communal Open Space has been provided on the podium along the northern boundary to maximise solar access. Significant planting and green space has been provided, in addition to seating areas, decking and BBQ facilities. | Yes |

| Standard | Objective | Provided | Complies |
|---------------------------------|--|--|--------------------------------------|
| | | The COS & equipment are accessible, and privacy screening and planting barriers filter overlook to adjoining private unit terraces. | Yes |
| Orientation | <i>To protect the amenity of the existing development and to optimise solar access to residential apartments within the development and adjacent to the development.</i> | The proposed building has been designed to optimise solar access to units, POS and COS areas. The east-west orientation allows for significant north facing units and cross-ventilation opportunities. Over-shadowing to the south cannot be reasonably avoided, however set-back distances are compliant with the RFDC, which was developed to accommodate urban in-fill developments. | Yes |
| Planting on Structures | <i>To contribute to the quality and amenity of communal open space on rooftops, podiums, etc.</i> | Substantial landscaping is to be incorporated within the main podium to provide a vigorous 'green' outlook and buffer to neighbouring buildings. (See comments above). | Yes |
| Visual Privacy | <i>To provide reasonable levels of visual privacy externally and internally, during the day and night.</i> | Apartments are provided with deep balconies, that have a mixture of louvre privacy screens and adjustable blades controlled by the occupant. | Yes |
| Pedestrian Access | <i>Identify access requirements from the street and parking areas to the residential apartments, and ensure access is accessible.</i> | Universal access is provided from John Street to each residential lift core, and pedestrian approach incorporates security and safety requirements. | Yes |
| Vehicle Access | <i>Limit width of driveways to 6m and locate vehicle entries on the secondary frontage.</i> | Combined driveway access to Mary Street not feasible due to width of access handle. Pre-lodgement guidance agreed to permit vehicular access to John Street, with commercial vehicle access from Mary Street. | Yes* (Agreed minor variation) |
| PART 3 – BUILDING DESIGN | | | |
| Apartment Layout | <i>Single aspect units should be limited in depth to 8m from a window.</i> <i>One bedroom units should have an area of 63.4m2 or greater.</i> | All units have a depth of <= 8m One bed units are 63.7m2 Two bed units range between 83.9m2 | Yes |

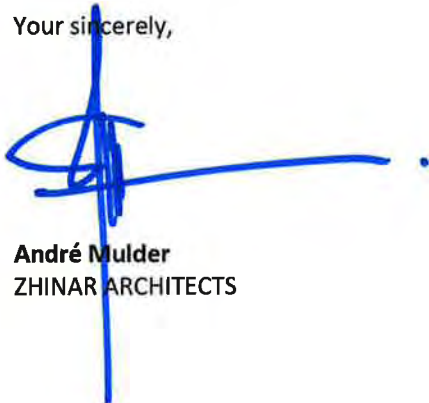
| Standard | Objective | Provided | Complies |
|-----------------|---|--|---------------------|
| | <p><i>Two bedroom cross-over units should have an area of 90m² or greater.</i></p> <p><i>Three bedroom units should have an area of 124m² or greater.</i></p> | <p>and 102.8m². Where units are reduced in area, planning efficiency and dual aspect compensate. The variation beneath the target area is below -10%.</p> <p>Three bed units range between 114.8m² and 115m². Where units are reduced in area, planning efficiency and dual aspect compensate.</p> <p>Areas for 2 and 3 bed units comply with minimum areas specified within Auburn DCP controls. The RFDC 'rule of thumb' allows for a variation in minimum size: 70m² – 2 bed; 95m² – 3 bed; to allow for affordable housing stock. (See below)</p> | <p>No</p> <p>No</p> |
| Apartment Mix | <i>To provide a diversity of apartment types, which cater for different household requirements – now and in the future.</i> | The development provides 96 units, with 8 x one bed (dual aspect); 40 x two bed (dual aspect); 24 x two bed; 16 x three bed (dual aspect); and 8 x three bed units. This mix also allows for a range of affordability options. | Yes |
| Balconies | <i>Primary balconies to be a minimum 2m in depth.</i> | Primary balcony depths range between 1.2m-2.5m, with a consolidated 8m ² furnishable area, as per DCP controls. | Yes |
| Ceiling Height | <i>3.3m ceiling height for ground floor units, and 2.7m ceiling heights in higher levels.</i> | No residential units are located on the ground floor – notwithstanding, the first level is 3.8m high internal. All other levels are shown at 2.7m minimum internal height. | Yes |
| Storage | <i>To provide adequate storage for everyday house-hold items within easy access of the apartment and to provide storage for sporting, leisure, fitness and hobby equipment. At least 50% of required storage should be within the unit.</i> | All apartments are provided with a minimum 4-5m ³ storage within the unit (50% of 8m ³ /10m ³), with generous additional storage cages for each unit within the basement for bulky items. | Yes |
| Daylight Access | <i>Limit the number of single aspect apartments with a southerly aspect to a maximum of 10% of the total number of units.</i> | Single aspect units have been minimised, with the elongated plan providing 67% cross-ventilated or corner units. | Yes |

| Standard | Objective | Provided | Complies |
|---------------------|--|---|----------|
| | | 8.3% of units have a southerly aspect, however these units also have a dual aspect an outlook. | Yes |
| Natural Ventilation | <i>60% of residential units should be naturally cross-ventilated.</i> <i>25% of kitchens should have access to natural ventilation.</i> | 67% of units are either cross-ventilated or corner (dual aspect) units. 30% of kitchens have access to a window for natural ventilation. | Yes |
| Waste Management | <i>Supply Waste Management Plan in conjunction with the DA.</i> | A Waste Management Plan was submitted with the DA application. | Yes |

Additional measures and comment in regard to compliance with the LEP, DCP and other statutory controls are addressed within the Statement of Environmental Effects (previously submitted) and subsequent planning documents issued to Council by relevant consultants.

If you require additional information, please contact our office.

Your sincerely,



André Mulder
ZHINAR ARCHITECTS