AUBURN COUNCIL

* JRPP Report

To the Joint Regional Planning Panel

41-45 Hill Road, WENTWORTH POINT NSW 2127

DA-308/2010/C GF:ML

SUMMARY

Applicant	Sekisui House Australia Pty Limited
Owner	SH Homebush Peninsula Pty Limited and Henlia No. 11 Pty Limited
Application No.	DA-308/2010/C
Description of Land	Lot 9 DP 776611, 41-45 Hill Road, WENTWORTH POINT
Description of Original DA:	Construction of 4 to 8 storey residential flat building consisting of 138 apartments above 2 levels of basement car parking with associated landscaping and drainage works – Integrated Development (Water Management Act 2000) (Block D).
Description of Modification:	Section 96(2) application to modify total number of units, building height and vehicular access - Integrated Development (Water Management Act 2000) (Block D).
Site Area	31930.00m^2
Zoning	Sydney Regional Environmental Plan No. 24
Disclosure of political donations and gifts	Nil disclosure
Issues	Access to the site Height Minor variation to SEPP 65

Recommendation

1. **That Section 96(2) Application No.DA-308/2010/C to modify total number of units, building height and vehicular access on land at 41-45 Hill Road (Block D), WENTWORTH POINT be approved as follow:**

   A. Amend the description of the proposal to read as follows:

   "Construction of 4 to 8 storey residential flat building consisting of **147** apartments above 2 levels of basement car parking with associated landscaping and drainage works – Integrated Development (Water Management Act 2000) (Block D)."

[Description of proposal amended by Section 96 modification DA-308/2010/C]

   B. Amend the following conditions to read as follows:

2. **Approved Plans**

   The development is to be carried out in accordance with the approved stamped plans as numbered below:

Plan Number	*Prepared By*	*Revision No.*	*Dated*
DA001_1 – Site staging plan (construction stage 1)	**Turner + Associates**	**B**	**19/3/2013**
DA001_2 – Site staging plan (construction stage 2)	**Turner + Associates**	**B**	**19/3/2013**
DA001_3 – Site staging plan (construction stage 3)	**Turner + Associates**	**B**	**23/3/2011**
DA001_4 – Site staging plan (construction stage 4)	**Turner + Associates**	**B**	**19/3/2013**
DA001_5 – Site staging plan (construction stage 5)	**Turner + Associates**	**B**	**19/3/2013**
DA001_6 – Site staging plan (final)	**Turner + Associates**	**B**	**19/3/2013**
S96_10 – Level 0	**Turner + Associates**	**J**	**20/3/2013**
S96_11 – Level 1	**Turner + Associates**	**J**	**20/3/2013**
S96_12 – Level 2	**Turner + Associates**	**F**	**20/3/2013**
S96_13 – Level 3	**Turner + Associates**	**E**	**22/11/2012**
S96_14 – Level 4	**Turner + Associates**	**E**	**22/11/2012**
S96_15 – Level 5	**Turner + Associates**	**E**	**22/11/2012**
S96_16 – Level 6	**Turner + Associates**	**E**	**22/11/2012**
S96_17 – Level 7	**Turner + Associates**	**E**	**22/11/2012**
S96_18 – Level 8	**Turner + Associates**	**E**	**22/11/2012**
S96_19 – Roof	**Turner + Associates**	**D**	**22/11/2012**
S96_20 – North & South Elevations	**Turner + Associates**	**D**	**22/11/2012**
S96_21 – East & West Elevations	**Turner + Associates**	**D**	**22/11/2012**
S96_30 – Section 1 & 2	**Turner + Associates**	**D**	**22/11/2012**
S96_31 – Section 3 & 4	**Turner + Associates**	**D**	**22/11/2012**
9D-101 - Landscape plan	**Site Image**	**G**	**18/3/2013**
9D-C101 - Landscape plan levels 5 & 6	**Site Image**	**D**	**12/11/2012**
9D-102 - Landscape colour plan	**Site Image**	**C**	**6/11/2012**
9D-501 - Landscape details	**Site Image**	**C**	**14/11/2012**
9D-502 - Landscape strategy & planting schedule	**Site Image**	**A**	**14/11/2012**
DA060 – Materials & colour board (Block D)	Turner + Associates	-	-
H-01 to H-13 – Stormwater drainage plans (Lot 9D)	**Greenarrow Hydraulics P/L**	**A**	**8/11/2012**
Basix Certificate Nos. 325461M_02 & 325521M_02	**NSW Planning & infrastructure**	**-**	**7/11/2012**
Acoustic Report No. 2010673/1607A/R0/KS	Acoustic Logic Consultancy	-	16/07/2010

except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

Reason:- to confirm and clarify the terms of Council's approval.

[Condition 2 amended by Section 96 modification DA-308/2010/C]

4. **Auburn DCP 2007: Section 94 Development Contributions**

Development Contributions are payable in accordance with Auburn Council Council's Section 94 Development Contribution Plan 2007, which has been prepared under Section 94 of the Environmental Planning and Assessment Act 1979.

The amounts payable will be adjusted in accordance with the section titled Review of Contribution rates and are generally indexed on a quarterly basis by the Consumer Price Index CPI (all Groups Sydney) unless otherwise stated in the plan.

Contributions will be adjusted at the payment date in accordance with the plan and payment is to be made prior to the issue of a Construction Certificate.

Council's Development Contribution Plan 2007 is available for inspection at Council's Customer Services Centre, Civic Place, 1 Susan Street, Auburn or on line at www.auburn.nsw.gov.au.

A sum of $ **536,436.92** is to be paid to Council for the purpose of traffic management, community facilities, provision of public open space in the Homebush Bay West area and plan administration.

The above sum is broken down to the following items:

Item	***Amount***
Traffic Management	**$104,029.23**
Open Space – District Acquisition and Embellishment	**$255,170.37**
Community facilities	**$140,626.94**
Plan administration	**$36,610.38**
TOTAL	**$536,436.92**

Reason: To ensure that the development complies with the Auburn DCP 2007: Section 94 Development Contributions.

[Condition 4 amended by Section 96 modification DA-308/2010/C]

6. **Vehicle Access to Block D**

Before any Occupation Certificate can be issued for Block D, the following matters must be completed:

I. Registration of Stages 1 and 2 of the subdivision approved with **DA-109/2011/A** (or any other subsequent DA for these works.

II. Issue of a compliance certificate, to the satisfaction of the Principal Certifying Authority, confirming that the required components of **DA-462/2010/A** (Civil infrastructure and public domain works) necessary to provide vehicle access from Hill Road to Block D have been completed.

III. Issue of a compliance certificate to the satisfaction of the Principal Certifying Authority, confirming that the Foreshore Street adjacent to the Foreshore Park is completed to the specification and satisfaction of Council.

Reason: to ensure all elements of vehicle access to Block D are completed prior to the issue of any Occupation Certificate.

[Condition 6 amended by Section 96 modification DA-308/2010/C]

7. **Staging Plan**

That construction works including construction access to Block D shall be carried out in accordance with the approved construction staging plan no. **DA001_1, DA001_2, DA001_4, DA001_5, DA001_6 dated 19/3/2013 and DA001_3 dated 23/3/2011 prepared by Turner + Associates.**

Reason:- to ensure access to Block D.

[Condition 7 amended by Section 96 modification DA-308/2010/C]

56. **Car parking to Comply with Approved Details**

The area set aside for the parking of vehicles, and so delineated on the plans prepared by (Turner + Associates) and endorsed plan Drawing **Nos S96_10 revision J & S96_11 revision J, and dated 20/3/2013 shall not be used for any other purpose. In this regard, minimum 30 car spaces shall be allocated as visitor car parking space.**

Reason:- to ensure the car parking area is not used for purposes other than the parking of cars associated with the use.

[Condition 56 amended by Section 96 modification DA-308/2010/C]

74. **Submission of full stormwater disposal details**

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate.

The details shall be prepared by a suitably qualified person and must be in accordance "Auburn Development Control Plans 2000 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987".

In this regard,

The proposed stormwater system shall be generally in accordance with the stormwater plans **H-01 to H-13 (Lot 9D) issue A prepared by Greenarrow Hydraulic P/L and dated 8/11/2012.**

Detail hydraulic grade line analysis shall be submitted in order to ensure proposed street drainage system is adequate to convey stormwater runoff from the proposed development.

It appears stormwater runoff from the footpath and landscape area in the centre court area will enter into Lobby 1, 2, 3 & 4. In this regard, detail drainage plan showing the proposed stormwater pit size and levels shall be submitted. Adequate levels shall be marked on the plan in order to ensure storm water runoff from the footpath area between the buildings is not directed towards the proposed buildings.

Amended plan showing above details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Note: "Auburn Development Control Plans 2000 - Stormwater Drainage" is available to purchase at Council or the document can be found at Auburn Council's web page www.auburn.nsw.gov.au

Reason:- to ensure the stormwater is suitably discharged.

[Condition 74 amended by Section 96 modification DA-308/2010/C]

79. **Access Ramp gradients**

Access ramp grades shall comply with section 3.3 of the Australian Standard AS2890.1:2004.

Reason:- to ensure the access ramps comply with Australian Standard AS28890.1:2004.

[Condition 79 amended by Section 96 modification DA-308/2010/C]

80. **Headroom clearance**

Headroom clearance shall comply with section 5.3 of the Australian Standard AS2890.1:2004.

Reason:- to ensure the access ramps comply with Australian Standard AS28890.1:2004.

[Condition 80 amended by Section 96 modification DA-308/2010/C]

105. **Air conditioning units – location and acoustics**

a) Air conditioning units **may** be located to the ground level of rear yards, within basement garages **or within the side setbacks or frontages of the property provided they are adequately screened and not visible from a street or public place.** Air conditioning units are not to obscure windows/window frames or architectural features of the building.

b) The operation of air conditioning units shall be so:

   I. as not to cause "offensive noise" as defined under the Protection of the Environment Operations Act 1997;

   II. as to be inaudible at the nearest affected residence between the hours of 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays;

III. as not to discharge a condensate or moisture onto **any exposed surface, balconies, roof or path, or convey any pollutant or waste** into a stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act 1997.

c) Should Council receive noise complaints from neighbouring residents in relation to the air conditioning units, Council may issue a Noise Notice. Such notice may require you to engage the services of a competent and appropriately qualified Acoustic Consultant to undertake a noise level assessment of the air conditioning unit. If the unit is assessed as exceeding the permitted noise criteria, you may be directed to provide noise attenuation measures such as an acoustic enclosure and/or relocation of the unit.

Reason:- to ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings and to ensure the operation of air conditioning units does not adversely impact on the acoustic amenity of the locality.

[Condition105 amended by Section 96 modification DA-308/2010/C]

116. **Telecommunications Facilities - Residential**

The following requirements apply to telecommunication facilities in the building:-

a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
b) Appropriate **facilities are to be included in the building to ensure each apartment have access to** a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling.
c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
d) A separate Development Application must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

Reason:- to ensure adequate provision for telecommunication facilities within the development.

[Condition 116 amended by Section 96 modification DA-308/2010/C]

119. **Garbage Storage and Collection**

All garbage shall be removed from the site directly via **the loading area located between Block D and Block C.** Garbage bins shall not be stored on or collected from the footpath or kerb.

Reason:- to ensure that all garbage storage and collection is managed efficiently and without significant impact on the street.

[Condition 119 amended by Section 96 modification DA-308/2010/C]

120. **Suitable arrangements to be made for Waste Collection**

Suitable arrangements for garbage and recycling services are to be made with Council prior to occupation of the building.

Reason: to ensure suitable arrangements are in place for the collection of **garbage** and recyclables arising from the premises

[Condition 120 amended by Section 96 modification DA-308/2010/C]

C. Delete the following conditions as follows:

~~1. **The following "Deferred Commencement" conditions are applied and must be satisfied before the consent can operate:-**~~

~~Consent is granted subject to the following "deferred commencement" conditions. In accordance with Section 80(3) of the Environmental Planning and Assessment Act, this development consent will not operate until Council is satisfied as to the matters set out in these "deferred commencement" conditions.~~

~~DC1. Development consent must be granted to the public domain works, which include the local road network over Lot 9 necessary to achieve vehicle access, as proposed under DA-462/2010 or any other subsequent development application or modification for these works.~~

~~DC2. Development consent must be granted for Torrens Title Subdivision of Lot 9 into 5 smaller Lots, as proposed under DA-109/2011 or any other subsequent development application or modification for these works.~~

~~DC3. Development consent must be granted to the residential flat building known as Block C within Lot 9, as proposed under DA-309/2010 or any other subsequent development application or modification for these works to ensure access is provided.~~

~~In accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of * days, sufficient enough for Council to be able to be satisfied of the above matters.~~

~~If evidence is produced within the specified period, in accordance with Clause 95(5) of the Regulation, Council will notify you whether or not it is satisfied as to the above matters and whether or not the consent will operate.~~

[Condition DC1 – DC3 deleted by Section 96 modification DA-308/2010/C]

~~5. **Issue of Construction Certificate**~~

~~No Construction Certificate shall be issued until such time as the Construction Certificate is issued for Block C for the construction of level 0, Level 1 and level 2 slab and all other works required for access to Block D.~~

~~*Reason*: to ensure access to Block D.~~

[Condition 5 deleted by Section 96 modification DA-308/2010/C]

~~8. **Privacy – Windows/Balustrade**~~

- ~~South facing bedroom windows of units 201 and 206 and those in the same position/configuration on the floors above are to be fitted with privacy screens.~~

- ~~The southern side of unit 701 balcony is to be provided with privacy screen to a minimum height of 1600mm.~~

~~Details are to be included on the plan submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.~~

~~*Reason*:- to minimize privacy impact on adjoining neighbours~~

[Condition 8 deleted by Section 96 modification DA-308/2010/C]

~~9.~~ **~~Shared Zone for Garbage Truck Access~~**

~~A shared zone shall be created and constructed on the northern side boundary of Block C that would allow only garbage truck access to the garbage collection loading area and disposal room at Block D. In this regards amended Waste Management Plan shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.~~

~~*Reason*:- to ensure vehicular access to waste collection room.~~

[Condition 9 deleted by Section 96 modification DA-308/2010/C]

~~72.~~ **~~Redesign of disabled parking~~**

~~Disabled parking space shall comply with AS2890.6. Amended plan showing details shall be submitted to and approved by the Principal Certifying Authority~~ **~~prior to the issue of a Construction Certificate.~~**

~~*Reason*:- to ensure disable parking spaces comply with Australian Standard AS2890.6.~~

[Condition 72 deleted by Section 96 modification DA-308/2010/C]

D. Retain the following condition:

75. **Structural detailed design of the underground tank**

A detailed structural design of the proposed underground tank shall be submitted to the Council/ Principal Certifying Authority with the Construction Certificate.

Reason:- to ensure the structural stability.

[Condition 75 retained by Section 96 modification DA-308/2010/C]

History

The Joint Regional Planning Panel (JRPP), at its meeting of 1 December 2011 resolved to grant deferred commencement approval to Development Application DA-308/2010 for the construction of a 4 to 8 storey residential flat building consisting of 138 apartments above 2 levels of basement car parking with associated landscaping and drainage works subject to deferred commencement conditions including the following:-

1. **The following "Deferred Commencement" conditions are applied and must be satisfied before the consent can operate:-**

   Consent is granted subject to the following "deferred commencement" conditions. In accordance with Section 80(3) of the Environmental Planning and Assessment Act, this development consent will not operate until Council is satisfied as to the matters set out in these "deferred commencement" conditions.

DC1. Development consent must be granted to the public domain works, which include the local road network over Lot 9 necessary to achieve vehicle access, as proposed under DA-462/2010 or any other subsequent development application or modification for these works.

DC2. Development consent must be granted for Torrens Title Subdivision of Lot 9 into 5 smaller Lots, as proposed under DA-109/2011 or any other subsequent development application or modification for these works.

DC3. Development consent must be granted to the residential flat building known as Block C within Lot 9, as proposed under DA-309/2010 or any other subsequent development application or modification for these works to ensure access is provided.

DC4 That evidence of registration of the covenant stating that the total floor space in Precinct F shall not exceed 227,848m^2.

In accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of days, sufficient enough for Council to be able to be satisfied of the above matters.

If evidence is produced within the specified period, in accordance with Clause 95(5) of the Regulation, Council will notify you whether or not it is satisfied as to the above matters and whether or not the consent will operate.

2. **Approved Plans – Deferred Commencement**

The development is to be carried out generally in accordance with the following plans as numbered below, **except as modified by the deferred commencement condition of approval**:

Plan Number	***Prepared By***	***Revision No.***	***Dated***
DA001 – Site staging Plan (as amended in red)	Turner + Associates	A	25/3/2011
DA002_1 – Interim site context & analysis (Block D)	Turner + Associates	D	25/3/2011

DA002_2 – completion site context & analysis (Block D)	Turner + Associates	D	25/3/2011
DA010 – Level 0	Turner + Associates	P	14/3/2011
DA011 – level 1	Turner + Associates	S	4/7/2011
DA012 – level 2	Turner + Associates	T	4/7/2011
DA013 – Level 3	Turner + Associates	V	4/7/2011
DA014 – Level 4	Turner + Associates	S	4/7/2011
DA015 – Level 5	Turner + Associates	T	4/7/2011
DA016 – Level 6	Turner + Associates	S	14/3/2011
DA017 – Level 7	Turner + Associates	T	4/7/2011
DA018 – Level 8	Turner + Associates	S	14/3/2011
DA019 – Roof	Turner + Associates	D	14/3/2011
DA020 – North & South elevations	Turner + Associates	F	14/3/2011
DA21 – East & West elevations	Turner + Associates	F	14/3/2011
DA30 – Section 1 & 2	Turner + Associates	F	14/3/2011
DA31 – Section 3 & 4	Turner + Associates	F	14/3/2011
DA01 – Landscape plan	Aspect Studios	C	22/7/2010
DA02 – Level 1 landscape plan (Block D)	Aspect Studios	C	20/7/2010
DA03 – Plant schedule (Block D)	Aspect Studios	C	20/07/2010
DA04 – Level 4 Roof garden (Block D)	Aspect Studios	C	20/7/2010
DA060 – Materials & colour board (Block D)	Turner + Associates	-	-
H-01 to H-09 – Drainage plans (Lot 9D)	Greenarrow Hydraulics P/L	A	20/7/2010
Basix Certificate Nos. 325461M & 325521M	NSW Planning	-	29/07/2010
Acoustic Report No. 2010673/1607A/R0/ KS	Acoustic Logic Consultancy	-	16/07/2010
Waste Management Plan Lot 9D	McGregor Environmental Services	-	July 2010

The plans will not be "stamped" by Council until the modifications required by the deferred commencement condition have been incorporated into revised plans.

(Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act 1979).

Reason:- to confirm and clarify the terms of Council's approval.

4 **Auburn DCP 2007: Section 94 Development Contributions**

Development Contributions are payable in accordance with Auburn Council Council's Section 94 Development Contribution Plan 2007, which has been prepared under Section 94 of the Environmental Planning and Assessment Act 1979.

The amounts payable will be adjusted in accordance with the section titled Review of Contribution rates and are generally indexed on a quarterly basis by the Consumer Price Index CPI (all Groups Sydney) unless otherwise stated in the plan.

Contributions will be adjusted at the payment date in accordance with the plan and payment is to be made prior to the issue of a Construction Certificate.

Council's Development Contribution Plan 2007 is available for inspection at Council's Customer Services Centre, Civic Place, 1 Susan Street, Auburn or on line at www.auburn.nsw.gov.au.

A sum of $ **523,282.86** is to be paid to Council for the purpose of traffic management, community facilities, provision of public open space in the Homebush Bay West area and plan administration.

The above sum is broken down to the following items:

Item	***Amount***
Traffic Management	$101,476.75
Open Space – District Acquisition and Embellishment	$248,908.25
Community facilities	$137,175.02
Plan administration	$35,722.84
TOTAL	**$523,282.86**

Reason: To ensure that the development complies with the Auburn DCP 2007: Section 94 Development Contributions.

5 **Issue of Construction Certificate**

No Construction Certificate shall be issued until such time as the Construction Certificate is issued for Block C for the construction of level 0, Level 1 and level 2 slab and all other works required for access to Block D.

Reason:- to ensure access to Block D.

6 **Vehicle Access to Block D**

Before any Occupation Certificate can be issued for Block D, the following matters must be completed:

IV. Registration of Stage 2 of the subdivision approved with DA-109/2011 (or any other subsequent DA for these works) including the required Right of Way over proposed Lot 104;

V. Issue of a compliance certificate, to the satisfaction of the Principal Certifying Authority, confirming that the works in Stage 1 of DA-309/2010 (Block C) have been completed;

VI. Issue of a compliance certificate, to the satisfaction of the Principal Certifying Authority, confirming that the required components of DA-462/2010 (Civil

infrastructure and public domain works) necessary to provide vehicle access from Hill Road to Block D have been completed.

VII. Issue of a compliance certificate to the satisfaction of the Principal Certifying Authority, confirming that the Foreshore Street adjacent to the Foreshore Park is completed to the specification and satisfaction of Council.

VIII. Issue of a compliance certificate, to the satisfaction of the Principal Certifying Authority, confirming that a shared zone is created and constructed to the north of Block C that would allow garbage truck access to the garbage collection loading area and disposal room at Block D.

Reason: to ensure all elements of vehicle access to Block D are completed prior to the issue of any Occupation Certificate.

7 **Staging Plan**

That construction works including construction access to Block D shall be carried out in accordance with the approved construction staging plan no. DA001 prepared by Turner + Associates (as amended in red) revision A, and dated 25/3/2011.

Reason:- to ensure access to Block D.

8 **Privacy – Windows/Balustrade**

- South facing bedroom windows of units 201 and 206 and those in the same position/configuration on the floors above are to be fitted with privacy screens.
- The southern side of unit 701 balcony is to be provided with privacy screen to a minimum height of 1600mm.

Details are to be included on the plan submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason:- to minimize privacy impact on adjoining neighbours

9 **Shared Zone for Garbage Truck Access**

A shared zone shall be created and constructed on the northern side boundary of Block C that would allow only garbage truck access to the garbage collection loading area and disposal room at Block D. In this regards amended Waste Management Plan shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason:- to ensure vehicular access to waste collection room.

56. **Car parking to Comply with Approved Details**

The area set aside for the parking of vehicles, and so delineated on the plans prepared by (Turner + Associates) and endorsed plan Drawing Nos (DA010(P) & DA011(S)) dated (14/3/2011 & 4/7/2011 respectively), shall not be used for any other purpose.

Reason:- to ensure the car parking area is not used for purposes other than the parking of cars associated with the use.

72. **Redesign of disabled parking**

Disabled parking space shall comply with AS2890.6. Amended plan showing details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Reason:- to ensure disable parking spaces comply with Australian Standard AS2890.6.

74. **Submission of full stormwater disposal details**

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate.

The details shall be prepared by a suitably qualified person and must be in accordance "Auburn Development Control Plans 2000 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987".

In this regard,

The proposed stormwater system shall be generally in accordance with the stormwater plans **H-01 to H-09 (Block D) dated 20. 07. 2010 prepared by Turner Associates.**

Detail hydraulic grade line analysis shall be submitted in order to ensure proposed street drainage system is adequate to convey stormwater runoff from the proposed development.

It appears stormwater runoff from the footpath and landscape area in the centre court area will enter into Lobby 1, 2, 3 & 4. In this regard, detail drainage plan showing the proposed stormwater pit size and levels shall be submitted. Adequate levels shall be marked on the plan in order to ensure storm water runoff from the footpath area between the buildings is not directed towards the proposed buildings.

Amended plan showing above details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Note: "Auburn Development Control Plans 2000 - Stormwater Drainage" is available to purchase at Council or the document can be found at Auburn Council's web page www.auburn.nsw.gov.au

Reason:- to ensure the stormwater is suitably discharged.

75. **Structural detailed design of the underground tank**

A detailed structural design of the proposed underground tank shall be submitted to the Council/ Principal Certifying Authority with the Construction Certificate.

Reason:- to ensure the structural stability.

79. **Access Ramp gradients**

Access ramp grades shall comply with section 3.3 of the Australian Standard AS2890.1:2004. In this regard detail longitudinal section along the inside and outside of curved ramps to a scale of 1:20, shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.** Copy of the approved plan shall be submitted to Council.

Reason:- to ensure the access ramps comply with Australian Standard AS28890.1:2004.

80. **Headroom clearance**

Headroom clearance shall comply with section 5.3 of the Australian Standard AS2890.1:2004. In accordance with AS2890, minimum 2.2m headroom clearance shall

be provided for cars and minimum 4.5 headroom shall be provided for the waste collection trucks.

In this regard detail longitudinal section of curved ramps to a scale of 1:20, shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.** Copy of the approved plan shall be submitted to Council.

Reason:- to ensure the access ramps comply with Australian Standard AS28890.1:2004.

105. **Air conditioning units – location and acoustics**

d) Air conditioning units are to be located to the ground level of rear yards or within basement garages and not within the side setbacks or frontages of the property. Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.

e) The operation of air conditioning units shall be so:
   IV. as not to cause "offensive noise" as defined under the Protection of the Environment Operations Act 1997;
   V. as to be inaudible at the nearest affected residence between the hours of 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays;
   VI. as not to discharge a condensate or moisture onto the ground surface of the premises or into a stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act 1997.

f) No noise shall be audible inside any apartments between the hours of 10pm and 7am. Any such noise is to be measures with doors and windows closed.

g) Should Council receive noise complaints from neighbouring residents in relation to the air conditioning units, Council may issue a Noise Notice. Such notice may require you to engage the services of a competent and appropriately qualified Acoustic Consultant to undertake a noise level assessment of the air conditioning unit. If the unit is assessed as exceeding the permitted noise criteria, you may be directed to provide noise attenuation measures such as an acoustic enclosure and/or relocation of the unit.

Reason:- to ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings and to ensure the operation of air conditioning units does not adversely impact on the acoustic amenity of the locality.

116. **Telecommunications Facilities - Residential**

The following requirements apply to telecommunication facilities in the building:-

a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.

d) A separate Development Application must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

Reason:- to ensure adequate provision for telecommunication facilities within the development.

119. **Garbage Storage and Collection**

All garbage shall be removed from the site directly via the garbage storage area. Garbage bins shall not be stored on or collected from the footpath or kerb.

Reason:- to ensure that all garbage storage and collection is managed efficiently and without significant impact on the street.

120. **Contract for Waste Collection**

Prior to occupation of the premises the operator shall enter into a commercial contract for the collection of trade waste and recyclables generated at the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

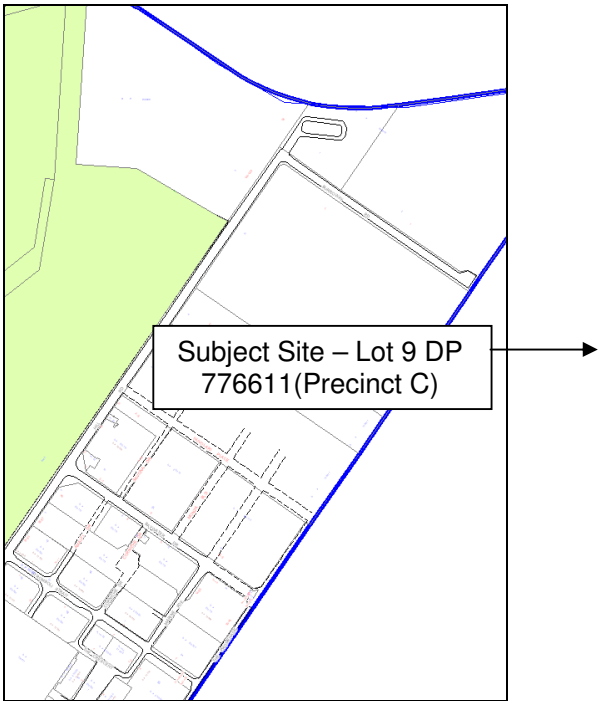
Reason: to ensure suitable arrangements are in place for the collection of trade waste and recyclables arising from the premises.

It should be stated that DA-308/2010/A {s96(1A) application to delete deferred commencement condition DC4, relating to registration of floor space covenant}, was approved by Council at its meeting of 26 June 2012.

Site and Locality Description

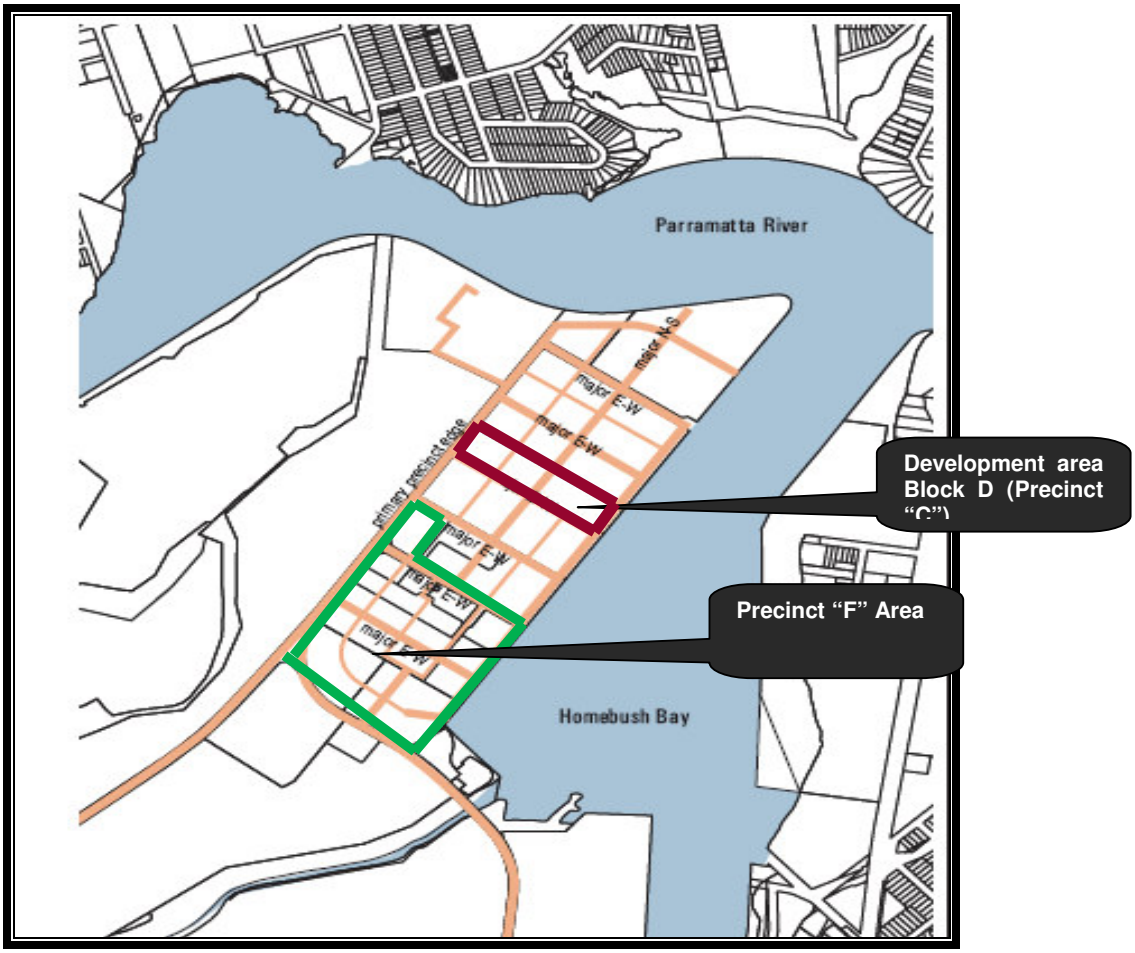
The subject site is identified as Lot 9 DP 776611 and is known as 41-45 Hill Road, Wentworth Point (formerly Homebush Bay). The site is located on the eastern side of Hill Road, between intersections with Burroway Road to the north and Baywater Drive to the south. The site has dimensions of 78.34 metres to 78.71 metres (width) by 406.66 metres to 406.685 metres (depth) and a total area of 31,930sqm.

The site is identified on the map below.



The development area to which this proposal relates is referred to as Block D within Lot 9, with a site area of 6476sqm and a frontage of 76.68m to the Homebush Bay foreshore. It is adjoined by Lots 10 and 8 to the north and south respectively and proposed Block C within Lot 9, to the west.

Block D is identified on the map below.



Surrounding development consists of a mixture of industrial and residential developments of varying scale, form and age. Adjoining the site to the north is an industrial site featuring several buildings of varying scale and form. Development consent was granted on 3 September 2010 under (DA-111/2010) for redevelopment of part of the site for high density residential purposes and is nearing completion. Adjoining to the south is a large industrial building on a site which is earmarked for the construction of new roads associated with the future redevelopment for high density residential purposes. Adjoining to the east and west are Homebush Bay and (across Hill Road) the Millennium Parklands of Sydney Olympic Park, respectively.

In the wider locality there are various industrial operations and the ferry terminal located to the north, while to the south the precinct has undergone transition from industrial to residential and features several large residential flat buildings which are consistent with the planning intentions for the future character of the locality.

History/Associated Applications

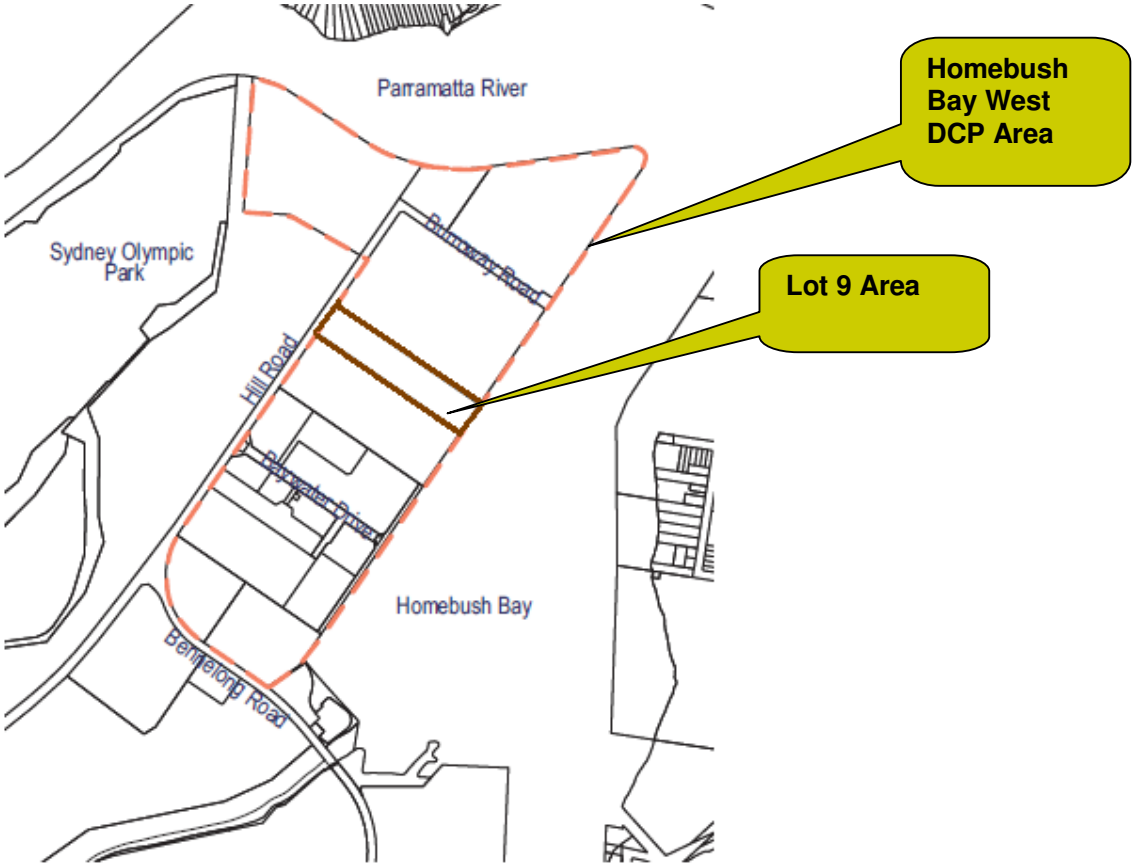
Wentworth point and Subject site

There are a number of historic approvals in the locality made by NSW Department of Infrastructure, Planning and Natural Resources, prior to consent authority status for the Homebush Bay peninsula being returned back to Auburn City Council.

The Wentworth Point area is an area undergoing significant redevelopment. Much of the peninsular is reclaimed land historically used for industrial uses. The 1999 Homebush Bay Development Control Plan established a broad direction for the urban structure and design controls which identified the site as suitable for residential and commercial uses.

After the staging of the 2000 Olympic Games, to secure the peninsula's continued development the Department of Planning reviewed the plan and subsequently adopted the Homebush Bay West Development Control Plan 2004.

All of Wentworth Point is subject to the *Homebush Bay West Development Control Plan*, however the subject development site is subject to an additional site specific Development Control Plan called the *Lot 9 Concept Plan* approved by the Department of Planning. The hierarchy is outlined in the diagram below:



The Lot 9 Concept plan approval sets out a structural design framework to guide development of four buildings for residential use across the site. This subject proposal represents the first "block" to be constructed in accordance with the plan being located adjacent to the foreshore.

Within the Lot 9 site area a number of related applications relevant to the subject development application are discussed below:-

MP No 06_0098

Concept Plan approved by the Minister for Planning for entire Lot 9 (Precinct C) in January 2008 to carry out residential development comprising around 685 dwellings in a mix of 1 bedroom, 2 bedroom and 3 bedrooms with a maximum 50,424sqm of floor space (i.e. maximum floor space ratio of 1.58:1). The approval also includes maximum building heights, public domain and foreshore works and pocket park. The approval for the Precinct relies on access being provided by adjoining properties.

DA-462/2010/A -: 41-45 Hill Road, Wentworth Point – Infrastructure

Development application for civil infrastructure works across Lot 9 which will comprise, roads (road works), footpaths, stormwater drainage and utility service infrastructure. The

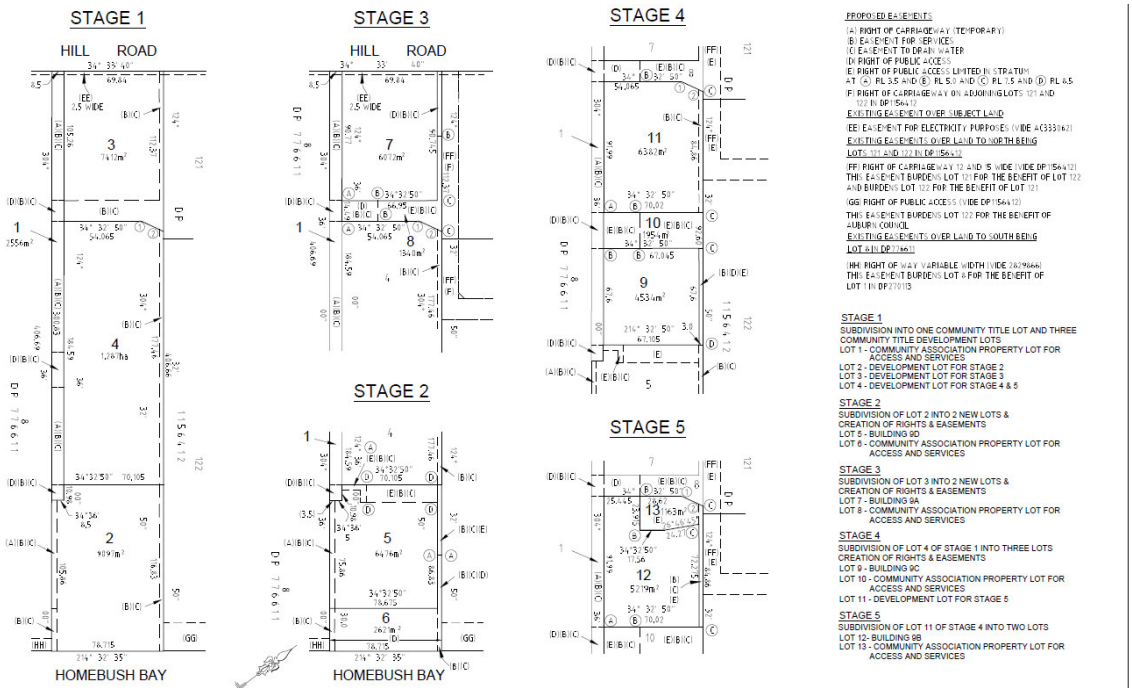
development application also includes landscaping of the public domain area across Lot 9. This application is currently under assessment by Council and is an amendment to the original approval under DA462/2010 to reflect and synchronise with changes proposed under the subject modification. This amendment will ensure that development consent exists for the works necessary to provide vehicle access to Block D. (*it is noted that works associated with DA-462/2010/A are to be carried out in stages).*

SEE amended "indicative" staging plan below.

DA-109/2011/A -: 41-45 Hill Road, Wentworth Point – Subdivision

Development application for subdivision of Lot 9 into smaller allotments of varying sizes in a five stage process. The development application and subdivision plans propose to create the subdivision pattern and concept road layout but does not include the civil engineering works. This application is currently under assessment by Council and is an amendment to the original approval under DA109/2011 to reflect and synchronise with changes proposed under the subject modification. This amendment will ensure that development consent exists for the works necessary to provide vehicle access to Block D.

SEE amended "indicative" staging plan below.



DA-309/2010/A -: Block C 41-45 Hill Road, Wentworth Point – Residential flat building

Amended application for Construction of 4 to 8 storey residential flat building originally approved under DA-309/2010 (Block C). This application is concurrently put up for determination by the Joint Regional Planning Panel. It is noted that the original approval required certain works to be carried out within Block C to ensure access to Block D, the subject modification will ensure each block is capable of providing its own independent vehicle access.

DA-350/2012 -: Block A 41-45 Hill Road, Wentworth Point – Residential flat building

Development application for Construction of 8 storey residential flat development (Block A) including 185 residential units over basement level carpark with associated landscape and drainage works. This application represents the third of the four residential flat building proposed for Lot 9 and is currently under assessment by Council.

Amended Access to Lot 9

Under the original approval (DA-308/2010), vehicle access to Block D was to be achieved from Hill Road via a two way “interim Half Street” to be constructed on the northern boundary of the site adjoining Lot 10; connected to proposed “major North-South Street”; and going through the basement of proposed Block C to the basement of block D.

Following the completion of part of Half Street on adjoining Lot 10 and other perimeter roads around the perimeter of adjoining Lot 10A (Waterways Street and Footbridge Boulevarde), the road network will provide a one way loop operating in an anti-clockwise direction, around Lot 10A.

Given the road network above, vehicle access to Lot 9 has been amended and is to be achieved as follows:

- In the immediate short term, a temporary access road for construction purposes is proposed along the southern side of Lot 9 to connect directly with Hill Road. This road will stay in place until such time as legal rights of access to Lot 9 are available from

adjoining land. This road leads to the basement of Block D as well as to the loading and unloading area for service trucks including garbage collection.

- Vehicle access to Blocks 9A and 9B is to be via a secondary north-south Street. The street will connect Half Street with Waterways Street.
- Vehicle access to Block 9C is to be achieved from Hill Road via the temporary road on the southern side of the site; via proposed Major North-South Street; and to be basement of Block C.
- Once permanent access over the planned major east-west Street on the northern boundary of Lot 8 is available, in accordance with the HBWDCP, the temporary road will revert to a landscaped setback.

The implementation of the above access arrangement is reliant upon approval being granted to amendments proposed under DA109/2011/A (Subdivision application) and DA462/2010/A (Infrastructure/Public works application) as highlighted earlier in the report.

Description of Proposed Modification

Council has received a development application under the provisions of Section 96(2) of the Environmental planning and Assessment Act, 1979 to modify the subject development consent as follows:-

- Increase the total number of units from 138 to 147
- Reconfiguration of the internal layout of units and revise the unit mix
- Reduction in supply of onsite parking from 211 spaces to 205 spaces (+1 carwash bay) including amended layout of basement car parking spaces
- Increased building height from RL30.5 to RL31.9
- Increased gross floor area from 11872sqm to 12056sqm
- Amend construction site staging plan
- Relocation of vehicle access of Lot 9 from the northern to the southern side of the site

Impacts of the proposed modification in relation to number of units, height, amenity, unit mix, car parking numbers and gross floor area are further discussed later under the relevant sections in the body of the report.

The proposed modification will require the modification to the description of the development; the amendment of conditions 2, 4, 6, 7, 56, 74, 79, 80, 105, 116, 119 and 120; of the original consent; the deletion of conditions DC1 to DC3, 5, 8 and 9 of the original consent; and retention of condition 75, which the applicant requested to be deleted.

With regard to the amendment to the description of the proposal, this is to be carried out to reflect the amended total number of units within the development.

Condition 2 – Approved Plans – No objection is raised to the modification as it sought to reflect the amended plans under consideration, Basix Certificate etc. The condition as amended is reproduced above under the “recommendation” section of the report.

Condition 4 – Section 94 Contributions - The consent notice requires modification to reflect the revised totals of units and associated contributions payments. The condition as amended is reproduced under the “Recommendation” section of the report.

Condition 6 – Vehicle access to Block D – Due to the revised access arrangement, some elements of the original condition are no longer applicable and has been amended accordingly. The condition as amended is reproduced under the “Recommendation” section of the report.

Condition 7 – Staging Plan – No objection is raised to the modification to reflect the updated staging drawings under consideration. The condition as amended is reproduced under the "Recommendation" section of the report.

Condition 56 – Car Parking to comply with Approved Details – No objection is raised to the modification to reflect the updated car parking plans under consideration. The condition is to be further amended by Council to ensure 30 car parking spaces are allocated as visitor car parking – it is noted that 29 visitor spaces is provided with the modified plan whereas 30 spaces are required. The condition as amended is reproduced under the "Recommendation" section of the report.

Condition 74 – Stormwater Disposal Details – Council's development engineer has raised no objection to the modification to reflect the updated stormwater plans under consideration. The condition as amended is reproduced under the "Recommendation" section of the report.

Condition 79 – Access Ramp Gradient - Council's development engineer has raised no objection to the modification to delete reference to longitudinal section of curved ramp in the original condition. The condition as amended is reproduced under the "Recommendation" section of the report.

Condition 80 – Headroom Clearance - Council's development engineer has raised no objection to the modification to delete part of the condition which requires a 4.5m headroom for waste collection trucks given that the revised scheme provides a new garbage collection area between blocks C & D. The condition as amended is reproduced under the "Recommendation" section of the report.

Condition 105 – Air conditioning units – Amendment is sought to allow air conditioning condenser units to be located on a balcony of an apartment, including balconies which are visible from a public street or place, provided the condenser units are properly screened. The applicant contends that (i) in many instances the condensers will be screened by balustrades (ii) a number of previous development in Wentworth Point have had their consent amended to achieve the same outcome.

Given the above, there is no objection raised to the amendment proposed. The condition as amended is reproduced under the "Recommendation" section of the report.

Condition 116 – Telecommunication Facilities – Amendment is sought to the wording of the condition (b) which implied that ducting and cabling must be provided for 3 telecommunication carriers. The wording has been amended to ensure certainty of what is required and the intent of the condition. The condition as amended is reproduced under the "Recommendation" section of the report.

Condition 119 – Garbage Storage & Collection – No objection is raised to the modification to ensure garbage storage and removal shall occur in accordance with the locations shown on the plans under consideration. The condition as amended is reproduced under the "Recommendation" section of the report.

Condition 120 – Contract for Waste Collection – The applicant sought to amend this condition such that it confirms that the Council will attend the site to collect recyclable materials. No objection is raised to the modification of this condition. The condition as amended is reproduced under the "Recommendation" section of the report.

Condition DC1 – DC3 – Deferred Commencement Conditions – No objection raised to the deletion of these conditions as a revised access arrangement nominated with the subject application removes the need to rely on access via Block C. As noted earlier in the report, it is noted that Condition DC4 has already been deleted by means of an earlier section 96(1A) application under DA-308/2010/A. The condition as deleted is reproduced under the "Recommendation" section of the report.

Condition 5 – Issue of Construction Certificate – No objection is raised to the deletion of this condition as a revised access arrangement nominated with the subject application remove the need to rely on access via Block C. The condition as deleted is reproduced under the "Recommendation" section of the report.

Condition 8 – Privacy (Windows/Balustrade) – No objection is raised to the deletion of this condition as the affected windows sizes and balcony size have been reduced and reconfigured to further minimize overlooking impacts. The condition as deleted is reproduced under the "Recommendation" section of the report.

Condition 9 – Shared Zone for Garbage Truck Access – No objection is raised to the deletion of this condition as the shared zone for garbage trucks at the northern edge of Lot 9 is no longer required under the subject modification. The condition as deleted is reproduced under the "Recommendation" section of the report.

Condition 72 – Redesign of Disabled Parking – No objection is raised to the deletion of this condition as amended plans have been submitted showing disabled parking spaces do comply with AS 2890.6. The condition as deleted is reproduced under the "Recommendation" section of the report.

Condition 75 – Structural Detail Design of Underground Tank – The applicant sought to delete this condition. Council's development engineer has however advised that the condition be retained as a pump out tank has been proposed as part of the proposal. The condition as retained is reproduced under the "Recommendation" section of the report.

Referrals

Internal Referrals

Development Engineer

The Section 96(2) modification application was referred to Council's Development Engineer for comment who has raised no objections to the proposed development subject to modification to the conditions of consent if the proposal is recommended for approval.

Building Surveyor

The Section 96(2) modification application was referred to Council's Building Surveyor for comment who has raised no objections to the proposed development subject to compliance with conditions of consent already in place on the original consent DA-308/2010.

External Referrals

Sydney Olympic Park Authority

Due the proposal being located in proximity to Sydney Olympic Park, the Sydney Olympic Park Authority (SOPA), in accordance with the provisions of Clause 14 of SREP 24 was notified of the proposal on the 5 December 2012.

By email received on 10 December 2012, SOPA has raised no issue regarding the proposal.

NSW Office of Water

The Section 96(2) modification was referred by letter dated 5 December 2012 to the NSW Office of Water requiring approval under the Water Management Act as the proposal includes works within 40m of a water body.

NSW Office of Water has advised by letter dated 14 January 2013 that the original General Terms of Approval (GTA) do not need to be changed as a result of the modification proposed.

Roads and Maritime Services

The development constitutes a "Traffic generating development" in accordance with Schedule 3 of the SEPP (Infrastructure) 2007. Therefore the application was referred to the Roads and Maritime Services of New South Wales for consideration. The application was reviewed by the RMS at the SRDAC on the 18 December 2012 and raised no objection "in principle' to the proposed modification.

Assessment

Section 96(2) of the Environmental Planning and Assessment Act 1979 allows Council to modify a development consent if:-

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)

While it is proposed to increase the total number of units within the development, the increase has been achieved via an overall reduction in the total number of 3 bedroom units and an increase in 1 bedroom units proposed within the modified development scheme.

The increase in the number of units has not been achieved as a result of significantly increasing building height or building footprint or reduction in the amount of communal open space available to the development. Therefore, in terms of the external built form, the modifications make very minor alteration to the approved built form and can be considered to be substantially the same development.

The proposed modifications do not alter the overall proposal with regard to the use of the building. Council can therefore be satisfied that the proposal is substantially the same as originally approved. Accordingly, the modifications are considered acceptable in respect of Section 96(2) of the Act.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirements of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent

All relevant public authorities have been consulted as per the "External Referrals" heading of the report. Full details are provided under the "External Referrals" heading of the report. Accordingly the proposal is considered acceptable in this regard.

(c) it has notified the application in accordance with:
- **(i) the regulations, if the regulations so require, or**
- **(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent**

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

In accordance with Council's Notification of Development Proposals Development Control Plan, adjoining and nearby property owners and occupiers were advised of the proposed modification and were invited to comment. The proposal was also advertised in the Auburn Review on 11 December 2012 and a site notice erected at the site. During this period, no submissions commenting on the proposal were received.

Building Height

It is noted that under the original approval, a maximum height of RL29.6 was approved to the top of the highest roof and a maximum height of RL 30.5 to the top of the highest lift overrun. The proposed amendment will result in a height of 30.75 to the top of the highest roof parapet and a maximum height of 31.9 to the top of the highest lift overrun.

The applicant contends that the increase in overall height is as a result of the following factors:-

- The consequences of the geotechnical constraints of the site as construction of the building to the levels as presently approved would expose very soft alluvial clays which are unsuitable for construction, hence the need to increase the basement floor level from RL 2.0 to RL 2.5;
- The need to comply with recent changes to the Building Code of Australia which has resulted in the need to increase the thickness of floor slabs by 50mm per floor; and
- The need to ensure the building is designed for appropriate overland flow and to avoid internal flooding from stormwater which may collect at the podium level during extreme weather events.

Given the above, and that the Master Plan for Lot 10 located to the north of the subject site, as approved, allows for building heights of RL 33.4, there is no objection raised to the amended height of the building.

Other Considerations

In determining an application for modification of consent, Council must also take into consideration relevant matters referred to in Section 79C(1). These matters have been considered in the assessment of the Section 96 Application. Following is a discussion of matters arising in relation to section 79C(1) relevant to the proposed modification.

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

Lot 9 Concept Plan Approval (Major Project 06-0098)

The Minister of Planning granted approval on 21 January 2008 for a residential development Concept plan over the subject land under Part 3A of the Environmental Planning and Assessment Act. In summary, the ultimate development outcome for Lot 9 nominated by the Concept plan comprises:-

- Site layout and building footprints.
- A residential development of approximately 685 dwellings with a maximum of 50,424 square metres of floor space set across four residential allotments.
- Public domain works including roads, a foreshore park, pocket park, pedestrian through link, communal and private open space areas.
- The determination of future applications for development is to be generally consistent with the terms of approval of Concept Plan No. 06_0098 as described in Part A of Schedule 1 and subject to the modifications of approval set out in Parts B of Schedule 2.

This Concept Plan contains more specific controls in terms of maximum floor space ratio, maximum building height and setbacks including the general principles and requirements for residential flat building development within Lot 9. The Concept Plan requirements are considered in the following assessment table:

Schedule 2 - Part A

Condition	Comment
A1 Description Residential development comprising around 685 dwellings in a mix of 1, 2 and 3 bedrooms with a maximum 50,424m^2 floor space, within maximum building heights and envelopes Public domain in the form of foreshore park, pocket park and pedestrian through link including communal and private open space.	To be achieved cumulatively via separate applications. It is noted that Block D has an amended floor area of 12,056m^2 and an amended total of 147 dwellings proposed. Block D (as amended) makes provision for all of these elements other than for the pocket park which is to be provided under future application.
A2 Plans and documentation Identifies approved plans and documentation	Noted
A3 Inconsistency between documents The modifications of the Concept Plan in Part B Schedule 2 are to prevail where there is any inconsistency with the drawings/documents	Noted
A4 Lapsing of approval Consent valid for 5 years from determination date	Noted. Approval remains valid pursuant to an amendment to the "Lapsing of Approval" condition approved by the Department of Planning & Infrastructure on 23 September 2012 under MP 06_0098 MOD 1. It is noted that works has physically commenced on the site before the lapse date of January 2013.
A5 Future applications Future applications to be generally consistent with Concept Plan approval	This matter was considered in the assessment of the original application and considered acceptable.

Schedule 2 - Part B

Condition	Comment
B1 Built form Maximum of 50,424 residential floor space	To be achieved cumulatively via separate applications. It is noted that Block D has an amended floor area of 12,056m^2 and an amended total of 147 dwellings proposed.
Approval is given for the maximum heights/building envelopes nominated in approved plans	Building heights for Block D generally exceed those of the Concept plan. In the context of the scale of the buildings the minor increase in height would not be apparent and would not have any detrimental impact on the building or open space amenity. This is further discussed later in the report under HBW DCP section
Approval is given for 'pop ups' on the 4 & 6 storey buildings at the rates prescribed in the HBWDCP	Complies – No change proposed to pop up as originally approved.
'Pop ups' on 4 storey building fronting Half Street in Lots 9A and 9B not to exceed more than 1 level. No pop ups approved for the 4 storey building on Lot 9C.	Not applicable to Block D
Lowest habitable floor level of units to Homebush Bay to be not more than 1.5m above finished footpath level.	**Footpath level RL of 2.0 and RL 3.5 for lowest habitable floor level of units facing Homebush Bay was approved under the original. The S96(2) application proposes RL 4.0 for lowest habitable floor level of units facing Homebush which is more than 1.5m above the finished footpath level. The**

Separation distances between buildings to be in accordance with HBWDCP	**applicant contends that construction of the building to the levels as presently approved would expose very soft alluvial clays which are unsuitable for construction, and that a construction management solution may be possible, involving excavation of at least 750mm and replacement with ballast and other suitable granular material.** **However, this approach raises two issues – (i) the excavation works would extend below the groundwater table; and (ii) the very deep alluvial soils would undergo significant long term consolidation and secondary (creep) settlement if subjected to loading from significant fill or from building footings. To manage these potential outcomes, the applicant proposes to increase the basement floor level from RL 2.0m AHD to RL 2.5m AHD. This increase will effectively result in the increase in the floor level of the lowest habitable floor facing Homebush Bay by 500m hence the 4.0m AHD proposed.** **The overall environmental benefit of this increase it that there will be a major reduction in the amount of excavation, reducing the amount of site soils from needing to be disposed of to landfills and a reduction in truck movement to and from the site.** **Following from above, there is no objection raised to this non-compliance.** Generally achieved, Non-compliances are minor and are fully justified - Refer to HBW DCP section
B2 Building setback Building facing half Street must be setback minimum of 6m from the property boundary whilst maintaining a minimum of 3m from footpath	Achieved and shown on architectural plans
B3 Provision of Foreshore Street The Foreshore Street adjacent to Foreshore Park is to be a public road, accessible by vehicles and connecting with the street on Lot 10, and allowing connection to a future public road on Lot 8. To be designed to Auburn Council's specifications and completed to Council's satisfaction prior to issue of an Occupation Certificate	The design of Block D allows for the future construction of Foreshore Street. A separate amended application under DA-462/2010/A has been lodged for construction of roads within Lot 9. Appropriate condition was imposed in the original consent to ensure that the works are completed to the specification and satisfaction of Council prior to the issue of any Occupation Certificate.
B4 Landscaping Future landscaping of the site and in particular the Foreshore Park shall comply with the requirements of HBWDCP	Achieved as shown on landscape plan
B5 SEPP 65 Future development applications to demonstrate compliance, or fully justify any non compliance with SEPP 65	Block D development application generally complies with the provisions of SEPP 65. Where compliance is not fully achieved, the applicant has provided justifications which are discussed later in the report under SEPP 65 assessment.
B6 Developer contributions Contributions required in accordance with Auburn Council's relevant S94 Contributions Plan applicable at the time the future DA for construction is determined.	Noted- The original s94 contributions calculations shall be amended accordingly.
B7 Alignment of roadways Internal streets to align with approved or constructed network on Lot 10 to the north	The only approved internal street on Lot 10 is Waterways Street and does not have any impact on Block D application. It is noted that there is a slight misalignment for the Major North/South Street (adjoining Block C) of about 1m from the Lot 10 Major North/South Street, however no application has been

	lodged with Council for this road network (associated with Lot 10) nor have it been approved or construction. In any case, the owners of Lot 10 has indicated that if the proposed Major North/South Road within Lot 9 is approved, they can adjust their alignment when that part of their site is developed in the future.
B8 Floor Space in Precinct F **Covenant on title to Lots 24, 25 and 26 DP 270113, Lot 24 DP 270320, Lot 3 DP 776611 and Lot 21 DP 1044874 capping total floor space in Precinct F at maximum of 227,848m2. Evidence of registration to be provided to Auburn Council at the time of lodging the first DA for construction of apartments in Precinct C.**	**The original approval included a deferred commencement condition requiring the applicant to provide evidence of registration of the covenant stating that the total floor space on Precinct F shall not exceed 227,848m^2.** **This condition has since been deleted by Council under DA-308/2010/A (s96(1A) application) approved on 26 June 2012, for the reason that:** • **The requirements of condition B8 have in effect been satisfied by the development that has taken place and the development that has been approved and yet to be constructed or in the process of being constructed within Precinct F.** • **There is no real planning purpose in requiring compliance with the registration of covenant part of condition B8.** • **The practicalities of complying with condition B8 would be difficult and would potentially involve substantial costs and time to both the Council and the developer.** • **Future merit assessments of any development applications for proposed additional development within Precinct F would not be prejudiced by non-compliance with the registration of covenant part of condition B8 having regard to what has occurred in terms of the approvals and development within Precinct F.**
B9 Subsequent approvals regime All future DA's for development including construction of buildings, open space, roads etc to be subject to Part 4 of the EPA Act 1979.	Noted
B10 Staging Plan To be provided at time of the first DA for construction of apartments is lodged with Auburn Council. The staging plan is to address access during construction and occupation and include an agreement between the proponent and the owners of adjoining Lot 10.	An amended staging plan for the construction for Blocks A, B, C and D is included in the architectural drawing package. This arrangement is consistent with the amended staging of the subdivision of Lot 9, which is to be the subject of DA-109/2011/A. Construction and occupation access for Block D has been discussed earlier in the report. Construction and occupation access for future Blocks A, B and C is also proposed to be located wholly within Lot 9. This arrangement negates the need for the applicant to obtain an agreement from the owners of adjoining Lot 10.

Schedule 3

Commitment & Timing	**Comment**
Restriction on development potential of Precinct F Payce to implement restriction of development potential of Precinct F with the mechanism and level of development on Precinct F being mutually agreeable to DoP and Payce.	See discussion above under Schedule 2 – Part B8. This condition is no longer considered necessary.

Timing *Prior to issue of first Occupation Certificate associated with re-development of Precinct C*	
Compliance with relevant statutory EPI's Detailed design of the project to demonstrate compliance with provisions of relevant planning instruments, with the exception of minor, acceptable non-compliances. *Timing* *Addressed at detailed DA stage*	Block D application generally complies with the provisions of relevant statutory EPI's. Where compliance is not fully achieved, the applicant has provided justifications which are discussed later in the report.
Environmental mitigation, management and Monitoring Detailed management plans to be prepared to address all relevant environmental issues including stormwater management, construction impacts waste generation and collection, construction traffic and pedestrian management, noise and vibration. *Timing* *Addressed at Construction Certificate stage – prior to commencement of works*	This modification is accompanied by relevant technical reports and plans to address these matters.
Built form, urban and environmental design Demonstrate the project is capable of complying with the majority of provisions of the HBWDCP, SEPP 65 and BASIX. Non-compliances to be minor and supportable *Timing* *Addressed at detailed DA stage*	Block D application generally complies with the provisions of relevant statutory EPI's. Where compliance is not fully achieved, the applicant has provided justifications which are discussed later in the report. It is noted that an amended Basix Certificate has been submitted with the modification.
Access Traffic and Parking The access, traffic and parking assessment submitted with this application demonstrate the proposed street system is capable of accommodating the subject development. Suitable funding mechanisms are available for funding necessary road upgrading and traffic management measures (HBW Precinct Section 94 Development Contributions Plan) *Timing* *Addressed as part of this concept plan*	Notwithstanding that these matters were resolved with the concept plan, this modification is accompanied by a project specific traffic and parking analysis.
Servicing Plan A servicing plan addressing waste collection and management of delivery vehicles *Timing* *Submitted with each detailed DA*	The modification is accompanied by an amended Waste Management Plan and Servicing Plan addressing waste collection and management of delivery vehicles.
Public domain works Proposal will have regard to Homebush Bay West Public Domain Manual and the requirements of Auburn Council. *Timing* *Addressed at detailed DA stage*	The landscape plan was prepared with regard to this commitment.
Public Domain and Pedestrians The project will be consistent with the 'Safer by Design' principles and will address the mobility needs of people with disabilities, will minimise pedestrian/traffic conflicts, and the design and placement of units will enable passive surveillance of communal open space and the public domain.	These matters were addressed in the assessment of the original application for Block D.

Timing *Addressed at detailed DA stage*	
Public Services and Infrastructure In accordance with the development agreement with Auburn Council, and other relevant service authorities *Timing* *Part of Construction Certificate stage for subsequent DAs*	The Concept Plan approval allows for this matter to be resolved at Construction Certificate stage. It is noted that there is no formal development agreement between the proponents of Lot 9 and the Council apart from the requirement of the Concept plan that Council be the "benefited authority' for the deed that transfers floor space from Precinct F to the Precinct C. All applications for public works and infrastructure associated with Lot 9 are considered under DA-462/2010 and DA-109/2011 and associated s96 applications. Appropriate amended condition shall be imposed on Block D application to ensure that all works in construction stages 1 & 2 are constructed/completed prior to the occupation of Block D.
Remediation An audit statement for the site confirms that it is suitable for the proposed development *Timing* *Addressed as part of this concept application*	This matter was addressed in the assessment of the original application for Block D.
Utilities The site is capable of being connected with all essential utilities *Timing* *Addressed at detailed DA stage*	This matter was addressed in the assessment of the original application for Block D.
Solar access and shadow analysis Detailed solar access and shadow analysis will demonstrate that the project is capable of complying with relevant controls and guidelines *Timing* *Part of each subsequent DA*	Shadow diagrams accompany the application. Non-compliances are fully justified - Refer to HBW DCP.
Stormwater Management A stormwater management concept plan has been prepared with this concept application. A detailed stormwater management plan will show the site can be adequately drained, and stormwater managed in accordance with best practice. *Timing* *Stormwater management concept plan – this concept application. Detailed stormwater management plan – part of each subsequent DA*	This application is accompanied by a detailed amended plan for stormwater management as required.
Acid Sulphate Soil Management Acid sulphate soils will be managed according to relevant guidelines and best practice, if the need arises *Timing* *Part of each subsequent DA, if required*	This matter was addressed in the assessment of the original application for Block D.
Geotechnical conditions A geotechnical report on the suitability of the site for development shows that the site is suitable for the proposed development. *Timing* *Addressed as part of this concept application*	The application relies upon the geotechnical report approved with the Lot 9 Concept Plan approval for the original approval. (Geotechnical Investigation Report by Consulting Earth Scientists dated 22/8/06 – Ref: CES 030911-PPL-02-F). It is noted that under the subject modification a new geotechnical investigation report was submitted - Report # 1888-A by Asset Geotechnical and dated 27 June 2012 and Report # 1888-B by Asset Geotechnical and dated 9 November

	2012.
Electro-magnetic radiation Documents prepared for the site demonstrate that it is safe from electromagnetic radiation *Timing* *Addressed as part of this concept application*	This matter was addressed in the assessment of the original application for Block D.
Landscape plan for private and communal Areas A detailed landscape plan is to be submitted for each DA in accordance with relevant guidelines *Timing* *Part of each subsequent DA*	The application is accompanied by a detailed amended landscape plans and a maintenance strategy.

State Environmental Planning Policies

State Environmental Planning Policy No. 55 – Remediation of Land

The requirement for Council to be satisfied of clause 7 of SEPP No. 55 that the site is suitable or can be made suitable to accommodate the proposed development was considered in the original development. It was the conclusion of the previous report that the site can be made suitable for its intended use and conditions were imposed accordingly. There is nothing in this section 96(2) modification which will alter Council' previous conclusions regarding the suitability of the site to accommodate the proposed residential flat building and accordingly the development is considered acceptable with regard to the provisions of SEPP No. 55.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

As the proposal relates to modifying an approved residential flat building, amended BASIX certificates have been submitted to accompany the Section 96(2) application. It is recommended that Condition 2 be modified to reflect the submitted BASIX certificates to ensure that the construction of the new buildings are in accordance with all specified BASIX commitments. The modified development is considered acceptable in respect of the relevant requirements of SEPP (BASIX) 2004.

State Environmental Planning Policy (Infrastructure) 2007

The proposed modification was referred to the RTA in accordance with the requirements of "Schedule 3 – Traffic Generating Developments to be referred to the RTA" of State Environmental Planning Policy (Infrastructure) 2007. See details provided under the "External Referrals" heading of the report.

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

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

Requirement	Yes	No	N/A	Comment

Requirement	Yes	No	N/A	Comment
Clause 2 Aims objectives etc. *(3) Improving the design quality of residential flat development aims:* *(a) To ensure that it contributes to the sustainable development of NSW:* *(i) by providing sustainable housing in social and environmental terms;* *(ii) By being a long-term asset to its neighbourhood;* *(ii) By achieving the urban planning policies for its regional and local contexts.* *(b) To achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define.* *(c) To better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities.* *(d) To maximise amenity, safety and security for the benefit of its occupants and the wider community.* *(e) To minimise the consumption of energy from non-renewable resources to conserve the environment and to reduce greenhouse gas emissions.*	☒	☐	☐	The proposed Section 96(2) modification will not significantly alter the approved building and accordingly are considered to be generally in accordance with the aims and objectives of the SEPP.
Part 2 Design quality principles				
Principle 1: Context *Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.* *Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity if the area.*	☒	☐	☐	The Wentworth Point precinct is a locality undergoing transition from industrial to residential land-use. The planning intentions and detailed development controls in place encourage redevelopment for the purpose of high-density residential with lesser elements of commercial and retail. The southern section of the precinct already has a number of established residential flat buildings and the development will continue the pattern of redevelopment that is occurring in the locality. The proposed modifications are considered acceptable with regard to the context of the immediate locality.
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 Section 96(2) modification will not significantly alter the approved scale of the building. The proposed modification will not significantly alter the overall height or perceived bulk of the buildings when viewed from the street.
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 built form of the original building was considered to be acceptable with regard to the overall intension of the immediate locality. The Section 96(2) modifications are not considered to significantly alter the built form of the overall building.

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.*	☒	☐	☐	While the proposal represents a total increase to the number of unit within the building of 9 Units. It has been achieved mainly via amended unit mix. This has been achieved without significantly increasing the built form of the approved development (i.e. minor increase to the overall height, no additional storeys). The development will contribute 147 apartments in mid- rise building forms that will contribute to the redevelopment of the area. The proposal is within the permissible total FSR allowable for Precinct C of the Homebush Bay West DCP. No objection is raised to the development in relation to density objectives.
Principle 5: Resource, energy and water efficiency *Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.* *Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.*	☒	☐	☐	The modified proposal is generally considered to be consistent with the approved development and does not alter previous conclusions regarding the energy efficiency of the building. The majority of the energy efficient measures proposed under the original application will be retained in these modifications. The modified development has a compliant BASIX certificate. Proposal is also able to be connected into the WRAMs water recycling system available from Sydney Olympic Park. In this regard the proposal is considered acceptable with regard to resource, energy and water efficiency.
Principle 6: Landscape *Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.* *Landscape design buildings on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat vales. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.* *Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbour's amenity, and provide for practical establishment and long term management.*	☒	☐	☐	The proposed modifications will not significantly alter the size of the approved internal courtyard. The applicant has provided a revised landscaping scheme which should enhance all visible outdoor and internal spaces within the development. The Section 96(2) modification is considered acceptable in this regard.

Requirement	Yes	No	N/A	Comment
Principle 7: Amenity *Good design provides amenity through the physical, spatial and environmental quality of a development.* *Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.*	☒	☐	☐	The proposal as modified is considered to deliver sufficient amenity to residents of the building. The proposal substantially complies with the SEPP 65 and the Homebush Bay West DCP in this regard which contain many amenity controls. A detailed assessment on amenity appears later in this report.
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.*	☒	☐	☐	Communal space within the development has maximised opportunities for passive surveillance. The provision of multiple lift shafts with basement access has also maximised safety for the residents within the building. Public and private spaces between the street and building are well defined through the use of fencing, landscaping and level changes, yet allow for passive surveillance of the public space.
Principal 9: Social dimensions *Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.* *New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or in the case of precincts undergoing transition, provide for the desired future community.*	☒	☐	☐	The proposal provides an adequate mix of 1, 2 and 3 bed apartments as well as providing a significant number of adaptable units. The Section 96(2) proposal is considered acceptable with regards to social dimensions.
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 building responds well in this regard with its provision of good aesthetics though the use of high quality materials, attention to detail in its internal spaces and how it addresses the waterfront space. No objection is raised in this regards to the proposed modification.
Clause 30 Determination of DAs *After receipt of a DA, the advice of the relevant design review panel (if any) is to be obtained concerning the design quality of the residential flat development.* *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 are considered above and the Residential Flat Design Code is considered in the assessment table immediately below.

Residential Flat Design Code

Requirement	Yes	No	N/A	Comment
Part 1 - Local Context				
Building Type				

Requirement	Yes	No	N/A	Comment
• Residential Flat Building. • Terrace. • Townhouse. • Mixed-use development. • Hybrid.	☒ ☐ ☐ ☐	☐ ☐ ☐ ☐	☐ ☒ ☒ ☒	The proposed development consists of a residential flat building complex. There is car parking situated centrally within the site over two levels and an internal courtyard. This is unaltered in the Section 96(2) proposal.
Subdivision and Amalgamation				
Objectives • Subdivision/amalgamation pattern arising from the development site suitable given surrounding local context and future desired context.	☐	☐	☒	A subdivision of the site into smaller lots is not proposed under this application. It is noted however that associated amended DA-109/2011/A proposes the subdivision of the site into smaller lots.
• Isolated or disadvantaged sites avoided.	☐	☐	☒	
Building Height				
Objectives • To ensure future development responds to the desired scale and character of the street and local area.	☒	☐	☐	The development inclusive of the proposed modifications is considered to be an appropriate scale and will integrate successfully with the Wentworth Point locality.
• To allow reasonable daylight access to all developments and the public domain.	☒	☐	☐	
Building Depth				
Objectives • To ensure that the bulk of the development is in scale with the existing or desired future context.	☒	☐	☐	The majority of the development will be satisfactory under this heading.
• To provide adequate amenity for building occupants in terms of sun access and natural ventilation.	☒	☐	☐	The design, bulk, streetscape presentation and height is acceptable.
• To provide for dual aspect apartments.	☒	☐	☐	This is achieved where possible. Variations in relation to solar access to apartments and the public domain are discussed in detail later.
Controls **• The maximum internal plan depth of a building should be 18 metres from glass line to glass line.**	☐	☒	☐	**The building depth for the building remains as originally approved and varies but reaches up to 19.8m from glass line to glass line but less than 22m overall. Based on the design the proposed depth is not considered excessive. (This is as originally approved)**
• Freestanding buildings (the big house or tower building types) may have greater depth than 18 metres only if they still achieve satisfactory daylight and natural ventilation.	☒	☐	☐	Notwithstanding the building depth, the residential towers achieve satisfactory daylight and natural ventilation given the orientation of the site.
• Slim buildings facilitate dual aspect apartments, daylight access and natural ventilation.	☒	☐	☐	Dual aspect apartments have been included within the development. In this regard, there are 65 dual aspect units which represent 44% of the total number of units. These are found on all the floors.
• In general an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	☒	☐	☐	Refer to detailed discussion regarding light and ventilation later in the report.
Building Separation				

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.	☒	☐	☐	The concept of the development is supported in which buildings are oriented towards their respective frontages but also maximise views to the waterfront. Building setbacks are generally satisfactory.
• To provide visual and acoustic privacy for existing and new residents.	☒	☐	☐	Appropriate spacing and visual and acoustic privacy is provided between apartments.
• 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.	☒	☐	☐	Deep soil zones are provided around the perimeter of Block D.
Controls • For buildings over three storeys, building separation should increase in proportion to building height: ○ 5-8 storeys/up to 25 metres:				The complex is 4 to 8 storeys in height consisting of 7 storeys to the northern building; 5 - 8 storeys to the southern building; and 4 storeys to the eastern building facing the foreshore. The separation distance between the north and south building within Block D varies between 13m – 14.2m and the separation distance between the north and east building within Block D varies between 32m – 37m. It is noted that a separation distance of 11m – 12m is proposed between Block D and proposed Block C buildings.
▪ **18 metres between habitable rooms/balconies;**	☐	☒	☐	**There is no effective change to the building footprint under the modified proposal. The modified proposal is acceptable in this regards. (This is as originally approved)**
▪ **13 metres between habitable rooms/balconies and non habitable rooms;**	☐	☒	☐	
▪ 9 metres between non habitable rooms.	☒	☐	☐	Adequate separation is provided between the building elements which are aligned to the streets that surround the site.
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.	☐	☐	☒	A large internal courtyard is to be provided that generally provides appropriate setbacks between the three building elements.
• 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.	☒	☐	☐	The modified development is considered to be satisfactory in this regard.
• 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.	☒	☐	☐	
Street Setbacks				

Requirement	Yes	No	N/A	Comment
Objectives • To establish the desired spatial proportions of the street and define the street edge. • To create a clear threshold by providing a transition between public and private space. • To assist in achieving good visual privacy to apartments from the street. • To create good quality entry spaces to lobbies, foyers or individual dwelling entrances. • To allow an outlook to and surveillance of the street. • To allow for street landscape character.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	Setbacks are in accordance with the Concept Plan requirements and Homebush Bay West DCP. The modified proposal has not altered the approved street setbacks.
Controls • Minimise overshadowing of the street and/or other buildings.	☐	☐	☒	Given the orientation of the site and the required design outcomes of the site and locality specific DCP, some overshadowing of streets is inevitable and unavoidable.
• In general no part of a building or above ground structure may encroach into a setback zone - exceptions are underground parking structures no more than 1.2 metres above ground where this is consistent with the desired streetscape, awnings, balconies and bay windows.	☐	☒	☐	**As per the approved development, some non-compliances with regard to projections above ground level were noted but approved. The modified proposal has not altered the development with regard to this control and is accordingly acceptable in this instance.**
Side & Rear Setbacks				
Objectives • To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings. • To retain or create a rhythm or pattern of development that positively defines the streetscape so that space is not just what is left over around the building form. Objectives – Rear Setbacks • To maintain deep soil zones to maximise natural site drainage and protect the water table. • To maximise the opportunity to retain and reinforce mature vegetation. • To optimise the use of land at the rear and surveillance of the street at the front. • To maximise building separation to provide visual and acoustic privacy.	☒ ☒ ☒ ☐ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☒ ☒ ☐ ☐	Appropriate setbacks are achieved in accordance with the Concept Plan and Homebush Bay West DCP requirements.
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.	☒	☐	☐	Appropriate setbacks are achieved in accordance with the Concept Plan and Homebush Bay West DCP requirements.
• In general no part of a building or above ground structure may encroach into a setback zone – exceptions are underground parking structures no more than 1.2 metres above ground where this is consistent with the desired streetscape, awnings, balconies and bay windows.	☐	☒	☐	**This matter has been discussed above under street setbacks**
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 modified development is considered to be generally consistent with the density requirements imposed by the Concept Plan approval. Many units have satisfactory internal and external amenity but some units will have some reduction in amenity in terms of solar penetration, this is however compensated in most cases, by generous foreshore views.
Part 02 Site Design				
Site Analysis				
• Site analysis should include plan and section drawings of the existing features of the site, at the same scale as the site and landscape plan, together with appropriate written material. • A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the application.	☒ ☒	☐ ☐	☐ ☐	The required information was submitted in the original development application and considered acceptable.
Deep Soil Zones				
Objectives • To assist with management of the water table. • To assist with management of water quality. • To improve the amenity of developments through the retention and/or planting of large and medium size trees.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The amended proposal includes a satisfactory planting scheme for the site. The landscape plan is satisfactory for approval and shows an adequate planting regime for the complex.
Design Practice • Optimise the provision of consolidated deep soil zones within a site by the design of basement and sub basement car parking so as not to fully cover the site; and the use of front and side setbacks. • Optimise the extent of deep soil zones beyond the site boundaries by locating them with the deep soil zones of adjacent properties. • Promote landscape health by supporting for a rich variety of vegetation type and size. • Increase the permeability of paved areas by limiting the area of paving and/or using impervious materials. • **A minimum of 25% of the open space area of a site should be a deep soil zone.**	☒ ☒ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☒	☐ ☐ ☐ ☐ ☐	**The original approval and the proposed modification provides little by way of deep soil within the open space area due to locating the parking areas below the central communal open space thereby limiting the opportunity for providing deep soil. It is noted that in general 1128sqm of planting on slab is provided within Block D which equates to 17.4% of the site. The non-compliance is supported in this instance based on the constraints of the site associate with the water table and limited opportunity to soil access. The proposal is noted as being consistent with other approvals in Wentworth Point**
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 amended development is considered to be consistent with the Fences and Walls objectives as suitable barriers between the public and private areas are proposed in the form of low-level walls and landscaping.

Requirement	Yes	No	N/A	Comment
Design Practice • Respond to the identified architectural character for the street and/or the area. • Clearly delineate the private and public domain without compromising safety and security by designing fences and walls which provide privacy and security while not eliminating views, outlook, light and air; and limiting the length and height of retaining walls along street frontages. • Contribute to the amenity, beauty and useability of private and communal open spaces by incorporating benches and seats; planter boxes; pergolas and trellises; BBQs; water features; composting boxes and worm farms. • Retain and enhance the amenity of the public domain by avoiding the use of continuous blank walls at street level; and using planting to soften the edges of any raised terraces to the street, such as over sub basement car parking and reduce their apparent scale. • Select durable materials which are easily cleaned and graffiti resistant.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The amended development provides low-level boundary walls behind a landscape buffer to ground-floor apartments to clearly delineate between public and private spaces. The proposed Section 96(2) modification has not altered the approved arrangement and the modification is acceptable in this regard.
Landscape Design				
Objectives • To add value to residents' quality of life within the development in the forms of privacy, outlook and views. • To provide habitat for native indigenous plants and animals. • To improve stormwater quality and reduce quantity. • To improve the microclimate and solar performance within the development. • To improve urban air quality. • To contribute to biodiversity.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	The amended development is considered to be consistent with the Landscape Design objectives as suitable landscaping is to be used to soften the impact of the built form on surrounding streetscapes and within the internal courtyard.
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. • Contribute to streetscape character and the amenity of the public domain by: relating landscape design to the desired proportions and character of the streetscape; using planting and landscape elements appropriate to the scale of the development; mediating between and visually softening the bulk of large development for the person on the street. • Improve the energy efficiency and solar efficiency of dwellings and the microclimate of private open spaces. • Design landscape which contributes to the site's particular and positive characteristics. • Contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management. • Provide a sufficient depth of soil above paving slabs to enable growth of mature trees. • Minimise maintenance by using robust landscape elements.	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	A landscape plan, prepared by a suitably qualified consultant, is submitted with the amended application. The plan identifies relevant landscaping elements to soften the built form, contribute to streetscape and provide for natural screening and shading.
Open Space				

Requirement	Yes	No	N/A	Comment
Objectives • To provide residents with passive and active recreational opportunities. • 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.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The approved open space within the development is consolidated, functional and attractive for the residents. The Section 96(2) is not modifying the development in this regard.
Design Practice • Provide communal open space with is appropriate and relevant to the building's setting. • 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. • 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. • 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 brown field sites may have potential for more than 30%. • 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 25sqm and the minimum preferred dimension is 4 metres.**	☒ ☒ ☒ ☒ ☒ ☒ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐	The Section 96(2) modification proposal is generally considered to be satisfactory in this regard. The amount of common open space covers is approximately 1871sqm or 28.5% of the site and therefore complies with this provision. **As per the approved development, some non-compliances with regard to private open space on ground level were noted but approved. The modified proposal has not altered the development with regard to this control and is accordingly acceptable in this instance.**
Orientation				
Objectives • To optimise solar access to residential apartments within the development and adjacent development. • To contribute positively to desired streetscape character. • To support landscape design of consolidated open space areas. • To protect the amenity of existing development. • To improve the amenity of existing development.	☒ ☒ ☒ ☐ ☐	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☒	The location, setbacks and orientation of the buildings is not being modified under this Section 96(2) proposal

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 general layout is considered to be the most appropriate with regard to the general positioning of the site, the surrounding development and the need to take advantage of water views.
Select building types or layouts which respond to the streetscape while optimising solar access. Where streets are to be edged and defined by buildings: align buildings to the street on east-west streets; and use courtyards, L-shaped configurations and increased setbacks to northern side boundaries on north-south streets.	☒	☐	☐	
Optimise solar access to living spaces and associated private open spaces by orienting them to the north.	☒	☐	☐	
Detail building elements to modify environmental conditions as required to maximise sun access in winter and sun shading in summer.	☒	☐	☐	
Planting on Structures				
Objectives To contribute to the quality and amenity of communal open space on roof tops, podiums and internal courtyards.	☒	☐	☐	The modified development is considered to be consistent with the Planting on Structures objectives as sufficient soil depth is provided above the parking level podium to allow the communal open space area to be planted, landscaped and include trees.
To encourage the establishment and healthy growth of trees in urban areas.	☒	☐	☐	

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.	☒	☐	☐	The depth of soil within the central communal open space area (above the parking level podium) is to be between 1.5m to 1.8m deep. It will have dimensions well in excess of 10 metres by 10 metres and volume of more than 150 cubic metres. Therefore, sufficient planting conditions will be provided for a range of small trees, shrubs and ground covers.
Design planters to support the appropriate soil depth and plant selection by: ensuring planter proportions accommodate the largest volume of soil possible; and providing square or rectangular planting areas rather than long narrow linear areas. Minimum soil depths will vary depending on the size of the plant however soil depths greater than 1.5 metres are unlikely to have any benefits for tree growth.	☒	☐	☐	
Increase minimum soil depths in accordance with: the mix of plants in a planter; the level of landscape management; anchorage requirements of large and medium trees; soil type and quality.	☒	☐	☐	
Minimum standards: Large trees such as figs (canopy diameter of up to 16 metres at maturity): Minimum soil volume 150cum; Minimum soil depth 1.3 metres; Minimum soil area 10 metres by 10 metres.	☒	☐	☐	
Medium trees (canopy diameter of up to 8 metres at maturity): Minimum soil volume 35cum; Minimum soil depth 1 metre; Approximate soil area 6 metres by 6 metres.	☒	☐	☐	
Small trees (canopy diameter of up to 4 metres at maturity): Minimum soil volume 9cum; Minimum soil depth 800mm; Approximate soil area 3.5 metres by 3.5 metres.	☒	☐	☐	
Shrubs: Minimum soil depths 500-600mm	☒	☐	☐	
Ground cover: Minimum soil depths 300-450mm	☒	☐	☐	
Turf: Minimum soil depth 100-300mm	☒	☐	☐	
Any subsurface drainage requirements are in addition to the minimum soil depths.				
Stormwater Management				
Objectives To minimise the impacts of residential flat development and associated infrastructure on the health and amenity of natural waterways.	☒	☐	☐	Council's development engineer has examined the plans for their consistency with the approved stormwater plans and has deemed the proposed modifications acceptable in this regard. The approved stormwater plans shall be updated with regard to the proposed modifications.
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.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice Reduce the volume impact of stormwater on infrastructure by retaining it on site.	☒	☐	☐	
Optimise deep soil zones. All development must address the potential for deep soil zones.	☒	☐	☐	
On dense urban sites where there is no potential for deep soil zones to contribute to stormwater management, seek alternative solutions.	☐	☐	☒	
Protect stormwater quality by providing for stormwater filters, traps or basins for hard surfaces, treatment of stormwater collected in sediment traps on soils containing dispersive clays.	☒	☐	☐	
Reduce the need for expensive sediment trapping techniques by controlling erosion.	☒	☐	☐	
Consider using grey water for site irrigation.	☒	☐	☐	
Safety				
Objectives To ensure residential flat developments are safe and secure for residents and visitors.	☒	☐	☐	The modified development is considered to be consistent with the Safety objectives as secure access to communal entries to the building and as casual surveillance of the public domain from living and open space areas is to be provided.
To contribute to the safety of the public domain.	☒	☐	☐	
Design Practice Reinforce the development boundary to strengthen the distinction between public and private space. This can be actual or symbolic and may include: employing a level change at the site and/or building threshold; signage; entry awnings; fences; walls and gates; change of material in paving between the street and the development.	☒	☐	☐	The public and private spaces can be easily identified. This arrangement has not been altered under this Section 96(2) modification.
Optimise the visibility, functionality and safety of building entrances by: orienting entrances towards the public street; providing clear lines of sight between entrance foyers and the street; providing direct entry to ground level apartments from the street rather than through a common foyer; direct and well lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances.	☒	☐	☐	
Improve the opportunities for casual surveillance by: orienting living areas with views over public or communal open spaces where possible; using bay windows and balconies which protrude beyond the main façade and enable a wider angle of vision to the street; using corner windows which provide oblique views of the street; providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks.	☒	☐	☐	Fencing and balustrades to private open space areas are to consist of transparent elements to ensure an appropriate level of casual surveillance of public areas is achieved.
Minimise opportunities for concealment by: avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor car parking, along corridors and walkways; providing well lit routes throughout the development; providing appropriate levels of illumination for all common areas; providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard.	☒	☐	☐	Opportunities for concealment or the creation of blind alcoves have been minimised in this development.
Control access to the development by: making apartments inaccessible from the balconies, roofs and windows of neighbouring buildings; separating the residential component of a development's car parking from any other building use and controlling car park access from public and common areas; providing direct access from car parks to	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
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. Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	☒	☐	☐	An assessment of the proposal in relation to Council's Policy on Crime Prevention Through Environmental Design 2006 was undertaken under the original application. The modified proposal has not altered the development with regard to this policy and is accordingly acceptable in this instance.
Visual Privacy				
Objectives To provide reasonable levels of visual privacy externally and internally during the day and night. To maximise outlook and views from principal rooms and private open space without compromising visual privacy.	☒ ☒	☐ ☐	☐ ☐	The modified development is considered to be consistent with the Visual Privacy Objectives as outlook of open space is maximised where possible, without creating adverse impacts.
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. 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. Use detailed site and building design elements to increase privacy without compromising access to light and air.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The development provides generally good building separation throughout the site. Generally, for much of the development, building separation, location of windows and private open spaces and the use of privacy screening are satisfactory.
Building Entry				
Objectives To create entrances which provide a desirable residential identity for the development. To orient the visitor. To contribute positively to the streetscape and building facade design.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The residential building entrances are not being modified under this Section 96(2) application. The development was generally in accordance with the building entry objectives.

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.	☒	☐	☐	Multiple communal entries are to be provided, which integrate with the public domain through the provision of forecourt areas with feature paving and landscaping.
Provide as direct a physical and visual connection as possible between the street and the entry.	☒	☐	☐	Entry foyers are spacious, feature glazing for clear sight lines and will be secured with resident-access locked doors. The entry foyers also allow equitable access to the building.
Achieve clear lines of transition between the public street, the shared private circulation spaces and the apartment unit.	☒	☐	☐	
Ensure equal access for all.	☒	☐	☐	
Provide safe and secure access.	☒	☐	☐	
Provide separate entries from the street for pedestrians and cars; different uses and ground floor apartments.	☒	☐	☐	
Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces.	☒	☐	☐	
Provide and design mailboxes to be convenient for residents and not to clutter the appearance of the development from the street.	☒	☐	☐	Mailbox location proposed adjacent to each entry foyer.
Parking				
Objectives				
To minimise car dependency for commuting and recreational transport use and to promote alternative means of transport - public transport, bicycling and walking.	☒	☐	☐	The modified development considered to be consistent with the Parking objectives as suitable number of resident and visitor car, motorbike and bicycle spaces are provided within the underground levels which do not impact upon the aesthetic design of the building.
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.	☒	☐	☐	

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.	☒	☐	☐	Following a car parking count, it is identified that 204 car parking spaces are provided in this development. Of that, there are 29 parking spaces for visitors and 30 spaces designated as disabled spaces. As noted earlier in the report Condition 56 has been amended to ensure 30 visitor parking spaces are provided.
Limit the number of visitor parking spaces, particularly in small developments where the impact on landscape and open space is significant.	☐	☐	☒	
Give preference to underground parking wherever possible. Design considerations include: retaining and optimising the consolidated areas of deep soil zones; facilitating natural ventilation to basement and sub basement car parking areas; integrating ventilation grills or screening devices of car park openings into the façade design and landscape design; providing safe and secure access for building users, including direct access to residential apartments where possible; provide a logical and efficient structural grid.	☒	☐	☐	The change to the site topography allows all formal and allocated parking areas to be provided within underground levels. Parking levels have appropriate ventilation intakes, secure access and direct and convenient access to the building via lifts.
Where aboveground enclosed parking cannot be avoided ensure the design of the development mitigates any negative impact on streetscape and street amenity by avoiding exposed parking on the street frontage; hiding car parking behind the building façade – where wall openings occur, ensure they are integrated into the overall façade scale, proportions and detail; wrapping the car parks with other uses.	☐	☐	☒	
Minimise the impact of on grade parking by: locating parking on the side or rear of the lot away from the primary street frontage; screening cars from view of streets and buildings; allowing for safe and direct access to building entry points; incorporating parking into the landscape design of the site.	☐	☐	☒	
Provide bicycle parking which is easily accessible from ground level and from apartments.	☒	☐	☐	Bicycle storage areas are provided within parking levels and are suitably accessible.
Pedestrian Access				
Objectives				
To promote residential flat development which is well connected to the street and contributes to the accessibility of the public domain.	☒	☐	☐	The modified development is considered to be consistent with the Pedestrian Access objectives as barrier free communal entries are provided to access cores of all the building elements.
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 modified complex is stepped from the street to reflect the new topography of the site. Ground floor apartments have individual entries from the respective streets and access cores are accessible from within parking areas, Vehicular and pedestrian entries are well separated and the proposed street network provides vehicular and pedestrian links through the wider site (this will be continued as part of future redevelopment of the site). All entries are accessible with barrier free access to over 75% of apartments. There are 147 units in the development. Of that figure, 30 or 20% are to be designated as "Adaptable units".
Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entries, lobbies, communal open space, site facilities, parking areas, public streets and internal roads.	☒	☐	☐	
Promote equity by ensuring the main building entrance is accessible for all from the street and from car parking areas; integrating ramps into the overall building and landscape design.	☒	☐	☐	
Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space.	☒	☐	☐	
Maximise the number of accessible, visitable and adaptable apartments in a building.	☒	☐	☐	
Separate and clearly distinguish between pedestrian access ways and vehicle access ways.	☒	☐	☐	
Consider the provision of public through site pedestrian access ways in large development sites.	☒	☐	☐	
Identify the access requirements from the street or car parking area to the apartment entrance.	☒	☐	☐	
Follow the accessibility standard set out in AS1428 as a minimum.	☒	☐	☐	
Provide barrier free access to at least 20% of dwellings in the development.	☒	☐	☐	
Vehicle Access				
Objectives To integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety.	☒	☐	☐	The amended development is considered to be consistent with the Vehicle Access objectives. The entry from Hill Road via the temporary road to the south of the site or via Half Street (in Lot 10), via Waterways Street to link the temporary road is suitably located and will integrated into the building elevation on completion of all development in Lot 9.
To encourage the active use of street frontages.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice				
Ensure that pedestrian safety is maintained by minimising potential pedestrian/vehicle conflicts.	☒	☐	☐	One vehicular access way is provided from Hill Road.
Ensure adequate separation distances between vehicular entries and street intersections.	☒	☐	☐	The driveway width is not excessive and is not in near vicinity from any intersections.
Optimise the opportunities for active street frontages and streetscape design by: making vehicle access points as narrow as possible; limit the number of vehicle access ways to a minimum; locating car park entry and access from secondary streets and lanes.	☒	☐	☐	
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 are located between Block D and adjoining Block C and are easily accessible from Hill Road via the temporary road on the southern side of the site.
Generally limit the width of driveways to a maximum of 6 metres.	☐	☒	☐	**Driveways of temporary road to the south of the site are 6.5m wide. Council's development engineer has raised no objection to this minor non-compliance.**
Locate vehicle entries away from main pedestrian entries and on secondary frontages.	☒	☐	☐	
Part 03 Building Design				
Apartment Layout				
Objectives				
To ensure the spatial arrangement of apartments is functional and well organised.	☒	☐	☐	The modified 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.	☒	☐	☐	Possible furniture layouts are marked on the plans under review.
Design Practice				
Determine appropriate sizes in relation to: geographic location and market demands; the spatial configuration of an apartments; affordability.	☒	☐	☐	Apartment layouts are generally considered satisfactory in terms of orientating living areas and private open spaces to optimise solar access where possible.
Ensure apartment layouts are resilient over time by accommodating a variety of furniture arrangements; providing for a range of activities and privacy levels between different spaces within the apartment; utilising flexible room sizes and proportions or open plans; ensuring circulation by stairs, corridors and through rooms is planned as efficiently as possible thereby increasing the amount of floor space in rooms.	☒	☐	☐	
Design apartment layouts which respond to the natural and built environments and optimise site opportunities by: providing private open space in the form of a balcony, terrace, courtyard or garden for every apartment; orienting main living areas toward the primary outlook and aspect and away from neighbouring noise sources or windows.	☒	☐	☐	
Locating main living spaces adjacent to main private open space; locating habitable rooms, and where possible kitchens and bathrooms, on the external face of buildings; maximising opportunities to facilitate natural ventilation and to capitalise on natural daylight by providing corner apartments, cross-over/cross-through apartments; split-level/maisonette apartments, shallow/single	☒	☐	☐	The living area of each unit is connected to the balcony.

Requirement	Yes	No	N/A	Comment
aspect apartments.				
Avoid locating kitchen as part of the main circulation spaces of an apartment, such as a hallway or entry space.	☒	☐	☐	The kitchens do not form part of the major circulation space of any apartment.
Include adequate storage space in apartment	☒	☐	☐	
Ensure apartment layouts and dimensions facilitate furniture removal and placement.	☒	☐	☐	All the units have storage space within their confines in addition to kitchen cupboards and wardrobes.
Single aspect apartments should be limited in depth to 8 metres from a window.	☐	☒	☐	**Not all single aspects apartments within the development are 8m from a window. It is noted however that all habitable rooms of all the single aspect apartments are less than 8m deep and majority of non-compliant single aspect apartments are approximately 9.6m or less in depth. This variation is considered to be numerically small. Further, utility/service (toilets, laundries etc) areas are generally located at the back of apartments, away from windows. The variation is therefore considered to be minor and acceptable in this instance. (it is noted that the original proposal allowed for similar variation)**
The back of a kitchen should be no more than 8 metres from a window.	☐	☒	☐	**29 of the proposed 147 apartments have kitchens located more than 8m from a window, representing 20% of the development. Of the 29 non-compliant apartments, the maximum distance to a window is 9m. The minor numerical variation is considered acceptable in this instance. (it is noted that the original proposal allowed for similar variation)**
The width of cross-over/cross-through apartments over 15 metres deep should be 4 metres or greater.	☒	☐	☐	All cross-through apartments are a minimum of 4.4 metres wide.
Buildings not meeting the minimum standards must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly for habitable rooms.	☒	☐	☐	
If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest minimum apartment sizes: 1 bed = 50sqm, 2 bed = 70sqm, 3 bed = 95sqm.	☒	☐	☐	
Apartment Mix				
Objectives To provide a diversity of apartment types, which cater for different household requirements now and in the future.	☒	☐	☐	The modified development is considered to be consistent with the Apartment Mix objectives as an acceptable mixture of 1, 2 and 3 bedroom apartments are proposed which will cater for a range of household requirements.
To maintain equitable access to new housing by cultural and socio-economic groups.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice Provide a variety of apartment types particularly in large apartment buildings. Variety may not be possible in smaller buildings (up to 6 units).	☒	☐	☐	The amended development has the following bedroom mix:-
Refine the appropriate mix for a location by considering population trends in the future as well as present market demands; noting the apartment's location in relation to public transport, public facilities, employment areas, schools, universities and retail centres.	☒	☐	☐	1 bedroom apartments - 41 units (28%) 2 bedroom apartments – 95 units (65%) 3 bedroom apartments - 11 units (7%)
Locate a mix of 1 and 3 bed apartments on the ground level where accessibility is more easily achieved.	☒	☐	☐	Ground floor level contains a mixture of all apartment types.
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.	☒	☐	☐	There are 30 adaptable units to be provided in the amended development.
Balconies				
Objectives To provide all apartments with private open space.	☒	☐	☐	Every unit/apartment within the development has some form of functional outdoor space. In this regard the Section 96(2) modification is acceptable.
To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for apartment residents.	☒	☐	☐	
To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings.	☒	☐	☐	
To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.	☒	☐	☐	
Design Practice Where other private open space is not provided, provide at least one primary balcony.	☒	☐	☐	All apartments have at least one balcony. Access is provided directly from living areas.
Primary balconies should be: located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space; sufficiently large and well proportioned to be functional and promote indoor/outdoor livening – a dining table and 2 chairs (small apartment) and 4 chairs (larger apartment) should fit on the majority of balconies in the development.	☒	☐	☐	
Consider secondary balconies, including Juliet balconies or operable walls with balustrades, for additional amenity and choice: in larger apartments; adjacent to bedrooms; for clothes drying, site balconies off laundries or bathrooms and they should be screened from the public domain.	☒	☐	☐	Secondary balconies are provided to a small number of apartments in the complex.
Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies by: locating balconies which predominantly face north, east or west to provide solar access; utilising sun screens, pergolas, shutters ad operable walls to control sunlight and wind; providing balconies with operable screens, Juliet balconies or operable walls in special locations where noise or high windows prohibit other solutions; choose cantilevered balconies, partly cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy; ensuring balconies are not so deep that they prevent sunlight entering the apartment below.	☒	☐	☐	Private open spaces are provided in the form of terrace and balconies for the ground floor units as the building dictates.
Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy.	☒	☐	☐	Transparent balustrades are proposed through-out to maximise solar access, casual surveillance and

Requirement	Yes	No	N/A	Comment
Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design.	☒	☐	☐	to maximise views.
Consider supplying a tap and gas point on primary balconies.	☒	☐	☐	
Provide primary balconies for all apartments with a minimum depth of 2 metres (2 chairs) and 2.4 metres (4 chairs).	☒	☐	☐	Non compliances occur however where non compliances occur, balconies are still capable of a limited amount of outdoor furniture. It is noted that all apartments are provided with a primary balcony of at least 2m in depth.
Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context – noise, wind, cannot be satisfactorily ameliorated with design solutions.	☒	☐	☐	
Require scale plans of balcony with furniture layout to confirm adequate, useable space when an alternate balcony depth is proposed.	☒	☐	☐	Suitable plans are provided.
Ceiling Heights				
Objectives To increase the sense of space in apartments and provide well proportioned rooms.	☒	☐	☐	The amended development is considered to be consistent with the Ceiling Heights objectives as suitable ceiling heights are provided for the residential nature of apartments. The floor to ceiling heights are unchanged from the originally approved development.
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.	☒	☐	☐	

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 apartments in the complex shall have floor to ceiling heights of 2.7m metres. This is considered acceptable for solar access and general residential amenity.
Facilitate better access to natural light by using ceiling heights which enable the effectiveness of light shelves in enhancing daylight distribution into deep interiors; promote the use of taller windows, highlight windows and fan lights. This is particularly important for apartments with limited light access such as ground floor apartments and apartments with deep floor plans.	☒	☐	☐	
Design ceiling heights which promote building flexibility over time for a range of other uses, including retail or commercial, where appropriate.	☐	☐	☒	The building does not consist of any double height apartments and additional heights for future changes of use are not a necessity as the block is identified for residential use.
Coordinate internal ceiling heights and slab levels with external height requirements and key datum lines.	☒	☐	☐	
Count double height spaces with mezzanines as two storeys.	☐	☐	☒	
Cross check ceiling heights with building height controls to ensure compatibility of dimensions, especially where multiple uses are proposed.	☒	☐	☐	
Minimum dimensions from finished floor level to finished ceiling level:				
Mixed use buildings: 3.3 metres minimum for ground floor retail/commercial and for first floor residential, retail or commercial.	☐	☐	☒	
For RFBs in mixed use areas 3.3 metres minimum for ground floor;	☐	☐	☒	
For RFBs or other residential floors in mixed use buildings: 2.7 metres minimum for all habitable rooms on all floors, 2.4 metres preferred minimum for non-habitable rooms but no less than 2.25 metres;	☒	☐	☐	
2 storey units: 2.4 metres for second storey if 50% or more of the apartments has 2.7 metres minimum ceiling heights;	☐	☐	☒	
2 storey units with a 2 storey void space: 2.4 metres minimum;	☐	☐	☒	
Attic spaces: 1.5 metres minimum wall height at edge of room with a 30^0 minimum ceiling slope.	☐	☐	☒	
Developments which seek to vary the recommended ceiling heights must demonstrate that apartments will receive satisfactory daylight.	☐	☐	☒	
Flexibility				
Objectives				
To encourage housing designs which meet the broadest range of the occupants' needs as possible.	☒	☐	☐	The amended development is considered to be consistent with the Flexibility objectives as layouts promote changes to furniture arrangement and a suitable number can be adapted to the changing needs of residents.
To promote 'long life loose fit' buildings, which can accommodate whole or partial changes of use.	☒	☐	☐	
To encourage adaptive reuse.	☒	☐	☐	
To save the embodied energy expended in building demolition.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice Provide robust building configurations, which utilise multiple entries and circulation cores, especially in larger buildings over 15 metres long by: thin building cross sections, which are suitable for residential or commercial uses; a mix of apartment types; higher ceilings in particular on the ground floor and first floor; separate entries for the ground floor level and the upper levels; sliding and/or moveable wall systems.	☒	☐	☐	Block D is earmarked to be for residential use only as a result the scope for change is limited.
Provide apartment layouts which accommodate the changing use of rooms.	☒	☐	☐	Apartment layout provides for basic changes to internal configuration.
Utilise structural systems which support a degree of future change in building use or configuration.	☒	☐	☐	
Promote accessibility and adaptability by ensuring: the number of accessible and visitable apartments is optimised; and adequate pedestrian mobility and access is provided.	☒	☐	☐	Accessible and visitable apartments are promoted. There are 147 units in the development. Of that figure, 30 or 20% are to be designated as "Adaptable units". In this regard the proposal is considered to be satisfactory.
Ground Floor Apartments				
Objectives To contribute to the desired streetscape of an area and to create active safe streets.	☒	☐	☐	The proposed development is considered to be consistent with the "Ground Floor Apartment Objectives" as a range of ground-floor apartments are proposed which contribute to an active streetscape.
To increase the housing and lifestyle choices available in apartment buildings.	☒	☐	☐	
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.	☒	☐	☐	All ground-floor apartments are setback from the boundaries with adjoining streets. The setback areas are utilised for private terraces accessible from internal living areas and individual entries, bounded by fencing and landscaping which provides sufficient visual privacy.
Ensure adequate privacy and safety of ground floor units located in urban areas with no street setbacks by: stepping up the ground floor level from the level of the footpath a maximum of 1.2 metres; designing balustrades and establishing window sill heights to minimise site lines into apartments, particularly in areas with no street setbacks; determining appropriateness of individual entries; ensuring safety bars or screens are integrated into the overall elevation design and detailing.	☐	☐	☒	
Promoting house choice by: providing private gardens, which are directly accessible from the main living spaces of the apartment and support a variety of activities; maximising the number of accessible and visitable apartments on the ground floor; supporting a change or partial change in use, such as a home office accessible from the street or a corner shop.	☒	☐	☐	This is available for the ground floor units.
Increase opportunities for solar access in ground floor units, particularly in denser areas by: providing higher ceilings and taller windows; choosing trees and shrubs which provide solar access in winter and shade in summer.	☒	☐	☐	
Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units.	☒	☐	☐	
Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	☒	☐	☐	
Internal Circulation				

Requirement	Yes	No	N/A	Comment
Objectives To create safe and pleasant spaces for the circulation of people and their personal possessions.	☒	☐	☐	The amended development is considered to be consistent with the Internal Circulation objectives as spacious access hallways and apartments are provided.
To facilitate quality apartment layouts, such as dual aspect apartments.	☒	☐	☐	
To contribute positively to the form and articulation of the building façade and its relationship to the urban environment.	☒	☐	☐	
To encourage interaction and recognition between residents to contribute to a sense of community and improve perceptions of safety.	☒	☐	☐	
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.
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.	☒	☐	☐	Multiple access cores are provided to service the different areas of the complex.
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.	☐	☒	☐	**This non-compliance affects the south-east core where up to 9 apartments on levels 2 to 4 are accessed from a single core. This is considered acceptable given the minor nature of the variation and it does not detract from the streetscape character or amenity of the units. It is also noted that 2 of the 9 units affected on levels 2 to 4 are dual aspect apartments. It is noted that this was also as originally approved.**
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.	☐	☐	☒	The Mixed Use objectives are not applicable to the proposed development as exclusive residential use is proposed.
Choose a compatible mix of uses.	☐	☐	☒	
Consider building depth and form in relation to each use's requirements for servicing and amenity.	☐	☐	☒	
Design legible circulation systems, which ensure the safety of users by: isolating commercial service requirements such as loading docks from residential access, servicing needs and primary outlook; locating clearly demarcated residential entries directly from the public street; clearly distinguishing commercial and residential entries and vertical access points; providing security entries to all entrances into private areas, including car parks and internal courtyards; providing safe pedestrian routes through the site, where required.	☐	☐	☒	
Ensure the building positively contributes to the public domain and streetscape by: fronting onto major streets with active uses; avoiding the use of blank walls at the ground level.	☐	☐	☒	
Address acoustic requirements for each use by: separate residential uses, where possible, from ground floor retail or leisure uses by utilising an intermediate quiet-use barrier, such as offices; design for acoustic privacy from the beginning of the project to ensure that future services, such as air conditioning, do not cause acoustic problems later.	☐	☐	☒	
Recognising the ownership/lease patterns and separating requirements for purposes of BCA.	☐	☐	☒	
Storage				
Objectives To provide adequate storage for everyday household items within easy access of the apartment.	☒	☐	☐	Sufficient storage lockers have been proposed in the basement for each unit The modified proposal has maintained this arrangement.
To provide storage for sporting, leisure, fitness and hobby equipment.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice Locate storage conveniently for apartments including: at least 50% of the required storage within each apartment and accessible from either the hall or living area - best provided as cupboards accessible from entries and hallways and/or under internal stairs; dedicated storage rooms on each floor within the development, which can be leased by residents as required; providing dedicated and/or leasable storage in internal or basement car parks.	☒	☐	☐	Apartments are to have varying levels of storage areas. However, the storage space per unit varies.
Provide storage which is suitable for the needs of residents in the local area and able to accommodate larger items such as sporting equipment and bicycles.	☒	☐	☐	Each unit has a dedicated storage space within the apartment in addition to kitchen cupboards and wardrobes.
Ensure that storage separated from apartments is secure for individual use.	☒	☐	☐	
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.	☒	☐	☐	Designated bicycle parking areas are provided in the parking levels.
Consider providing additional storage in smaller apartments in the form of built-in cupboards to promote a more efficient use of small spaces.	☒	☐	☐	
In addition to kitchen cupboards and wardrobes, provide accessible storage facilities at the following rates: Studio = 6cum; 1 bed = 6cum; 2 bed = 8cum; 3+ bed = 10cum.	☒	☐	☐	Satisfactory storage areas are provided to satisfy the DCP requirements as detailed on the submitted plans.
Acoustic Amenity				
Objectives To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private open spaces.	☒	☐	☐	The amended development is considered to be consistent with the Acoustic Amenity objectives as acoustic intrusion is minimised through building separation and the grouping of like-use rooms in apartments together.

Requirement	Yes	No	N/A	Comment
Design Practice				
Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings.	☒	☐	☐	Suitable building separation is provided to allow private open space areas to be located away from each other.
Arrange apartments within a development to minimise noise transition between flats by: locating busy, noisy areas next to each other and quieter areas next to other quieter areas (kitchen near kitchen, bedroom near bedroom); using storage or circulation zones within an apartment to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas; minimising the amount of party walls with other apartments.	☒	☐	☐	Like-use areas of apartments are grouped to avoid acoustic disturbance of neighbouring apartments where possible, i.e. bedrooms adjoin bedrooms and living areas adjoin living areas.
Design the internal apartment layout to separate noisier from quieter spaces by: grouping uses within an apartment – bedrooms with bedrooms and service areas like kitchen, bathroom, laundry together.	☒	☐	☐	Where possible, noisier areas such as bathrooms and laundries are distanced from bedrooms.
Resolve conflicts between noise, outlook and views by using design measures including: double glazing, operable screened balconies; continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements.	☒	☐	☐	
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 amended development is considered to be generally consistent with the Daylight Access objectives as the orientation of living areas allows for daylight infiltration.
To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.	☒	☐	☐	
To provide residents with the ability to adjust the quantity of daylight to suit their needs.	☒	☐	☐	
Design Practice				
Plan the site so that new residential flat development is oriented to optimise northern aspect.	☒	☐	☐	There are many units facing north, east or west that receives an adequate amount of solar penetration from March through to September. However there are a number of units facing south that do not receive solar penetration.
Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.	☒	☐	☐	The internal courtyard space within the development will provide shade in summer whilst allowing solar penetration in winter. The built form is open to the north at level 2, which would provide direct solar access to a substantial portion of the communal open space.
Optimise the number of apartments receiving daylight access to habitable rooms and principal windows: ensure daylight access to habitable rooms and private open space, particularly in winter; use skylights, clerestory windows and fanlights to supplement daylight access; promote two storey and mezzanine, ground floor apartments or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces; limit the depth of single aspect apartments; ensure single aspect , single storey apartments have a northerly or easterly aspect; locate living areas to the north and service	☒	☐	☐	Apartment living areas and certain bedrooms are provided with openings to outdoor space to maximise access to daylight and where possible, north-facing openings, living areas and private open spaces are optimised.

Requirement	Yes	No	N/A	Comment
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.				
Design for shading and glare control, particularly in summer: using shading devices such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting; optimising the number of north facing living spaces; providing external horizontal shading to north facing windows; providing vertical shading to east or west windows; using high performance glass but minimising external glare off windows (avoid reflective films, use a glass reflectance below 20%, consider reduced tint glass).	☒	☐	☐	Overhanging balconies and louvers are proposed to provide shading to private open spaces. A roof element is provided for the top floors to provide shading to the top floor balconies of each apartment as appropriate.
Limit the use of light wells as a source of daylight by prohibiting their use as the primary source of daylight in habitable rooms.	☒	☐	☐	
Where light wells are used: relate light well dimensions to building separation; conceal building services and provide appropriate detail and materials to visible walls; ensure light wells are fully open to the sky; allow exceptions for adaptive reuse buildings, if satisfactory performance is demonstrated.	☐	☐	☒	
Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter. In dense urban areas, a minimum of 2 hours may be acceptable.	☐	☒	☐	**The applicant provided shadow statistics schedule that shows that 76 units or 51.7% of the units having living areas and private open space areas achieving the minimum 3 hours solar access.** **Furthermore, the applicant contends that an additional 14 units or 9.5% will receive the minimum 2 hours solar access between 9am and 3.00pm at the winter solstice.** **When added together this is 90 units or 61% of the units receiving some sunlight penetration at the winter solstice.** **This non-compliance is considered to be a function of site orientation and the constraints associated with infill development. To this extent, and given water view opportunities for this site (discussed below), the variation to this clause is considered worthy of support. It is noted that the original approval achieved 62% compliance.**
Limit the number of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed.	☐	☒	☐	**There are 20 single aspect south facing units, which is 14% for the development. This is partly due to the orientation of the site. A variation is considered acceptable given that the proposal performs**

Requirement	Yes	No	N/A	Comment
				satisfactorily in terms of solar access and supporting documentation demonstrates that the thermal performance of these apartments is such that residential amenity will not be unduly affected. It Is noted that the original approval achieved 13% compliance.
Developments which seek to vary from the minimum standards must demonstrate how site constrains and orientation prohibits the achievement of these standards and how energy efficiency is addressed.	☒	☐	☐	The applicant argues in the original approval that the site constraint is a "Kirribilli Effect" where apartments with reduced solar access should not turn their back on the high amenity water view purely to resolve solar access non-compliances. It is agreed that the view in this instance can be considered to be of a high amenity and therefore warrants a variation to the numerical compliance with Solar access. Additionally, a sufficient set of energy efficiency features have been detailed to be provided within the submitted BASIX certificates. Accordingly, the development can be considered acceptable in this regard.
Natural Ventilation				
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 amended 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.

Requirement	Yes	No	N/A	Comment
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.	☒	☐	☐	The building and apartment layouts are designed to maximise natural ventilation through the use of open-plan living areas and generous openings to living areas and bedrooms.
Utilise the building layout and section to increase the potential for natural ventilation.	☒	☐	☐	
Design the internal apartment layout to promote natural ventilation by: minimising interruptions in air flow through an apartment; grouping rooms with similar usage together.	☒	☐	☐	
Select doors and operable windows to maximise natural ventilation opportunities established by the apartment layout.	☒	☐	☐	
Coordinate design for natural ventilation with passive solar design techniques.	☒	☐	☐	
Explore innovative technologies to naturally ventilate internal building areas or rooms.	☐	☐	☒	
Building depths which support natural ventilation typically range from 10-18 metres.	☐	☒	☐	**The building depth for the building remains as originally approved and varies but reaches up to 19.8m from glass line to glass line but less than 22m overall. Based on the design the proposed depth is not considered excessive.**
60% of residential units should be naturally cross ventilated.	☐	☒	☐	**Up to 82 units or 56% of apartments in the development have openings in two or more external walls of different orientation. Given that all apartments have openings to living areas and bedrooms, the variation is considered acceptable. It is noted that the original approval achieved 61% compliance.**
25% of kitchens within a development should have access to natural ventilation.	☒	☐	☐	All kitchens within the development are considered to be naturally ventilated as they are part of the open plan living area that has no mechanical 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 non-compliances identified in this section can be considered minor in this instance and generally supportable.
Awnings and Signage				
Objectives To provide shelter for public streets. To ensure signage is in keeping with desired streetscape character and with the development in scale, detail and overall design	☐ ☐	☐ ☐	☒ ☒	The Awnings and Signage Objectives are not applicable to the development as no awnings over the public domain or any signage are proposed.

Requirement	Yes	No	N/A	Comment
Design Practice *Awnings*				
Encourage pedestrian activity on streets by providing awnings to retail strips, where appropriate, which: give continuous cover in areas which have a desired pattern of continuous awnings; complement the height, depth and form of the desired character or existing pattern of awnings; provide sufficient protection for sun and rain.	☐	☐	☒	No awnings over the surrounding public domain are proposed. In this instance, where the proposal consists of units for a wholly residential use and where pedestrian traffic is to be limited, no awnings are considered necessary.
Contribute to the legibility of the residential flat development and amenity of the public domain by locating local awnings over building entries.	☐	☐	☒	
Enhance safety for pedestrians by providing under-awning lighting.	☐	☐	☒	
Signage				
Councils should prepare guidelines for signage based on the desired character and scale of the local area.	☐	☐	☒	No signage of any kind is proposed under this application. Again, being a residential development, no signage is considered necessary.
Integrate signage with the design of the development by responding to scale, proportions and architectural detailing.	☐	☐	☒	
Provide clear and legible way finding for residents and visitors.	☐	☐	☒	
Facades				
Objectives To promote high architectural quality in residential flat buildings.	☒	☐	☐	The amended development is considered to be consistent with the Facade objectives as elevations of high architectural design quality which include modulation and articulation are proposed.
To ensure that new developments have facades which define and enhance the public domain and desired street character.	☒	☐	☐	
To ensure that building elements are integrated into the overall building form and façade design.	☒	☐	☐	
Design Practice Consider the relationship between the whole building form and the façade and/or building elements.	☒	☐	☐	The modified buildings are generally acceptable in this regard with the facades being consistent with the approved buildings.
Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character.	☒	☐	☐	
Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the façade orientation.	☒	☐	☐	
Express important corners by giving visual prominence to parts of the façade.	☒	☐	☐	
Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design.	☒	☐	☐	
Coordinate security grills/screens, ventilation louvres and car park entry doors with the overall façade design.	☒	☐	☐	
Roof Design				
Objectives To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings.	☒	☐	☐	The amended development is considered to be consistent with the Roof Design objectives as a flat roof with no elements which detract from the overall building appearance is proposed.
To integrate the design of the roof into the overall façade, building composition and desired contextual response.	☒	☐	☐	
To increase the longevity of the building through weather protection.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice Relate roof design to the desired built form. Design the roof to relate to the size and scale of the building, the building elevations and three dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials. Design roofs to respond to the orientation of the site. Minimise the visual intrusiveness of service elements (lift overruns, service plants, chimneys, vent stacks, telecommunication infrastructure, gutters, downpipes, signage) by integrating them into the design of the roof. Support the use of roofs for quality open space in denser urban areas by: providing space and appropriate building systems to support the desired landscape design; incorporating shade structures and wind screens to encourage open space use; ensuring open space is accessible. Facilitate the use or future use of the roof for sustainable functions e.g. rainwater tanks, photovoltaics, water features. Where habitable space is provided within the roof optimise residential amenity in the form or attics or penthouse apartments.	☒ ☒ ☒ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☒	The modified buildings are generally acceptable in this regard with the roof being consistent with the approved buildings.
Energy Efficiency				
Objectives To reduce the necessity for mechanical heating and cooling. To reduce reliance on fossil fuels. To minimise greenhouse gas emissions. To support and promote renewable energy initiatives.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	An amended BASIX certificate has been submitted. Proposal is acceptable in this regard.
Design Practice Requirements superseded by BASIX.	☒	☐	☐	The various BASIX Certificates for the buildings show that the development as a whole achieves the Pass Mark for energy and water conservation.
Maintenance				
Objectives To ensure long life and ease of maintenance for the development.	☒	☐	☐	The amended 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.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	
Waste Management				
Objectives To avoid the generation of waste through design, material selection and building practices.	☒	☐	☐	The amended development is considered to be consistent with the

Requirement	Yes	No	N/A	Comment
To plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development.	☒	☐	☐	Waste Management objectives as suitable arrangements and facilities for waste disposal and storage are proposed.
To encourage waste minimisation, including source separation, reuse and recycling.	☒	☐	☐	
To ensure efficient storage and collection of waste and quality design of facilities.	☒	☐	☐	
Design Practice				
Incorporate existing built elements into new work, where possible.	☐	☐	☒	Suitable waste management facilities are proposed throughout the building and will be managed by an appointed caretaker.
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.	☒	☐	☐	
Water Conservation				
Objectives				
To reduce mains consumption of potable water.	☒	☐	☐	The building is to be connected to the WRAMs waste water recycling scheme. The Section 96(2) application does not alter this arrangement
To reduce the quantity of urban stormwater runoff.	☒	☐	☐	
Design Practice				
Requirements superseded by BASIX.	☐	☐	☒	The design practice requirements are superseded by commitments listed in the accompanying BASIX Certificate.

Regional Environmental Plans

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

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the area within the Sydney Harbour Catchment and SREP (Sydney Harbour Catchment) 2005 is applicable to the development application. The Section 96(2) application raises no issues as to consistency with the requirements and objectives of the REP.

Note: - the site is not located in a *'Foreshores and Waterways Area'* or *'Wetland Protection zone'*, is not a *'Strategic Foreshore Site'* and does not contain any heritage items and hence the majority of the SREP is not directly relevant to the proposed development.

Sydney Regional Environmental Plan No. 24 - Homebush Bay Area

The relevant requirements and objectives of Sydney Regional Environmental Plan Number 24 have been considered in the assessment of the modified application. The Section 96(2) application raises no issues as to consistency with the requirements and objectives of the REP. The proposed modifications will not alter Council's conclusions regarding the proposal and its compliance with the relevant provisions of Sydney Regional Environmental Plan No. 24 – Homebush Bay Area assessed under the original application.

Local Environmental Plans

The provisions of ALEP 2010 are not applicable in this instance and the land falls into the "deferred matter" as noted on the Auburn Local Environmental Plan zoning map.

Sydney Regional Environmental Plan No. 24 – Homebush Bay Area provides the statutory controls in relation to this land.

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

The subject site is identified as s "Deferred Matter" under the Auburn Local Environmental Plan 2010. There are no draft instruments applicable to the subject development proposal in this instance.

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

Homebush Bay West Development Control Plan:

The relevant objectives and requirements of the Homebush Bay West DCP have been considered in the following assessment table:

Requirement	Yes	No	N/A	Comment
Part 1 Preliminary				
1.11 Development Application submission requirements				
1.11.1 Scale - Local • Local context sketch plan 1:5000 • Streetscape elevations • Aerial photograph 1:1000 or 1:2000	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	
1.11.2 Scale - Site • Existing site plan 1:500 • Existing site sections 1:500 or 1:200 • Site Analysis 1:500 • Site Plan 1:500 • Shadow diagrams • Landscape plan 1:200 or 1:500 • Terrain model	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	Submission requirements generally observed.

Requirement	Yes	No	N/A	Comment
1.11.3 Scale - Building • Floor Plans 1:100 or 1:200 • Elevations 1:100 or 1:200 • Sections 1:100 or 1:200 • Materials and finishes board • Photomontages • Schedules on floor by floor basis for density, number of units and aspects, unit sizes, unit types • Statement of Environmental Effects • Architectural models 1:100 or 1:200	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	A full size architectural model was provided with the original application.
Part 2 Background				
2.3 DCP Objectives				
2.3.1 Identity – create an identifiable character for Homebush Bay West				
i. Retain and enhance views to water, opposite shores and ridges, including vistas along existing and future major east-west streets to the Bay and Rhodes, views from within the precinct north to Parramatta River, west to the Sydney Olympic Parklands and south to the wetlands and Powells Creek	☒	☐	☐	The amended development is consistent with the desired street and public domain pattern of the site. Building heights of 4 storeys have been maintained along the water front and provisions are made for the publicly accessible foreshore park.
ii. Optimise the waterfront location by providing continuous foreshore access and links to open space within and surrounding the precinct	☒	☐	☐	
iii. Design streets and public open spaces appropriate to the conditions of the site, particularly in relation to the waterfront, and to the uses	☒	☐	☐	
iv. Retain and enhance the key elements of the urban structure: existing streets, established trees, the formed eastern edge of the peninsula and the maritime focus to Parramatta River	☒	☐	☐	
v. Build on the structure formed by the site's industrial character by aligning new streets with a grid formed by the subdivision pattern and the Hill Road and waterfront edges	☒	☐	☐	There are no significant trees situated on the site.
vi. Acknowledge the visual primacy of the waterfront by stepping building heights down from Hill Road to the water	☒	☐	☐	The development is arranged into three separate buildings that follows the street pattern of the locality.
vii. Retain and enhance Wentworth Park as a public park typical of other point parks on Sydney Harbour	☒	☐	☐	
viii. Designing building heights and massing to enable views to the Millennium Mound as a backdrop to the precinct and to protect views	☒	☐	☐	The building steps down from seven/eight storeys to four storeys at the water front

Requirement	Yes	No	N/A	Comment
2.3.1 Land Uses – accommodate and locate appropriately a range of uses within Homebush Bay West				
i. Create a maritime precinct with boating and associated commercial and retail uses north of Burroway street	☐	☐	☒	Not in vicinity
ii. Provide two neighbourhood nodes including commercial, retail and community uses: one associated with the transport interchange and maritime precinct; and a smaller one in the southern part of the precinct	☐	☐	☒	
iii. Provide small scale retail and leisure uses adjoining and opposite foreshore parks and plazas, including cafes/outdoor dining, clubs, boatsheds and facilities for water related recreational activities	☐	☒	☐	**Block D fronts the foreshore park and adjoins the Major East/West Street however no retail uses are proposed. This is primarily as a result of the Concept Plan approval for the site which permits only residential flat building to be built on the site. Accordingly, this is considered acceptable in this instance.**
iv. Provide for active ground floor uses on major east-west streets through flexible building design	☐	☒	☐	
v. Provide adequate local open space for precinct residents and workers and encourage use of regional open space within Sydney Olympic Parklands	☒	☐	☐	Open space in the form of foreshore park and active street frontages (through locating open space and individual entries to ground floor apartments) is provided.

Requirement	Yes	No	N/A	Comment
2.3.3 Street and Block Structure – create a street and block structure that optimises legibility, permeability and efficiency				
i. Lay out streets to support the underlying subdivision pattern by aligning east-west streets with property boundaries and north-south streets perpendicular to them	☐	☐	☒	This part is generally more specific to the construction of roads and associated infrastructure.
ii. Strengthen Hill Road as the major connector between the water and Sydney Olympic Park and an urban edge to the parkland areas	☐	☐	☒	The amended development follows the street pattern to be built. The development is arranged into 3 separate buildings that follows the street pattern of the locality.
iii. Design a street hierarchy that clearly distinguishes between the role and scale of major and secondary streets, to orient people within the precinct	☐	☐	☒	
iv. Design the major east-west boulevards as 'green fingers' to help break down the scale of the precinct	☐	☐	☒	
v. Provide a major north-south street that creates a new opportunity to link the interior of the precinct to the river visually and physically	☐	☐	☒	
vi. Locate streets to capitalize on and enhance views to the bay, the river and other surrounding areas and any landmark features (including the Millennium Marker	☐	☐	☒	
vii. Encourage multiple movement choices for people, cyclists and vehicles by optimizing the connectivity of the street network and minimizing dead end streets	☐	☐	☒	
viii. Optimise the accessibility of the foreshore promenade by connecting it with trafficked streets and pedestrian and cycle ways	☐	☐	☒	
ix. Design block size and shape to increase permeability for pedestrians and cyclists by generally limiting their length to 150 metres. On major streets where a continuous street frontage is required to contribute to commercial and retail activity and blocks are longer, provide through-block pedestrian links at maximum 100 metre intervals	☐	☐	☒	
x. Optimise the number of north-facing apartments by orienting blocks east-west; that is, with their longer dimension to the north	☐	☐	☒	
xi. Design streets to accommodate a mixture of transport modes, including pedestrians, cycles, buses where relevant and moving and parked vehicles	☐	☐	☒	

Requirement	Yes	No	N/A	Comment
2.3.4 Open Space Network – create a network of public open spaces that is strongly linked to Sydney Olympic Parklands, the foreshore edge and the water, and provides for a range of recreational activities				
i. Enhance the waterfront character of Homebush Bay West by designing the setback to the waterfront to allow for a variety of spaces and uses, including water-related uses	☒	☐	☐	The setback requirements of the DCP have been observed. In this instance there is a 30m setback provided to Homebush Bay.
ii. Protect and enhance the amenity of foreshore access by linking the foreshore promenade to streets, urban plazas and pocket parks	☒	☐	☐	The amended development will ensure future linkage between the foreshore and adjoining streets.
iii. Contribute to the regional open space network by providing continuous pedestrian and cycle access linking Homebush Bay West to Sydney Olympic Parklands, Bicentennial Park and existing foreshore access routes	☒	☐	☐	
iv. Contribute to the regional pattern of point parks on the harbour and river foreshores by retaining Wentworth Park as public open space	☒	☐	☐	The development will not adversely impact on the future parks.
v. Offer a range of opportunities for recreation and relaxation, and to give 'breathing space' within urban areas, by providing a range of open spaces, including a park at Wentworth Point, three local parks spaced throughout the peninsula, and pocket parks and plazas	☒	☐	☐	A pocket park is to be provided within Lot 9 as per the Concept Plan approval. This is not the subject of the subject application. Proposal will maintain provision of "green fingers" to the waterfront
vi. Design major east-west streets as generously planted boulevards which frame views to the water and create 'green fingers' linking the foreshore and water-related activities to the interior of the precinct	☐	☐	☒	Major East/West Street not within Lot 9
vii. Establish the importance of the foreshore promenade by designing it as 'one place', with a character established by tree and materials selection which is consistent with landscape initiatives for the wider context of the Sydney Harbour Foreshores	☐	☐	☒	
viii. Provide a sequence of spaces along the promenade that each relate to a major east-west street and provide an activity focus at the water's edge	☐	☐	☒	Activity spaces will still be maintained at end of street/foreshore nexuses.
ix. Design streets, parks and plazas with high amenity and high quality	☐	☐	☒	Street design and public domain design is subject to a different amended application. Proposed communal open space in Block D is of high amenity and is connected to the proposed communal open space in Block C via a pedestrian through link.

Requirement	Yes	No	N/A	Comment
2.3.5 Accessibility – increase and enhance the opportunities for pedestrians and cyclists to access the precinct and to move safely and comfortably within the public domain				
i. Consolidate publicly accessible facilities including any new community uses within the vicinity of the ferry / bus interchange	☐	☐	☒	Not in close proximity to the bus/ferry terminal or proposed "maritime precinct"
ii. Create a maritime precinct with associated commercial and retail uses north of Burroway Street, linked to the foreshore and open space network	☐	☐	☒	
iii. Create a neighbourhood node including commercial, retail and community uses in the southern part of the precinct	☐	☐	☒	The "Piazza" commercial area already exists in the southern part of the precinct
iv. Design streets to accommodate a future bus route through the centre of the precinct	☐	☐	☒	Street pattern already in existence. No change proposed.
v. Minimise the potential for conflicts between vehicles, pedestrians and cyclists through the design of footpaths, bicycle lanes, through block links, streetscape design, medians and kerb ramps, and by minimising the number of vehicular crossings over footpaths	☐	☐	☒	The proposal in itself will not create vehicular /pedestrian conflicts
vi. Encourage activity in and surveillance of streets by providing for active ground floor uses on major east-west streets	☒	☐	☐	All three buildings are presented to the primary/significant frontages to permit passive surveillance of the public spaces.
vii. Locate and design buildings to provide passive surveillance of all public spaces	☒	☐	☐	
viii. Provide publicly accessible facilities and small scale retail adjoining and opposite foreshore parks and plazas, including cafes / outdoor dining and facilities for recreational activities relating to the water	☐	☐	☒	
ix. Provide a pedestrian and cycle bridge between Homebush Bay West and Rhodes Peninsula subject to determination in transport studies and appropriate funding arrangements	☐	☐	☒	The opportunity for a pedestrian bridge still exists. The proposed bridge across Homebush Bay does not form part of this proposal.

Requirement	Yes	No	N/A	Comment
2.3.6 Sustainability – Incorporate ESD principles into all stages of design including the design of public spaces, block and site layout and built form				
i. Design blocks to deliver efficient subdivision and optimize north orientation for buildings, to minimise overshadowing and the negative impacts of wind on the public domain, to mitigate the visual impact of large scale development on Homebush Bay, and to define and appropriately frame parks and plazas	☒	☐	☐	The site is rectangular in shape and is large enough to permit an appropriate sized building with massing that will fit the provisions of the development control plan. Proposal will have no effect on established block patterns
ii. Control the quality of water entering Homebush Bay through the use of integrated water management strategies	☒	☐	☐	Water saving measures are provided within the development as well as a water reuse facility (WRAMs).
iii. Conserve water by minimising stormwater runoff, planting appropriate indigenous species with low irrigation needs, matching water quality with its intended use and using water saving devices	☒	☐	☐	No objection is raised to proposed landscaping on-site.
iv. Promote ecological outcomes including shade and habitat by dedicating a significant proportion of the waterfront setback to riparian planting with a mix of species	☐	☐	☒	Appropriate riparian planting will be undertaken.
v. Control potential impacts on air quality by minimising car dependency, encouraging pedestrian and cycle movement and promoting the use of public transport	☒	☐	☐	Appropriate measures have been provided. Public transport opportunities already exist and will improve as the peninsular becomes more populated.
vi. Minimise energy consumption by designing for daylight access and natural ventilation, passive heating and cooling and alternative energy sources	☒	☐	☐	An appropriate amount of passive measures have been provided. Daylight access and natural ventilation is maximised where possible.
vii. Retain the embodied energy in buildings by designing them as 'long life loose fit' that can be readily adapted for changing uses and are easily maintained	☒	☐	☐	
viii. Minimise resource depletion by selecting environmentally sustainable building materials in both the public and private domains, and by providing facilities for recycling	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
2.3.7 Built Form – provide sensitive and high quality architectural and landscape design that contributes positively to the character of the public domain				
i. Distribute and design built form to define and enhance the spatial quality of streets, open spaces and the foreshore by aligning buildings to streets and to the edges of parks and plazas	☒	☐	☐	The complex is aligned to the proposed road frontages. The complex is divided into three separate buildings with each building facing a separate frontage. The breaks provided reduce the scale, mass and bulk of the development.
ii. Optimise sun access to streets and to public open spaces by minimizing building bulk, ensuring adequate building separation and orienting built form appropriately	☒	☐	☐	
iii. Encourage high quality landscape design of public spaces, of the interface between public spaces and private development and within new development	☒	☐	☐	The landscaping has been assessed as being satisfactory
iv. Encourage high quality architectural design of all new development	☒	☐	☐	
v. Promote a series of public open spaces related to the waterfront setting which provide a high level of amenity for users, an attractive setting for adjoining development and which visually and spatially link the public domain of Homebush Bay West with its context, including the foreshore of Rhodes Peninsula	☒	☐	☐	Foreshore public space considered to be of high amenity.
vi. Enhance the visibility and usability of foreshore public space both from within the precinct and from the water by designing the termination of major east-west streets as parks or plazas connecting to the foreshore promenade and water related activity nodes	☒	☐	☐	
2.3.8 Housing Choice – support opportunities for a diverse community by promoting workplace and housing choice				
i. Encourage long life loose fit buildings with a high level of adaptability over time as uses change, particularly on major east-west streets	☒	☐	☐	A variety of unit sizes provided. Numerous units are adaptable for a disabled person and has provision for disabled car spaces.
ii. Accommodate changing needs of the resident population by designing flexible apartment layouts	☒	☐	☐	
iii. Provide accessible working and living environments for people with disabilities, older people and for prams and strollers	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
2.3.9 Residential Amenity - provide a high level of residential amenity, including outdoor spaces as well as within apartments i. Support the amenity and privacy needs of their occupants by providing apartments of appropriate size and configuration ii. Optimise the number of apartments, their living spaces and private outdoor spaces which benefit from sun access iii. Provide attractive and comfortable communal open space areas by designing them to accommodate a range of different uses and be easily accessed from buildings iv. Integrate planting in internal courtyard areas with podium structures to optimize opportunities for large trees for shade, outlook and privacy v. Promote privacy from the street, particularly for ground floor apartments, by providing landscaped garden spaces within the setback zone	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	A variety of units offered within the development. Privacy maintained by use of screens, windows positioning, and building separation. The buildings have been orientated to maximise solar access but also take advantage of the view amenity. The common open space will be internal to the development and is easily accessible from all three buildings. The common open space sits across the roof of the car park. Hence the car park roof forms a podium. The landscape plan provides an array of planting solutions to the internal courtyard space.
2.4.1 Land Uses	☒	☐	☐	Residential Building proposed. Proposal is consistent with Concept Plan approval.
2.4.2 Streets and Blocks	☒	☐	☐	Street pattern already established and unaltered by this proposal.
2.4.3 Open Space Network	☒	☐	☐	The proposal in itself does not jeopardise the implementation of the intended open space network.
2.4.4 Building Height and Massing	☒	☐	☐	The amended development is generally consistent with the "indicative" building height and massing figures of this clause.
2.4.5 Precinct Structure	☒	☐	☐	The proposal is generally in accordance with the "indicative" building layouts.
Part 3 Precinct Controls & General Controls				
3.1 Public Domain Systems				
3.1.1 Pedestrian Network i. Provide a continuous pedestrian network through the precinct, along streets and through open spaces, connected with and including the foreshore promenade ii. Optimise the number of possible journeys between destinations with an efficient and regular block layout iii. Enhance connections to the regional pedestrian network by linking to the Sydney Olympic Parklands path system at the north western foreshore boundary of the precinct, and to the Bicentennial Park path system and Powells Creek at the southern end of the peninsula foreshore iv. Provide a continuous foreshore promenade. Implement management strategies consistent with masterplan conditions to minimise potential	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The ground floor apartments along the external facades have direct street level access. This helps to reinforce the pedestrian network in the locality. Pedestrian foreshore access is not compromised as a result of the amended development.

Requirement		Yes	No	N/A	Comment
	conflicts between continuous pedestrian access and boat movement between dry stack area and the Bay within the maritime precinct	☐	☐	☒	Pedestrian/cycle bridge linking Homebush Bay West and Rhodes peninsula not compromised as a result of the proposal.
v.	Provide a clear alternative route for those times when continuous foreshore access is interrupted	☐	☐	☒	
vi.	Locate a pedestrian / cycle bridge linking Homebush Bay West and Rhodes peninsula as indicated on the plan	☒	☐	☐	There are four pedestrian entries into the foyers of the development.
vii.	Locate pedestrian crossings to support pedestrian movement between destinations	☒	☐	☐	
viii.	Consider pedestrian movement when designing major building entries and through-block link.	☒	☐	☐	The landscape plans indicate that the footpaths at the front of the site will be paved.
ix.	Provide paved footpaths in accordance with the street design guidelines in the Public Domain Manual	☒	☐	☐	
x.	Ensure that publicly accessible parks and plazas are contiguous with and fully accessible from pedestrian routes	☒	☐	☐	
xi.	Provide pedestrian routes which benefit from high levels of casual surveillance (overlooking from buildings, from the water, from adjacent well-trafficked areas)	☒	☐	☐	The internal pedestrian routes and the common open space will have appropriate level of surveillance from the buildings. Pedestrian spaces generally enjoy good passive surveillance.
xii.	Provide clear and direct pedestrian routes by designing them with good lines of sight to minimise concealment	☒	☐	☐	
xiii.	Design appropriate lighting for publicly accessible areas for their level of night-time use	☒	☐	☐	
xiv.	Provide kerb ramps at all intersections in accordance with the Public Domain Manual	☐	☐	☒	No new intersection proposed.

Requirement	Yes	No	N/A	Comment
3.1.2 Cycle Network				
i. Provide a cycle network through the streets	☐	☐	☒	
ii. Provide dedicated cycle lanes along Hill Road in both directions.	☐	☐	☒	The proposal does not contain any dedicated cycle ways.
iii. Design intersections and crossings along dedicated cycle routes that prioritise cyclists' safety and convenience	☐	☐	☒	
iv. Provide a recreational shared pedestrian and cycle path along the foreshore promenade at a minimum width of 3.5 metres	☐	☐	☒	
v. Connect the foreshore cycle path to cycleways within the Sydney Olympic Parklands and enhance access to the connection at the southern end of the peninsula	☐	☐	☒	
vi. Provide a road cycle lane on the major east-west street from Hill Road to link with the proposed pedestrian bridge	☐	☐	☒	
vii. Separate cycle and pedestrian routes through Wentworth Park	☐	☐	☒	
viii. Provide lockable bicycle storage at neighbourhood / maritime centres and in publicly accessible facilities including at the waterfront	☒	☐	☐	Secure resident bicycle parking facilities is provided at the car parking levels
ix. Design cycle paths and parking to minimum Austroads design standards	☒	☐	☐	
3.1.3 Public Transport				
i. Provide convenient pedestrian connections to the Homebush ferry wharf and bus interchange from streets and through public open space	☒	☐	☐	Public transport will be accessible from the site. This includes buses along Hill Road and the Wentworth Point ferry terminal.
ii. Locate bus stops at or near activity nodes, including the two neighbourhood / commercial centres and to serve major pedestrian / cycle entries to the Parklands from Hill Road	☐	☐	☒	
iii. Enhance the amenity and safety of the interchange by providing shelter, seating, lighting and signage	☐	☐	☒	Some of the provisions stated here relate more to subdivisions and associated infrastructure works which is not proposed in this application. This matter is dealt with under associated DA-109/2011/A and DA-462/2010/A.
iv. Design subdivision layouts and building designs that encourage and are supportive of walking, cycling and the use of public transport	☐	☐	☒	
v. Consider travel demand management mechanisms and features that will minimise the demand for travel and the use of cars, including: ▪ - parking requirements designed to discourage car use in areas with good public transport access ▪ - provision of adequate end-trip facilities for cyclists (such as secure bicycle storage and shower facilities in commercial buildings) ▪ - suitable provision for taxis	☒	☐	☐	
vi. Ensure designated streets for proposed bus route are designed for adequate turning by buses	☐	☐	☒	
vii. Provide a pedestrian / cycle bridge located generally in the area and on the alignment illustrated (p27)	☐	☐	☒	

Requirement	Yes	No	N/A	Comment
3.1.4 Vehicle Network and Parking				
i. Support the principles of permeability and legibility for vehicles, cyclists and pedestrians which are embodied in the Structural Design Framework street and block layout	☒	☐	☐	Existing street and block layout will be unaltered by this proposal.
ii. Provide at least one major east-west street within each major landholding to break up the large scale of the precinct and enable streetscape treatment which makes different areas distinct and legible	☐	☐	☒	
iii. Provide vehicle access to the foreshore, including foreshore streets and areas of parking where possible	☐	☐	☒	
iv. Ensure that the street network offers a choice of routes and promotes good circulation, by minimising discontinuities and dead ends	☐	☐	☒	
v. Provide for public car parking on streets or within buildings, except for limited parking associated with boating activity within the maritime precinct	☐	☐	☒	No public car parking proposed as part of the subject amended application.
vi. Where areas of parking are proposed on Hill Road, limit them to areas where they relate to pedestrian entry points to Sydney Olympic Parklands	☐	☐	☒	
vii. Provide a high level of amenity and quality streetscape design, including planting of street trees, consistent with convenient vehicle access, parking and turning	☒	☐	☐	
viii. Refer to Section 3.2 for detailed design guidelines for streets	☐	☐	☒	
3.1.5 Land and Water Connections				
i. Provide opportunities for land-water interface at the end of major east-west streets	☒	☐	☐	Waterfront promenade maintained and recreational area will be maintained at the street terminus.
ii. Design activity nodes and recreational areas to consider views from the water and opposite shores	☒	☐	☐	Views possible from the terminus spaces and waterfront promenade.
iii. Provide a range of public open space types: ▪ promenade ▪ waterfront riparian vegetation area ▪ point park ▪ urban plazas and pocket parks ▪ three larger parks, two of minimum 2000m^2 and one of minimum 1000m^2	☒	☐	☐	Public open space is required as per the DCP provisions and included the foreshore park, waterfront riparian vegetation and the provision for the future pocket park within Lot 9 which is still to be provided.
iv. Integrate water management into the design of foreshore spaces	☒	☐	☐	
v. Design sea walls to absorb wave energy and to maximise the habitat for the greatest possible range of local inter-tidal organisms	☒	☐	☐	
vi. Refer to the Public Domain Manual for specific character guidelines and controls for foreshore areas	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
3.1.6 Landscape				
i. Design and manage the public domain and adjoining uses to recognise, facilitate and encourage active use of the public space at appropriate times	☒	☐	☐	
ii. Provide a landscape framework which reflects the different scale and function of public streets and functions by using species and spacing in accordance with the street sections in Section 3.2 of this DCP and Section DF of the Public Domain Manual	☒	☐	☐	The amended development includes extensive and high quality landscaped elements to communal and private open spaces as well as the public domain.
iii. Contribute to a sense of identity for the precinct as a whole by recognising and reflecting the linear and generally flat quality of the peninsula	☒	☐	☐	Landscaping generally considered to be acceptable and compatible with existing landscaped spaces within the locality.
iv. Provide visual continuity with the context by: ▪ designing and selecting materials that complement other areas, particularly foreshore areas, in Homebush Bay ▪ planning vegetation to complement the habitat qualities of the adjoining Millennium Parklands	☒	☐	☐	
v. Enhance the amenity of footpaths by designing street layouts and selecting trees to recognise seasonal shade and solar access needs	☒	☐	☐	
vi. Within waterfront setbacks, dedicate minimum 30% of the 30 metre setback to riparian planting for ecological outcomes. Elsewhere, limit lower level planting to plazas and parks and to the central median of east-west streets	☒	☐	☐	
vii. Optimise sustainable selection and deployment of materials, management of waste and stormwater in the public domain, and biodiversity benefits of plant selection. Refer to Sections 2.2.6 and 4 of the Public Domain Manual	☒	☐	☐	
viii. Design and construct streets to create conditions favourable to tree planting and for the long term health of trees in accordance with the Public Domain Manual	☐	☐	☒	
3.1.7 Public Domain Elements				
Footpath/pedestrian area pavement				
i. Provide a hard wearing, cost effective and practically maintainable surface that reinforces the continuity of public domain access and is compatible with the context of Homebush, Sydney Olympic Parklands and Millennium Park	☐	☐	☒	Generally, public domain works are not included in this application and are to be considered under associated DA-462/2010/A.
ii. Provide a hierarchy of pavement surfaces reflecting the pedestrian significance of different public spaces	☐	☐	☒	
Vehicular pavement				
iii. Provide a safe and hard wearing surface for vehicle movements	☐	☐	☒	
iv. For shared vehicle / pedestrian	☐	☐	☒	

Requirement	Yes	No	N/A	Comment
zones, provide a suitable surface that denotes shared priority				
Kerbs and gutters	☐	☐	☒	
v. Apply a standard kerb and gutter treatment over the whole precinct to provide consistency in defining the pedestrian / vehicular junction of roads and footpaths				
Street and park furniture				
vi. Select furniture which is robust, easily maintained, coordinated, and appropriate to its context. The Public Domain Manual nominates a palette established in the Homebush Parklands Elements for use through the Millennium Parklands and non-urban core areas of Sydney Olympic Park	☐	☐	☒	
vii. Locate furniture as part of a coordinated design scheme for the public domain component in question, according to principles set out in Section 4 of the Public Domain Manual	☐	☐	☒	
Lighting				
viii. Provide vehicular street lighting to RTA and Austroads standards as specified in the Public Domain Manual	☐	☐	☒	
ix. Provide an appropriate level of pedestrian lighting to ensure security and contribute to the legibility of streets and through block links	☐	☐	☒	
x. Coordinate pedestrian lighting in streets throughout the precinct	☐	☐	☒	
xi. Design lighting for path accessways through parks in response to the level of use and safety considerations	☐	☐	☒	
xii. Minimise the impact of lighting on residential dwellings	☐	☐	☒	
xiii. Design lighting to highlight public art elements and significant trees in individual plazas or parks, and provide for lighting major avenues for special events or festivals	☐	☐	☒	
Fences, barriers and level changes				
xiv. Reinforce connectivity and maximise visual continuity by minimising the use of fences and barriers	☐	☐	☒	
xv. Optimise opportunities to use the sea wall edge for seating, while also providing 'gaps' for viewing by wheelchair users	☐	☐	☒	
Signage				
xvi. Locate information signage in accordance with the Parklands Elements Manual to include orientation, circulation, destination, regulation and interpretive signs	☐	☐	☒	
xvii. Use street signage in accordance with Auburn Council's requirements for public streets	☐	☐	☒	
3.1.8 Services Infrastructure and Stormwater Management				
Services infrastructure				
i. Reduce visual intrusion and enhance aerial amenity for street trees by	☒	☐	☐	Services and infrastructure is to be located to minimise visual intrusion.

Requirement	Yes	No	N/A	Comment
undergrounding overhead services to major street corridors ii. Integrate undergrounding of services and infrastructure in new development	☒	☐	☐	Appropriate condition was included in the original consent in this regards.
iii. Minimise the impact of service corridors and service access covers by: ▪ Liaising with service authorities to determine renewal or amplification requirements and incorporating these works into programming prior to pavement renewal ▪ providing common texture and shape to electricity service covers (i.e. during upgrade projects) ▪ providing lids to Telstra pits with paving infill to match adjoining pavement	☒	☐	☐	
Stormwater drainage iv. Integrate stormwater drainage with streetscape design by ▪ providing a common theme to all stormwater inlet sump and channel lids / grates to paved areas ▪ connecting rooftop downpipe to underground stormwater in public domain upgrade works ▪ incorporating natural disposal and surface drainage techniques, including porous paving, where possible to urban spaces and open spaces ▪ incorporating water sensitive urban design and technology to treatment of road stormwater runoff ▪ incorporating porous pavements and onsite detention to off-street at-grade carpark areas to reduce urban stormwater runoff	☒	☐	☐	Council's Engineering Department have assessed the amended stormwater drainage and deemed it to be acceptable.
Stormwater Management v. Enable water to re-enter the groundwater system by designing the central medians of major east-west streets and the major north-south street (northern zones) as infiltration zones for road runoff	☐	☐	☒	
vi. Protect the aquatic habitat of Homebush Bay from de-oxygenisation by preventing leaf transport from deciduous trees during autumn months	☒	☐	☐	
vii. Provide for re-use of water, for example by incorporating a water body capable of infiltration or slow release detention in major plaza spaces	☐	☐	☒	
3.2 Streets				
3.2.1 Hill Road ▪ Uses – Mixed: focus commercial uses close to northern neighbourhood centre and at intersections with major east-west streets	☐	☐	☒	Block D is not situated on Hill Road.
▪ Height – max. 8 storeys	☐	☐	☒	

Requirement	Yes	No	N/A	Comment
▪ Street Setbacks – 8 metres ▪ Right of Way – 15-20 metres (varies to accommodate extended parkland edge) ▪ Carriageway – 2 travelling lanes, 2 separated dedicated bicycle lanes and 1 parking lane ▪ Footpath – 3.5m with 1m grass verge, east side only ▪ Landscape Character – Asymmetrical treatment with regular street tree planting in the verge on the east (building) side and 'casual' plantings on the west side to reflect the parklands character. Species in accordance with the Public Domain Plan and Sydney Olympic Park Parklands 2002 & Plan of Management	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	
3.2.2 Major East-West Streets ▪ **Uses – Mixed: ground floor commercial required in designated neighbourhood centres**	☐	☒	☐	**Residential only proposed pursuant to the approval granted under MP No 06_0098.**
▪ Height – max. 8 storeys to within one block (approx. 100m) of waterfront; 6 storeys with 2 storey pop-ups in the final block before the development	☒	☐	☐	Block D is a waterfront site with 4 storey building facing Homebush Bay; stepping from 4 up to 8 storey along the southwest boundary as the building get further away from Homebush Bay. The proposed height is consistent with Concept Plan approval.
▪ Street Setbacks – 5 metres	☒	☐	☐	
▪ Right of Way – min. 25 metres ▪ Carriageway – 1 travelling lane and 1 parking lane in each direction; On street bicycle lane on the street linking into the pedestrian bridge; A wide median ▪ Footpath – 3.5m with 1-1.5m grass verge, both sides ▪ Landscape Character – A boulevard treatment, with trees in verges on both sides of the street and in the median. Consideration should be given to differentiating east-west streets from each other, for example by using different species in each median. Species in accordance with the Public Domain Plan	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	Major East/West Street not part of Lot 9.

Requirement	Yes	No	N/A	Comment
3.2.3 Major North-South Street – North of Burroway Road				
▪ Uses – Residential	☐	☐	☒	This section is not applicable to Block D. Development is not located in vicinity of the Major North-South Street – North of Burroway Road.
▪ Height – max 6 storeys	☐	☐	☒	
▪ Street Setbacks – 3-4 metres (can vary)	☐	☐	☒	
▪ Right of Way – min. 25 metres	☐	☐	☒	
▪ Carriageway – 1 travelling lane and 1 angle-parking lane in each direction; Narrow median, treated in two ways: for planting and to enable vehicle manoeuvring when car parking	☐	☐	☒	
▪ Footpaths – 2.5m with 1m grass verge	☐	☐	☒	
▪ Landscape Character – Trees are planted in and break up parking bays on both sides of the street, and are also located along the median, at approximately 15m spacing. Tree species in the median may differ from the edge species. Species in accordance with the Public Domain Plan	☐	☐	☒	
3.2.4 Major North-South Street – South of Burroway Road				This section is not applicable to Block D. Development is not located in vicinity of the Major North-South Street – South of Burroway Road.
▪ Uses – Residential	☐	☐	☒	
▪ Height – max 6 storeys	☐	☐	☒	
▪ Street Setbacks – 3-4 metres (can vary)	☐	☐	☒	
▪ Right of Way – min. 25 metres	☐	☐	☒	
▪ Carriageway – 1 travelling lane and 1 parallel parking lane in each direction; Wide median/linear park	☐	☐	☒	
▪ Footpaths – 2.5-5m to accommodate parking extensions, 1m grass verge	☐	☐	☒	
▪ Landscape Character – Trees are planted in and break up parking bays on both sides of the street, and are also located along the median, at approximately 15m spacing. The median is planted with large trees, spaced irregularly, and potentially with drifts of native grasses. Species in accordance with the Public Domain Plan	☐	☐	☒	
3.2.5 Secondary East-West Streets				
▪ Uses – Residential	☒	☐	☐	Residential use proposed.
▪ Height – max 4 storeys	☐	☐	☒	No building proposed facing Secondary East/West Street.
▪ Street Setbacks – 3 metres	☒	☐	☐	3m street setback proposed.
▪ Right of Way – min. 14.5 metres	☐	☐	☒	Whilst Block D adjoins Secondary East/West Street (Half Street) to the north, the street is not within Lot 9. The DCP indicated that Secondary East-west Streets (being Half Street) "may run all the way from Hill Road to the foreshore but they do not need to do so". In this instance the amended design of Block D has not made provision for vehicular entrance from Half Street to the basement. Entry to Block D shall be via the temporary road to the south of the site or via the Major East/West Road that is to be constructed in the future in Lot 8.
▪ Carriageway – 2 travelling lanes and 1 parking lane	☐	☐	☒	
▪ Footpaths – 2.5-3.5m with 1m grass verge – 5m to accommodate parking extension	☐	☐	☒	
▪ Landscape Character – An asymmetrical planting scheme is proposed in response to the street orientation, which results in different sun conditions for the north and south sides of the street. Evergreen trees break up parking bays on the north side at approximately 15m spacings. On the south side deciduous trees are planted at the same spacing but offset with centres between the parking bays. Species in accordance with the Public Domain Plan	☐	☐	☒	

Requirement	Yes	No	N/A	Comment
3.2.6 Secondary North-South Streets ▪ Uses – Residential ▪ Height – max 4 storeys ▪ Street Setbacks – 3 metres ▪ Right of Way – min. 14.5 metres ▪ Carriageway – 2 travelling lanes and 1 parking lane or 2 travelling lanes and 2 parking lanes ▪ Footpaths – 2.5m with 1m grass verge – 5m to accommodate parking extensions ▪ Landscape Character – Street trees are planted in parking bays at intervals of 2 parking spaces to provide shade for footpaths and to visually narrow the street. Species in accordance with the Public Domain Plan	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒	This section is not applicable to Block D. Development is not located in vicinity of the Secondary North-South Street.
3.2.7 Foreshore Street – One Way ▪ Uses – Mixed, predominantly residential ▪ Height –4 storeys ▪ Waterfront Setbacks – 30 metres ▪ Street Setbacks – can vary from zero for commercial/retail/leisure (café/dining) uses at the end of major east-west streets to min. 3m for residential ▪ Right of Way – 8.5-10 metres ▪ Carriageway – 1 travelling lane and 1 parking lane on the west side ▪ Footpaths – 3m with 1m grass verge ▪ Landscape Character – Street trees in the verge on the west side of the street are planted at approximately 15m spacings; 30% of 30m waterfront setback is to be dedicated to riparian planting for ecological outcomes. Riparian planting is to be located as far as possible to the property boundary but may extend to the promenade verge; Vegetation overhanging the waterway is to be provided along the foreshore in clumps, having a width of between 1-2m, lengths of no less than 10m and spacing at 40m centres; Planting is to support structural diversity, provide a continuous vegetated linkage and use native species in accordance with the Public Domain Plan	☒ ☒ ☒ ☐ ☐ ☐ ☐ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☒ ☒ ☒ ☐	The Foreshore Street Controls are applied to this development. A two lane (1 parking/1traffic) Foreshore Street has been provided. The development is 4 storeys at its waterfront elevation. A fifth storey is provided on the south-east corner however this is setback from the fourth storey by approximately 6.8m to minimise visual intrusion. The waterfront setback is considered compliant in that 30 metre setback is applied throughout the water frontage which is consistent with the approved Concept Plan setback of 30m from the waterfront All public domain works including carriageways are subject to separate associated application under DA462/2010/A. Landscape plan submitted with the application is consistent with the landscape character.

Requirement	Yes	No	N/A	Comment
3.2.8 Foreshore Street – Two Way				
▪ Uses – Mixed, predominantly residential	☐	☐	☒	The applicant has opted to provide one-way street along the foreshore. This part does not apply to the development.
▪ Height –4 storeys	☐	☐	☒	
▪ Waterfront Setbacks – generally 30 metres except at the termination of major east-west streets where the setback is 20m (see p46)	☐	☐	☒	
▪ Street Setbacks – can vary from zero to 3m	☐	☐	☒	
▪ Right of Way – 11.5 metres for new development (existing ROW is 10m)	☐	☐	☒	
▪ Carriageway – 2 travelling lane and 1 parking lane on the west side, with angle parking bays (max. 5 cars) interspersed with linear park on the east (waterfront) side	☐	☐	☒	
▪ Footpaths – 3m with 1m grass verge	☐	☐	☒	
▪ Landscape Character – Street trees in the verge on the west side of the street are planted at approximately 15m spacings; 30% of 30m waterfront setback is to be dedicated to riparian planting for ecological outcomes. Riparian planting is to be located as far as possible to the property boundary but may extend to the promenade verge; Vegetation overhanging the waterway is to be provided along the foreshore in clumps, having a width of between 1-2m, lengths of no less than 10m and spacing at 40m centres; Planting is to support structural diversity, provide a continuous vegetated linkage and use native species in accordance with the Public Domain Plan	☐	☐	☒	
3.3 Public Open Spaces				
Public open space is to be provided at a minimum 10% of each precinct site area, and includes:				
▪ A point park at Wentworth Point of approximately 4.8ha including foreshore promenade	☐	☐	☒	
▪ Three parks distributed evenly throughout the precinct, including one park on the waterfront for active recreation. Parks at the north and south to have min. area 2000m^2 each, park in the middle of the precinct to be min. 1000m^2	☐	☐	☒	
▪ A 20m wide promenade and foreshore street	☒	☐	☐	The landscape plans shows the Foreshore Street and Foreshore Park which are subject to associated DA-462/2010/A.
▪ Foreshore parks or plazas terminating major east-west streets and linked to the promenade	☒	☐	☐	
▪ Pocket parks or plazas	☒	☐	☐	An indicative area for a pocket park has been nominated on the submitted plans. This park does not form part of the subject application, but represents the intended location of the park within Lot 9. The location nominated is considered to be satisfactory and is in accordance with Concept Plan approval for Lot 9.
All public open space within the precinct, with the exception of the foreshore promenade is to be dedicated to Auburn Council and embellishment works undertaken by the applicant	☐	☐	☒	
	☐	☐	☒	
An easement is required to be created in favour of Council to ensure continuous public access to the foreshore promenade	☐	☐	☒	

Requirement	Yes	No	N/A	Comment
3.3.1 Foreshore Plazas ▪ Uses – Mixed with emphasis on restaurant/café and small scale neighbourhood retail ▪ Height – 4 storeys with 2 storey pop-ups only on the building alignment to the major east-west street ▪ Setbacks – Variable – buildings lining the plaza may be set back an additional 5+ metres from the predominant building line along major east-west streets ▪ Landscape Character – Median and street tree planting is continued into the plaza open space. The design of these spaces and the arrangement of trees may vary, to give each space a different character	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	This section is not applicable to Block D given that a mixed use development has not been proposed in this instance.
3.3.2 Foreshore Linear Parks ▪ Land Dedicated for Public Access – A continuous public accessway is required at the waterfront within a min. 20m min, width dedicated open space ▪ Landscape Character – Plantings of landmark trees at generally 30m spacings will create a consistent structure appropriate to the scale of the built form. Large trees will break up the visual dominance of new development to the waterfront and will provide shade for users of the public domain. The trees will also contribute to a sense of promenade and precinct as 'one place'. Within this structure, detailed promenade and park design is to fulfil the requirements of the Public Domain Manual. 30% of 30m waterfront setback is to be dedicated to riparian planting for ecological outcomes. Riparian planting is to be located as far as possible to the property boundary but may extend to the promenade verge; Vegetation overhanging the waterway is to be provided along the foreshore in clumps, having a width of between 1-2m, lengths of no less than 10m and spacing at 40m centres; Planting is to support structural diversity, provide a continuous vegetated linkage and use native species in accordance with the Public Domain Plan	☒ ☒	☐ ☐	☐ ☐	The 30 metres setback to the waterfront is provided in accordance with the DCP. The landscape plans shows extensive landscaping including the Foreshore Street and Foreshore Park which are subject to associated DA-462/2010/A.
3.3.3 Foreshore Plaza, Linear Park and Loop Road ▪ Waterfront Setbacks – refer to diagram at p46 ▪ Landscape Requirements - 30% of 30m waterfront setback is to be dedicated to riparian planting for ecological outcomes. Riparian planting is to be located as far as possible to the property boundary but may extend to the promenade verge; Vegetation overhanging the waterway is to be provided along the foreshore in clumps, having a width of between 1-2m, lengths of no less than 10m and spacing at 40m centres; Planting is to support structural diversity, provide a continuous vegetated linkage and use native species in accordance with the Public Domain Plan	☐ ☐	☐ ☐	☒ ☒	The linear loop road option was not taken up by the developer in this instance, in favour of the pedestrian boardwalk.

Requirement	Yes	No	N/A	Comment
3.3.4 Parks, Pockets Parks and Urban Plazas				
Large Parks				
▪ Uses – various, including structures and unstructured play, and for both local and district users	☐	☐	☒	
▪ Access – clear access maximised to adjoining public streets and pedestrian/cycle accessways. Continuous access along/from foreshore promenade. Wentworth Park to provide pedestrian access (paths) through the park to the foreshore and to adjoining streets	☐	☐	☒	
▪ Character – green, uncluttered and informal, safe and comfortable, respond to maritime/riverine precinct identity	☐	☐	☒	
Pocket Parks				
▪ Uses – various, including structured and unstructured play	☐	☐	☒	An indicative area for a pocket park has been nominated on the submitted plans. This park does not form part of the subject application, but represents the intended location of the park within Lot 9. The location nominated is considered to be satisfactory and is in accordance with Concept Plan approval for Lot 9.
▪ Access – clear access over wide frontage, with min. 30% edge condition adjoining public streets and pedestrian/cycle access	☐	☐	☒	
▪ Character – shady and green, uncluttered and informal, safe and comfortable, respond to maritime/riverine precinct identity	☐	☐	☒	
Plazas and Squares				
▪ Uses – public, day and evening, flexible	☐	☐	☒	
▪ Access – clear, integrated access with adjoining spaces and buildings	☐	☐	☒	
▪ Character – robust maritime, simple and uncluttered, shady but urban	☐	☐	☒	
3.4 Built Form				
3.4.1 Land Uses and Density Objectives				
▪ To provide for a neighbourhood focus at the south of the peninsula and a larger neighbourhood centre focussed around the ferry terminal and the intersection of Hill Rd and Burroway Rd, which include non-residential uses	☒	☐	☐	
▪ To provide activity areas of small scale retail, outdoor dining and water-related uses along the foreshore	☒	☐	☐	The floor space ratio and height of the amended development is considered as being acceptable.
▪ To ensure that development does not exceed the optimum capacity of the development site and the precinct as a whole	☒	☐	☐	
▪ To allow adequate public open space to be provided and distributed throughout the peninsula	☒	☐	☐	
▪ To support peninsula objectives for a clear, well connected and walkable street layout and efficient block structure	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
3.4.1 Land Uses and Density Controls i. Provide floor space and public open space for each precinct in the locations specified in Section 2.3 and 2.4 and as follows:	☒	☐	☐	The subject site is located in Precinct C. Pursuant to the Concept Plan approval for the Lot 9 under MP No. 06_0098, a residential development with a maximum 50,424sqm of floor area is approved for the site. It is noted that Block D has an amended gross floor area of 12,056m^2 representing 24% of total floor area. Therefore the total enclosed floor space of the precinct has not been reached. (It is noted that the Concept Plan approval allowed for floor space of 8994sqm to be transferred from Precinct F to Precinct C). It is also noted that the Department of Planning is currently considering a proposal for increased density within Lot C to 74,324m^2. *Amended Block D + Amended Block C floor area:-* *12,056 + 12471 =* ***24,527sqm***
<u>Precinct C</u> (31,946m^2)	☒	☐	☐	
• Total allowable FSR = 41,530	☒	☐	☐	
• Min. com./maritime/educational = 0	☒	☐	☐	
• Min. waterfront retail/café dining = 100	☐	☐	☒	
• Max. residential = 41,430	☒	☐	☐	
• Min. public open space = 3,195	☒	☐	☐	A total of 7345sqm of public open space is proposed for Lot 9 development. This includes the foreshore park, proposed pocket park and proposed Major North/South Street linear park.
ii. The provision of covenanted space for community uses with neighbourhood centres may be offset against residential floor space	☐	☐	☒	
3.4.2 Building Height Objectives ▪ To ensure future development responds to the desired future character of streets and the precinct as a whole	☒	☐	☐	
▪ To control the impact of new development on Sydney Harbour at Homebush Bay	☒	☐	☐	Whilst the proposed development will marginally exceed the height of the Millennium Marker, the proposal is considered to be consistent with the building height objective.
▪ To enable view sharing	☒	☐	☐	
▪ To protect the amenity of the foreshore promenade and contiguous public open space	☒	☐	☐	
▪ To protect views from within Sydney Olympic Parklands to the Millennium Marker, such that it retains its visual dominance on the horizon	☒	☐	☐	
3.4.2 Building Height Controls & Performance Criteria i. Height in storeys is calculated from the finished footpath of the adjoining street. Where constraints on underground car parking result in a raised ground level for the site AND for its surrounding streets, height is understood to relate to that new ground level	☒	☐	☐	
ii. The maximum overall height for any building, inclusive of lift overruns, services, or any other roof extrusions, is AHD 29; that is,	☐	☒	☐	**It is noted that under the original approval, a maximum height of RL29.6 was approved to the top of the highest roof and a maximum height of RL 30.5 to**

Requirement		Yes	No	N/A	Comment
	the height of the Millennium Marker				**the top of the highest lift overrun. The proposed amendment will result in a height of 30.75 to the top of the highest roof parapet and a maximum height of 31.9 to the top of the highest lift overrun. No objection is raised to this non-compliance as the Master Plan for Lot 10, located to the north of the subject site, as approved, allows for building heights of 33.4 AHD.**
iii.	'**Ground level' as it refers to storeys means the lowest habitable floor of a building, which may be elevated a maximum of 1.2 metres above finished footpath level over a non-habitable sub-basement podium**	☐	☒	☐	**The front (Homebush Bay West) elevation lowest habitable level is elevated 2 metres above footpath level as per the amended plan. This is a result of the geotechnical constraint of the site as discussed earlier in the report under the heading 'building height'.**
iv.	Scale development appropriately to conform to the urban form principles in the Structural Design Framework by complying with the following height requirements for street types and widths:	☐	☐	☒	
	▪ Hill Road (east side only) 8 storeys				
	▪ Major east-west streets (including Baywater Drive and Burroway Road) 8 storeys generally, ranging down to 4 storeys at the foreshore edge	☒	☐	☐	The proposal provides 8 storeys at the rear of Block D and ranging down to 4 storeys at the foreshore edge.
	▪ Major north-south street 6 storeys	☐	☐	☒	
	▪ Secondary streets 4 storeys				
	▪ Foreshore edge within 30 metres of the waterfront (west side only) 4 storeys	☒	☐	☐	4 storeys provided at the foreshore edge.
	▪ Those portions of street-edging buildings which 'return' into a block 4 storeys				
v.	Building heights are to achieve built form outcomes that reinforce quality urban and building design	☒	☐	☐	The building heights are appropriate and achieve the desired built form and design outcomes.
vi.	Optimise accessibility by providing entrances to ground floor commercial and retail uses that are level with the adjoining footpath, where possible	☐	☐	☒	
vii.	To enable modulation of the skyline and provide for design flexibility within developments while still maintaining a consistent datum appropriate to the street hierarchy and relationship to the water, building heights may be varied as follows:	☒	☐	☐	
	▪ buildings of 8 storeys may not be varied	☐	☐	☒	No variation proposed to 8 storey element.
	▪ buildings of 6 storeys may be varied by up to 2 additional	☐	☐	☒	No 6 storey elevation in Block D

Requirement	Yes	No	N/A	Comment
storeys whose gross floor area is no more than 8% of the total gross floor area of the building ▪ buildings of 4 storeys may be varied by up to 2 additional storeys whose gross floor area is no more than 10% of the total gross floor area of the building.	☒	☐	☐	The foreshore building height limit is 4 storeys on the waterfront, with 2 "pop up" levels permitted. The development proposes 4 storeys directly on the waterfront, increasing to five storeys, being 1 additional "pop up" level. As indicated earlier in the report, this fifth level is setback a further 6.8m from the 30m setback.
3.4.3 Topography and Site Integration Objectives ▪ To ensure future development responds to the desired future character of streets and the precinct as a whole ▪ To ensure that topography unified the precinct as 'one place' rather than creates divided sites at different levels ▪ To encourage adjacent landowners to consider a joint master plan for sites affected by proposed level changes ▪ To create a 'ridge road' in keeping with the Harbour context	☒ ☒ ☒ ☐	☐ ☐ ☐ ☐	☐ ☐ ☐ ☒	The amended development is consistent with the Topography and Site Integration objectives as the ground level is to be raised to match the ground level of the adjoining site to the north (Lot 10) and Lot 8 to the south. Conforms with Concept Plan approval. Road network not part of subject application.
3.4.3 Topography and Site Integration Controls and Performance Criteria i. The extent of ground level changes is delineated by existing public streets and the 30 metre setback to the foreshore; that is, they may not be raised to create an 'edge' to these spaces ii. Where topography has already been altered on streets, as at Baywater Road, this profile may be continued across into the adjacent development precinct **iii. The ground level across the whole area may be raised by a maximum of 4.5 metres where parking is wholly underground (that is, no sub-basement parking) or 3 metres where there is sub-basement parking. Sub-basement parking may protrude above ground to a maximum height of 1.5 m metres** iv. Consider the continuation of any changes in ground level across adjacent sites when proposing changes to the topography v. Locate roads, not buildings, on the highest part(s) of the new ground level to optimise the directness of visual and physical connections to the water and surrounding shores	☒ ☐ ☐ ☒ ☐	☐ ☐ ☒ ☐ ☐	☐ ☒ ☐ ☐ ☒	**Whilst there is sub-basement parking within Block D, the ground level is raised 5.5m. This is as approved under the Concept Plan to integrate with the levels of the adjoining site (Lot 10)**. Location of road pre-determined under this DCP and does not form part of the subject application.
3.4.4 Building Depth Objectives ▪ To enable view sharing from apartments and views of the sky from the public domain ▪ To optimise residential amenity in terms of natural ventilation and daylight access to internal spaces ▪ To provide for dual aspect apartments	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Residential amenity for many apartments will be good but there are a number of units that will have less than the minimum required direct sunlight penetration. This variation is offset by the high views amenity achieved for the apartments.

Requirement	Yes	No	N/A	Comment
3.4.4 Building Depth Performance Criteria **i. Provide opportunities for cross ventilation and daylight access by limiting the depth of residential building envelopes to 22m (maximum 18m glass line to glass line)**	☐	☒	☐	**The building depth for the building varies but reaches up to 19.8m from glass line to glass line but less than 22m overall. (This is as originally approved).**
ii. Maximise cross ventilation and daylight access by providing a minimum of 50% of apartments with openings in two or more external walls of different orientation	☒	☐	☐	56% of apartments in the development have openings in two or more external walls of different orientation.
iii. Optimise the environmental amenity for single aspect apartments by orienting them predominantly north, east or west	☒	☐	☐	Where possible, single aspect apartments are provided to the north, east and west however southern elevations also contain single aspect apartments. (14% single aspect and south orientation).
iv. Promote sustainable practices for commercial floors by limiting their depth above podium level to 25m	☐	☐	☒	
3.4.5 Building Separation Objectives ▪ To ensure that new development is scaled to support the desired precinct character, with built form distributed to enable views through the precinct to the water and surrounding hills	☒	☐	☐	The amended development is considered to be consistent with the Building Separation objectives as appropriate spacing and visual and acoustic privacy is provided between building towers, a consolidated and landscaped area of communal open space is provided.
▪ To provide visual and acoustic privacy for residents in new development and in any existing development	☒	☐	☐	
▪ To control overshadowing of adjacent properties and private or shared open space	☒	☐	☐	
▪ To allow for the provision of open space of suitable size and proportions for recreational use by building occupants	☒	☐	☐	
▪ To provide open space areas within blocks for landscaping, including tree planting, where site conditions allow	☒	☐	☐	
3.4.5 Building Separation Performance Criteria i. For buildings up to 4 storeys, provide:				
▪ 12m between habitable rooms / balcony edges	☐	☐	☒	
▪ 9m between habitable rooms / balcony edges and non-habitable rooms	☐	☐	☒	
▪ 6m between non-habitable rooms	☐	☐	☒	
ii. For buildings of 5 – 8 storeys, provide:				
▪ **18m between habitable rooms / balcony edges**	☐	☒	☐	**There is no effective change to the building footprint under the modified proposal. The modified proposal is acceptable in this regards.**
▪ **13m between habitable rooms / balcony edges and non-habitable rooms**	☐	☒	☐	
▪ 9m between non-habitable rooms	☒	☐	☐	
iii. Design buildings at the intersections of Hill Road and major east-west streets with minimum building separation at podium level to create a street wall, urban character				

Requirement	Yes	No	N/A	Comment
iv. Where an upper level setback creates a terrace, apply the building separation control for the storey below.	☒	☐	☐	
3.4.6 Street Setbacks Objectives ▪ To establish the spatial proportions of streets in accordance with the urban form/street hierarchy principles ▪ To reinforce the threshold between public and private space by providing a transition from the street to the building ▪ To achieve visual privacy to apartments from the street ▪ To provide sufficient space for lobbies or foyers, and for individual ground floor apartments ▪ To support streetscape objectives by allowing for a landscaped setting for buildings	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The amended development is consistent with the Street Setback objectives as setbacks are provided in accordance with the requirements of the approved Concept Plan and Homebush Bay West DCP.

Requirement	Yes	No	N/A	Comment
3.4.6 Street Setbacks Performance Criteria				
i. Create an urban character, provide consistent street edge definition and enhance the potential for retail and street fronting activities, by:				
▪ establishing street setbacks on Hill Road and major east-west streets (excluding foreshore plaza areas) as build-to lines for a minimum 70% of the length of the building façade	☒	☐	☐	A street setback of 5 metres is provided to Major East/West Street. A waterfront setback of 30m to the water edge is provided.
▪ This excludes the top two floors, which may be set back from the build-to line	☐	☐	☒	
ii. For buildings on Hill Road, provide an 8 metre street setback	☐	☐	☒	
iii. For buildings on major east-west streets, provide a 5 metre setback	☒	☐	☐	5m setback provided.
iv. Support the linear park character envisaged for the major north-south street by providing a minimum 4 metre setback	☐	☐	☒	
v. Create a residential character for buildings on secondary streets by providing a minimum 3 metre setback	☐	☐	☒	
vi. Protect the amenity and public space character of the foreshore by providing a minimum 30 metre setback to the waterfront, except at the termination of east-west streets where a 20 metre setback is allowed to a maximum extent of 25 metres	☒	☐	☐	30m setback to the foreshore provided.
vii. Where variable height in excess of the height controls is permitted (see 3.4.2 Heights above), maintain the overall height datum established for streets by providing minimum 3 metre setbacks to the topmost level(s) of the building	☐	☐	☒	
viii. Contribute to building expression, environmental design solutions, and opportunities for activating the street, by allowing balconies and ground floor terraces to extend forward of the street setback line by a maximum of 600mm in accordance with 3.4.7 Building Articulation below.	☐	☒	☐	**The ground floor terraces project 1500mm along the southern boundary. Whilst it is noted that the HBWDCP allows for 600mm encroachment to provide variations to building facades, the proposed non-compliance is supported as the terrace encroachment enables provision of usable private open spaces which are integrated with internal spaces for the apartments and also provides a better surveillance of the street. (This is as originally approved).**

Requirement	Yes	No	N/A	Comment
3.4.7 Building Articulation Objectives ▪ To provide modelled building facades appropriately scaled for the building use and desired street character ▪ To provide useable private external spaces which are integrated with internal spaces ▪ To ensure buildings respond to environmental conditions such as noise, sun, wind and views ▪ To provide for casual surveillance of public spaces ▪ To establish the relationship of the building – its entries and openings – with the street	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The proposed development is consistent with the Building Articulation objectives as private open spaces in the form of balconies and terraces are used to modulate elevations, provide casual surveillance of public areas and provide residents with external access to views, sunlight and breezes.
3.4.7 Building Articulation Performance Criteria **i. Balconies and ground floor terraces may extend forward of the street setback line by a maximum of 600mm across a maximum 50% the building frontage**				**The ground floor terraces project 1500mm along the southern boundary across 60.7% of the frontage. As noted earlier in the report, the encroachment provide variations to building facades, the proposed non-compliance is supported as the terrace encroachment enables provision of usable private open spaces which are integrated with internal spaces for the apartments and also provides a better surveillance of the street. This is as per the original approval.**
ii. Enhance an active street environment and promote a sense of individual ownership, by providing individual entry to at least 75% of all ground floor apartments	☒	☐	☐	Individual entries are provided to all ground level units.
iii. Balance opportunities for overlooking of streets and for attractive outlooks with considerations of visual and acoustic privacy, for example by: ▪ orienting private open space towards the street, Homebush Bay and Parramatta River ▪ using noise barriers and privacy screens	☒	☐	☐	Where possible, private open spaces are orientated towards the streets and Homebush Bays.
iv. Optimise amenity and comfort for residents by designing building articulation elements appropriate to the building orientation, for example vertical or horizontal sun shading devices.	☒	☐	☐	
Part 4 Detailed Design Guidelines				
4.1 Site Configuration				
4.1.1 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 retention and/or planting of large and medium size trees	☒	☐	☐	The amended proposal includes a satisfactory planting scheme for the site. The landscape plan is satisfactory for approval and shows an adequate planting regime for the complex.

Requirement	Yes	No	N/A	Comment
4.1.1 Deep Soil Zones Performance Criteria **i. A minimum of 15 percent of the private open space area of a site is to be a deep soil zone. Where there is no capacity for water infiltration, stormwater treatment measures must be integrated with the design of the residential flat building**	☐	☒	☐	**The development provides little by way of deep soil within the private open space area due to locating the parking areas below the central communal open space thereby limiting the opportunity for providing deep soil.**
ii. Optimise the provision of consolidated deep soil zones by locating basement and sub-basement car parking within the building footprint so as not to extend into street setback zones	☒	☐	☐	The car parking is largely contained under the building.
iii. Optimise the extent of deep soil zones beyond the site boundaries by locating them contiguous with the deep soil zones of adjacent properties	☒	☐	☐	
iv. Promote landscape health by supporting a rich variety of vegetation type and size	☒	☐	☐	
v. Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials	☒	☐	☐	
4.1.2 Fences and Walls Objectives ▪ To define the edges between public and private land	☒	☐	☐	The amended development is considered to be consistent with the Fences and Walls objectives as suitable barriers between the public and private areas are proposed in the form of low-level walls and landscaping.
▪ To define the boundaries between areas within the development having different functions or owners	☒	☐	☐	
▪ To provide privacy and security	☒	☐	☐	
▪ To contribute to the public domain	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
4.1.2 Fences and Walls Performance Criteria				
i. 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	☒	☐	☐	The amended development provides low-level boundary walls behind a landscape buffer to ground-floor apartments to clearly delineate between public and private spaces.
▪ limiting the length and height of retaining walls along street frontages	☒	☐	☐	
ii. Contribute to the amenity, beauty and useability of private and communal open spaces by incorporating some of the following in the design of fences and walls:- benches and seats, planter boxes, pergolas and trellises, barbeques, water features, composting boxes and worm farms	☒	☐	☐	The communal open space contains seats, lap pool and turf.
iii. Retain and enhance the amenity of the public domain by:				
▪ avoiding the use of continuous lengths of blank walls at street level	☒	☐	☐	
▪ 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	☒	☐	☐	
▪ where sub basement car parking creates a raised terrace (up to 1.2 metres higher than footpath level) for residential development to the street, ensuring that any fencing to the terrace is maximum 50% solid to transparent	☒	☐	☐	Ratio of solid to transparent fencing to the ground floor terraces considered satisfactory.
iv. Select durable materials, which are easily cleaned and are graffiti resistant	☒	☐	☐	
4.1.3 Landscape Design Objectives				
▪ To add value to residents' quality of life within the development in the form of privacy, outlook and views	☒	☐	☐	The amended development is considered to be consistent with the Landscape Design objectives as suitable landscaping is to be used to soften the impact of the built form on surrounding streetscape and within the internal communal open space.
▪ 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 provide a pleasant outlook	☒	☐	☐	
4.1.3 Landscape Design Performance Criteria				
i. Improve the amenity of open space with landscape design which:				
▪ provides appropriate shade from trees or structures	☒	☐	☐	These features have been provided.
▪ provides accessible routes through the space and between buildings	☒	☐	☐	Pedestrian through link provided between Block D and proposed Block C.
▪ 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	☐	☐	☒	
ii. Contribute to streetscape character				

Requirement		Yes	No	N/A	Comment
	and the amenity of the public domain by:				
	▪ relating landscape design to the desired proportions and character of the streetscape	☒	☐	☐	The development is generally considered to be satisfactory in this regard.
	▪ 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	☒	☐	☐	
iii.	Improve the energy and solar efficiency of dwellings and the microclimate of private open spaces. Planting design solutions include: trees for shading low-angle sun on the eastern and western sides of a dwelling; trees that do not cast a shadow over solar collectors at any time of the year; deciduous trees for shading of windows and open space areas in summer; locating evergreen trees well away from the building to permit the winter sun access; varying heights of different species of trees and shrubs to shade walls and windows; locating pergolas on balconies and courtyards to create shaded areas in summer and private areas for outdoor living; locating plants appropriately in relation to their size at maturity	☒	☐	☐	
iv.	Design landscape which contributes to the site's particular and positive characteristics by:				
	▪ planting communal private space with native vegetation, species selection as per Sydney Olympic Park Parklands 2020 & Plan of Management- enhancing habitat and ecology	☒	☐	☐	A landscape plan, prepared by a suitably qualified consultant, is submitted with the amended application. The plan identifies relevant landscaping elements to soften the built form, contribute to streetscape and provide for natural screening and shading.
	▪ retaining and incorporating trees, shrubs and ground covers endemic to the area, where appropriate	☒	☐	☐	
	▪ retaining and incorporating changes of level, visual markers, views and any significant site elements	☒	☐	☐	
v.	Contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management, for example, by: using plants with low water demand to reduce mains consumption; using plants with low fertiliser requirements; using plants with high water demand, where appropriate, to reduce run off from the site; utilising permeable surfaces; using water features; incorporating wetland filter systems	☒	☐	☐	
vi.	Provide a sufficient depth of soil above paving slabs to enable growth of mature trees	☒	☐	☐	
vii.	Minimise maintenance by using robust landscape elements	☒	☐	☐	
viii.	See 4.1.5 Planting on structures for	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
minimum soil depths on roofs for trees, shrubs and groundcover planting				
4.1.4 Private Open Space Objectives ▪ To provide residents with passive and active recreational opportunities ▪ 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	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The general locality provides for passive and active recreational opportunities via the waterfront promenade and proximity to The Piazza and Sydney Olympic Park. The internal communal open space is made attractive via provision of a lap pool, shade areas and landscaping.
4.1.4 Private Open Space Performance Criteria i. Provide communal open space at a minimum of 25 percent of the site area (excluding roads). 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 in a contribution to public open space	☒	☐	☐	Communal open space is 28.6%.
ii. Communal open space may be provided on a podium or roof(s) in a mixed-use building with commercial and/or retail on the ground floor	☐	☐	☒	Not a mixed use building however additional communal open space area is provided within Block D in the form of a roof deck facing the foreshore.
iii. Facilitate the use of communal open space 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 size and dimensions to allow for the 'program' of uses it will contain	☒	☐	☐	
▪ minimising overshadowing	☒	☐	☐	
▪ carefully locating ventilation duct outlets from basement car parks	☒	☐	☐	
iv. Provide a minimum area of 25m^2 private open space for each apartment at ground level or similar space on a structure, including balconies, such as on a podium or car park; the minimum dimension in one direction is four metres (see Balconies for private open space requirements for above-ground and above podium dwellings)	☐	☒	☐	**As per the approved development, some non-compliances with regard to private open space on ground level were noted but approved. The modified proposal has not altered the development with regard to this control and is accordingly acceptable in this instance.**
v. Provide private open space for each apartment capable of enhancing residential amenity, in the form of:- balcony, deck, terrace, garden, yard, courtyard and/or roof terrace. Where the primary private open space is a balcony, see Balconies	☒	☐	☐	All the apartments above the ground level are provided with balconies or terraces of varying size and dimensions. The balconies and terraces are large enough to permit their use.
vi. Locate open space to increase the potential for residential amenity by designing apartment buildings which: ▪ are sited to allow for landscape	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
design ▪ are sited to optimise daylight access in winter and shade in summer ▪ have a pleasant outlook ▪ have increased visual privacy between apartments v. Provide environmental benefits including habitat for native fauna, native vegetation and mature trees, a pleasant microclimate, rainwater percolation and outdoor drying area	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The development incorporates all these features.
4.1.5 Planting of Structures Objectives ▪ To contribute to the quality and amenity of communal open space on roof tops, podiums and internal courtyards ▪ To encourage the establishment and healthy growth of trees in urban areas	☒ ☒	☐ ☐	☐ ☐	Internal courtyard is suitably landscaped
4.1.5 Planting of Structures Performance Criteria i. 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 ii. Design planters to support the appropriate soil depth and plant selection by: ▪ ensuring planter proportions accommodate the largest volume of soil possible and minimum soil depths of 1.5 metres to ensure tree growth ▪ providing square or rectangular planting areas rather than narrow linear areas iii. Increase minimum soil depths in accordance with: ▪ the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass ▪ the level of landscape management, particularly the frequency of irrigation ▪ anchorage requirements of large and medium trees ▪ soil type and quality iv. Recommended minimum standards for a range of plant sizes, excluding drainage requirements, are: ▪ Large trees such as figs (canopy diameter of up to 16 metres at maturity) o minimum soil volume 150 cubic metres o minimum soil depth 1.3 metre o minimum soil area 10 metre x 10 metre area or equivalent ▪ Medium trees (8 metre canopy diameter at maturity) o minimum soil volume 35	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	The depth of soil within the central communal open space area (above the parking level podium) is to be between 1.5m to 1.8m deep. It will have dimensions well in excess of 10 metres by 10 metres and volume of more than 150 cubic metres. Therefore, sufficient planting conditions will be provided for a range of small trees, shrubs and ground covers.

Requirement	Yes	No	N/A	Comment
cubic metres ○ minimum soil depth 1 metre ○ approximate soil area 6 metre x 6 metre or equivalent ▪ Small trees (4 metre canopy diameter at maturity) ○ minimum soil volume 9 cubic metres ○ minimum soil depth 800mm ○ approximate soil area 3.5 metre x 3.5 metre or equivalent ▪ Shrubs ○ minimum soil depths 500-600mm ▪ Ground cover ○ minimum soil depths 300-450mm ▪ Turf ○ minimum soil depths 100-300mm	☒	☐	☐	
Stormwater Management Objectives ▪ To minimise the impacts of residential flat development and associated infrastructure on the health and amenity of the Parramatta River, Homebush Bay and associated waterways	☒	☐	☐	Council's Engineering Department has assessed the amended stormwater drainage plans and deemed them to be satisfactory.
▪ To preserve existing topographic and natural features, including watercourses and wetlands	☐	☐	☒	
▪ To minimise the discharge of sediment and other pollutants to the urban stormwater drainage system during construction activity	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Stormwater Management Performance Criteria i. Reduce the volume impact of stormwater on infrastructure by retaining it on site. Design solutions may include:- minimising impervious areas by using pervious or open pavement materials; retaining runoff from roofs and balconies in water features as part of landscape design or for reuse for activities such as toilet flushing, car washing and garden watering; landscape design incorporating appropriate vegetation; minimising formal drainage systems (pipes) with vegetated flowpaths (grass swales), infiltration or biofiltration trenches and subsoil collection systems in saline areas; water pollution control ponds or constructed wetlands on larger developments	☒	☐	☐	
ii. Optimise deep soil zones. All development must address the potential for deep soil zones (see Deep Soil Zones)	☒	☐	☐	
iii. On dense urban sites where there is no potential for deep soil zones to contribute to stormwater management, seek alternative solutions. Structural stormwater treatment measures may be used including:- litter or gross pollutant traps to capture leaves, sediment and litter; on-site detention storage	☒	☐	☐	
iv. Protect stormwater quality by providing for: ▪ sediment filters, traps or basins for hard surfaces	☒	☐	☐	
▪ treatment of stormwater collected in sediment traps on soils containing dispersive clays	☒	☐	☐	
v. Reduce the need for expensive sediment trapping techniques by controlling erosion, for example by:- landscape design incorporating appropriate vegetation; stable (non-eroding) flow paths conveying water at non-erosive velocities	☒	☐	☐	
4.1.7 Wind Objectives ▪ To minimise the impact of wind exposure within public and private open space	☒	☐	☐	The amended development is consistent with the Wind objectives as a report prepared by a suitably qualified consultant is provided identifying that suitable wind conditions can be achieved through the use of landscaping and use of impermeable balustrade around the trafficable area of balconies.
▪ To enable residential dwellings to benefit from ventilating breezes	☒	☐	☐	
▪ To maximise the comfort of the foreshore promenade	☒	☐	☐	
▪ To ensure buildings do not create adverse wind conditions for the Olympic Archery Centre	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
4.1.7 Wind Performance Criteria i. Site and design development to avoid unsafe and uncomfortable winds at pedestrian level in public areas and private open spaces, for example through appropriate orientation and / or screening of seating areas, balcony, terrace and courtyard spaces	☒	☐	☐	A Pedestrian Wind Statement prepared by Windtech dated July 21, 2010 (report no. W382-48F02) has been submitted with the development application. The proposed modification is supported by an addendum to the report (report no. W382-52F01by Windtech and dated 26 october 2012)
ii. Maximum allowable wind velocities are: ▪ 13 metres per second in streets, parks and public places	☒	☐	☐	
▪ 16 metres per second in all other areas	☒	☐	☐	
iii. Provide a Wind Effects Study with all development over 4 storeys in height	☒	☐	☐	
iv. Ameliorate the effects of wind on the foreshore promenade by configuring landscape elements and incorporating refuge areas off the main promenade	☒	☐	☐	
4.1.8 Geotechnical Suitability and Contamination Objectives ▪ To ensure that development sites are suitable for the proposed development use or can be remediated to a level suitable for that use	☒	☐	☐	SEPP 55 assessment was carried out with the original proposal and deemed to be satisfactory.
▪ To take into account issues relevant to the whole Homebush Bay area, including the disturbance of aquatic sediments	☒	☐	☐	
4.1.8 Geotechnical Suitability and Contamination Performance Criteria i. Provide a report by a qualified geotechnical engineer establishing that the site of the proposed development is suitable for that development having regard to its groundwater conditions	☒	☐	☐	An amended geotechnical report was provided by Asset Geotechnical – Report No. 1888-A and dated 27 June 2012 and Report No. 1888-B dated 9 November 2012. The report identified the site constraints associated with the alluvial soil and made the case to raise the basement level from RL 2.0 to RL 2.5.
ii. Provide a report by a qualified contamination consultant indicating that the site is suitable for the proposed use or that remediation options are available to reduce contaminant concentrations to a level appropriate for the proposed land use. The report fully documents the site investigation process undertaken which includes: ▪ Stage 1 - Preliminary Investigations ▪ Stage 2 - Detailed Investigations ▪ Stage 3 - Remedial Action Plan (if remediation is required) as outlined in Section 3.4 of Managing Land Contamination and Draft Guidelines prepared by DUAP and EPA, August 1998	☒	☐	☐	
iii. Provide documentation of the process used to ensure fill is clean and contamination free	☐	☐	☒	
4.1.9 Electro-Magnetic Radiation Objectives ▪ To enable development of the Homebush Bay West precinct for residential, commercial, recreational and community uses	☒	☐	☐	The amended development is consistent with the Electro-magnetic Radiation objectives as it has previously been deemed suitable for residential purposes.
▪ To recognise the issues associated with continued use of the site for AM radio broadcasting	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
4.1.9 Electro-Magnetic Radiation Performance Criteria				
i. Applicants are required to demonstrate that development proposals have carefully considered potential health and interference impacts from the AM radio towers. Further advice and guidance may be obtained from the relevant Commonwealth regulatory bodies including the Australian Broadcasting Authority	☒	☐	☐	This matter was considered with the original application and no objection is raised by Council.
ii. Building design and siting responds appropriately to any constraints and / or impacts identified, for example, appropriate shielding of electronic and telephonic cables	☒	☐	☐	
4.2 Site Analysis				
4.2.1 Safety and Security Objectives				
▪ To ensure that residential flat developments are safe and secure for residents and visitors	☒	☐	☐	The amended development is considered to be consistent with the Safety and Security objectives as secure access to communal entries to the building and as casual surveillance of the public domain from living and open space areas is to be provided.
▪ To contribute to the safety of the public domain	☒	☐	☐	
4.2.1 Safety and Security Performance Criteria				
i. Carry out a formal crime risk assessment in accordance with NSW Police 'Safer by Design' protocols for all residential developments of more than 20 new dwellings, and for the mixed use maritime precinct around Wentworth Point. Crime risk assessment is to extend beyond the site boundaries to include the relationship of the building to public open space areas	☒	☐	☐	The project responds in a positive manner to the CPTED guidelines:
ii. Reinforce the development boundary to strengthen the distinction between public and private space. This can be actual or symbolic and may include:- employing a level change at the site and/or building threshold; signage which is clear and easy to understand; entry awnings; fences, walls and gates; change of material in paving between the street and the development	☒	☐	☐	
iii. Optimise the visibility, functionality and safety of building entrances by:				
▪ orienting entrances towards the public street	☒	☐	☐	
▪ providing clear lines of sight between entrances, foyers and the street	☒	☐	☐	
▪ providing direct entry to ground level apartments from the street rather than through a common foyer	☒	☐	☐	
▪ providing direct and well-lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances	☒	☐	☐	
iv. Improve the opportunities for casual surveillance by:				

Requirement	Yes	No	N/A	Comment
▪ orienting living areas with views over public or communal open spaces, where possible	☒	☐	☐	
▪ using bay windows and balconies, which protrude beyond the building line and enable a wider angle of vision to the street	☒	☐	☐	
▪ using corner windows, which provide oblique views of the street	☒	☐	☐	
▪ avoiding high walls around and parking structures which obstruct views	☒	☐	☐	
▪ providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks	☒	☐	☐	
v. Minimise opportunities for concealment by:				
▪ avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor carparks, 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	☒	☐	☐	
vi. 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 and secure access from car parks to apartment lobbies for residents	☒	☐	☐	There are lifts linking the car park levels to the residential units above.
▪ 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	☒	☐	☐	
4.2.2 Visual Privacy Objectives				
▪ To provide reasonable levels of visual privacy externally and internally, during the day and at night	☒	☐	☐	The amended development is considered to be consistent with the Visual Privacy objectives as outlook of open space is maximised where possible, without creating more than reasonable privacy impacts.
▪ To maximise outlook and views to the public domain from principal rooms and private open spaces without compromising visual privacy	☒	☐	☐	
4.2.2 Visual Privacy Performance Criteria				
i. Locate and orient new development to maximise visual privacy between buildings on site and adjacent				

Requirement	Yes	No	N/A	Comment
buildings by: ▪ providing adequate building separation ▪ employing appropriate rear and site setbacks ii. Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments by: ▪ locating 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 (see Ground Floor Apartments iii. Use detailed site and building design elements to increase privacy without compromising access to light and air. Design detailing may include:- offset windows of apartments in new development and adjacent development windows; sill heights set at minimum 1.2m above floor level; recessed balconies and/or vertical fins between adjacent balconies; solid or semi-solid balustrades to balconies; louvres or screen panels to windows and/or balconies; fixed obscure glazing; appropriate fencing; vegetation as a screen between spaces; incorporating planter boxes into walls or balustrades to increase the visual separation between areas; utilising pergolas or shading devises to limit overlooking of lower apartments or private open space	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	The proposal has utilised some passive design features to ensure privacy is maintained particularly at convergence points between the buildings, the development is considered acceptable in this regard.
4.3 Site Access				
4.3.1 Building Entry Objectives ▪ To create entrances which provide a desirable residential identity for the development ▪ To orient the visitor ▪ To contribute positively to the streetscape and building facade design	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The amended development is considered to be consistent with the Building Entry objectives as multiple communal entries which are easily identifiable are proposed.
4.3.1 Building Entry Performance Criteria i. 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—main entry plus private ground floor apartment entries—where it is desirable to activate the street	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	All the entries are directly approached and visible from the street or the internal courtyard space. All entries are accessible. An Access Review Report prepared by Morris Goding Accessibility Consulting dated 8 November 2012 has been prepared.

Requirement	Yes	No	N/A	Comment
edge or reinforce a rhythm or entry along a street				
ii. Provide as direct a physical and visual connection as possible between the street and the entry	☒	☐	☐	The development has been reviewed to ensure that ingress and egress, path of travel, circulation areas and toilets comply with the relevant guidelines. The development has accessible paths of travel that are continuous throughout. Appropriate access is achieved where required. Separate entries for pedestrians and vehicles are provided and ground floor apartments have individual entries direct from the adjoining street to private open space.
iii. Achieve clear lines of transition between the public street, the shared private, circulation spaces and the apartment unit	☒	☐	☐	
iv. Ensure equal access for all	☒	☐	☐	
v. Provide safe and secure access. Design solutions include:- avoid ambiguous and publicly accessible small spaces in entry areas; provide a clear line of sight between one circulation space and the next; provide sheltered, well lit and highly visible spaces to enter the building, meet and collect mail	☒	☐	☐	
vi. Generally provide separate entries from the street for:				
▪ pedestrians and cars	☒	☐	☐	
▪ different uses, for example, for residential and commercial users in a mixed-use development	☐	☐	☒	
▪ ground floor apartments, where applicable (see Ground Floor Apartments)	☒	☐	☐	
vii. Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces	☒	☐	☐	
viii. Provide and design mailboxes to be convenient for residents and not to clutter the appearance of the development from the street. Design solutions include:- locating them adjacent to the major entrance and integrated into a wall, where possible; setting them at 90 degrees to the street, rather than along the front boundary.	☒	☐	☐	Mailboxes are located at each major building entry adjacent to the footpath.
4.3.2 Parking Objectives				
▪ To minimise car dependency for commuting and recreational transport use and to promote alternative means of transport – public transport, bicycling and walking	☒	☐	☐	Adequate parking has been provided for within the development. Public transport services will improve over time, as the peninsular is developed.
▪ To provide adequate car parking for the builder'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	☒	☐	☐	
4.3.2 Parking Performance Criteria				
i. Determine the appropriate car parking space requirements in relation to the development's proximity to public transport, shopping and recreational facilities, the density of the development and the local area and the site's ability to accommodate car parking.	☒	☐	☐	The amended development is generally consistent with the parking requirements adopted by this DCP
ii. Limit the number of visitor parking spaces, particularly in small developments where the impact on landscape and open space is	☒	☐	☐	Visitor parking provided at an acceptable level.

Requirement	Yes	No	N/A	Comment
significant				
iii. Give preference to underground parking, whenever possible. Design considerations include:- retaining and optimising the consolidated areas of deep soil zones (in this case, including the street setbacks forming continuous deep soil zones around the outside of a block); facilitating natural ventilation to basement and sub-basement car parking areas, where possible; integrating ventilation grills or screening devices of carpark openings into the façade design and landscape design; providing a logical and efficient structural grid. There may be a larger floor area for basement car parking than for upper floors above ground. Upper floors, particularly in slender residential buildings, do not have to replicate basement car parking widths	☒	☐	☐	The parking in this instance cannot be completely underground due to the constraint of proximity to the water table. It is noted that the parking component of the basement has been well camouflaged.
iv. A basement podium does not protrude more than 1.2 metres above ground level	☒	☐	☐	The basement component is concealed by ground floor apartments which are wrapped around the basement podium.
v. Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and street amenity by-integrating the car park, including vehicle entries, into the overall facade design, for example, by using appropriate proportions and façade details; 'wrapping' the car parks with other uses, for example, retail and commercial along street edges with parking behind	☒	☐	☐	
vi. Provide bicycle parking which is easily accessible from ground level and from apartments. Provide a combination of secured and chained bicycle storage	☒	☐	☐	Bicycle storage/parking are provided within the parking levels and are suitably accessible.
vii. Provide residential car parking in accordance with the following requirements: ▪ Generally provide a minimum of 1 space per dwelling ▪ Studio – no spaces/dwelling ▪ 1 bed – max. 1 space/dwelling ▪ 2 bed – max 1.5 space/dwelling ▪ 3 bed - max 2 space/dwelling ▪ Visitors – max 0.2 space/dwelling ▪ The consent authority may permit variations to the above maximum rates on the basis of a Transport and Traffic Management Plan which meets their approval	☒	☐	☐	A minimum of 177 spaces and a maximum of 236 spaces are permitted. The plan submitted with the modification indicates a total of 205 car spaces including 1 car wash and is considered satisfactory.
viii. Non-residential parking controls for Precinct A are excluded from this DCP and addressed through the precinct masterplan	☐	☐	☒	No retail/commercial use proposed.
ix. Provide car parking for convenience retail as follows:	☐	☐	☒	

Requirement	Yes	No	N/A	Comment
▪ employees: 2 spaces per tenancy ▪ patrons: gross floor area under 100m2 - managed on-street parking; gross floor area over 100m2 - 1 space per 40m^2				
x. Provide car parking for cafes and restaurants as follows: ▪ employees: 2 spaces per tenancy ▪ patrons: 15 spaces per 100m^2 (as per RTA Traffic Generating Guidelines) ▪ this may be a combination of on-street and on-site parking if appropriate management arrangements are agreed with the consent authority and/or Auburn Council	☐	☐	☒	
xi. Provide 1 car parking space per 60 sq.m gross leasable floor area of commercial office development	☐	☐	☒	
xii. Provide motorbike parking at the rate of 1 space per 25 car parking spaces	☒	☐	☐	A total of 9 motorbike spaces are required. The applicant has provided 9 spaces.
xiii. Provide secure bicycle parking in all residential developments in accordance with these requirements: ▪ Studio – none ▪ 1 bed – none ▪ 2 bed - 0.5 spaces/dwelling ▪ 3 bed - 0.5 spaces/dwelling ▪ Visitors – 1 per 15 dwellings	☒	☐	☐	A total of 53 bike parking spaces are required. The applicant has provided 64 bike parking spaces.
xiv. Provide bicycle parking for commercial office development at the rate of: ▪ 1 bicycle space per 300m^2 gross leasable floor area ▪ 1 visitor space per 2500m^2 of gross leasable floor area	☐	☐	☒	
4.3.3 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 amended development is considered to be consistent with the Pedestrian Access objectives as barrier free communal entries are provided to access cores of all units and communal areas. Where appropriate ramped access have been provided.
▪ To ensure that residents, including users of strollers and wheelchairs and people with bicycles are able to reach and enter their apartment and use communal areas via minimum grade ramps, paths, access ways or lifts	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
4.3.3 Pedestrian Access Performance Criteria i. Utilise the site and its planning to optimise accessibility to the development	☒	☐	☐	Ground floor apartments have individual entries from their respective streets and access cores are accessible from within parking areas.
ii. Separate and clearly distinguish between pedestrian accessways and vehicle accessways	☒	☐	☐	
iii. Consider the provision of public through-site pedestrian accessways in large development sites	☒	☐	☐	Vehicle and pedestrian entries are well defined.
iv. Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entries, lobbies, communal open space, site facilities, parking areas, public streets and internal roads	☒	☐	☐	Through access is possible via front main entrances through the podium courtyard to proposed Block C podium
v. Promote equity by: ▪ ensuring the main building entrance is accessible for all from the street and from car parking areas	☒	☐	☐	Complies.
▪ integrating ramps into the overall building and landscape design	☒	☐	☐	
vi. Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space	☒	☐	☐	
vii. Provide barrier free access to at least 20 percent of dwellings in the development	☒	☐	☐	All entries are accessible with barrier free access to over 75% of apartments.
viii. Demonstrate that adaptable apartments can be converted	☒	☐	☐	There are 147 units in the development. Of that figure, 30 are to be designated as “Adaptable units”. This is 20%.
4.3.4 Vehicle Access Objectives ▪ To integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety	☒	☐	☐	The amended development is considered to be consistent with the Vehicle Access objectives. Access to Block D has been discussed earlier in the report.
▪ To encourage the active use of street frontages	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
4.3.4 Vehicle Access Performance Criteria i. Vehicular access is discouraged from Hill Road and from major east-west streets. Access is to be provided from secondary streets where possible	☒	☐	☐	Vehicle access way is to be provided from Half Street in Lot 10 or via the temporary road to the south of the subject site as discussed earlier in the report.
ii. Ensure that pedestrian safety is maintained by minimising potential pedestrian/vehicle conflicts. Design approaches include:- limiting the width of driveways to a maximum of 6 metres; limiting the number of vehicle access points; ensuring clear site lines at pedestrian and vehicle crossings; utilising traffic calming devices; separating and clearly distinguishing between pedestrian and vehicular accessways	☒	☐	☐	
iii. Ensure adequate separation distances between vehicular entries and street intersections	☒	☐	☐	Vehicle entries are integrated into the elevation and materials and finishes used to reduce the impact rather than highlight the openings.
iv. Optimise the opportunities for active street frontages and streetscape design by:				
▪ making vehicle access points as narrow as possible	☒	☐	☐	
▪ consolidating vehicle access within sites under single body corporate ownership	☒	☐	☐	
▪ locating car park entry and access from secondary streets and lanes	☒	☐	☐	
v. Improve the appearance of car parking and service vehicle entries, for example, by:				
▪ locating or screening garbage collection, loading and servicing areas visually away from the street	☒	☐	☐	Garbage collection area is located between Block D and proposed Block C and will not be readily visible from the public domain.
▪ setting back or recessing car park entries from the main facade line	☒	☐	☐	
▪ providing security doors to carpark entries to avoid blank 'holes' in facades; or	☒	☐	☐	
▪ where doors are not provided, ensuring that the visible interior of the carpark is incorporated into the façade design and material selection and that building services are concealed	☒	☐	☐	
▪ returning the façade material into the carpark entry recess for the extent visible from the street as a minimum	☒	☐	☐	
4.4 Building Configuration				
4.4.1 Apartment Layout Objectives ▪ To ensure that apartment layouts are efficient and provide high standards of residential amenity	☒	☐	☐	The amended development is considered to be consistent with the Apartment Layout objectives as layouts are suitably sized and the living areas are orientated to maximise solar access and aspect.
▪ To maximise the environmental performance of apartments	☒	☐	☐	
4.4.1 ***Apartment Layout Performance Criteria*** **i. Provide apartments with the following amenity standards as a**	☐	☒	☐	**Refer to SEPP 65 and the**

Requirement	Yes	No	N/A	Comment
minimum:				
▪ **single-aspect apartments are limited in depth to 8 metres**	☐	☒	☐	**Residential Flat Design Code above. The apartments are considered acceptable in this regard.**
▪ **the back of a kitchen is no more than 8 metres from a window**	☒	☐	☐	**Refer to SEPP 65 and the Residential Flat Design Code above. The apartments are considered acceptable in this regard.**
▪ The width of cross-over or cross-through apartments over 15 metres deep is 4 metres or greater to avoid deep narrow apartment layouts	☒	☐	☐	The minimum width of the relevant units is 4.4 metres wide.
ii. Ensure apartment layouts are resilient and adaptable over time, for example by:	☒	☐	☐	
▪ accommodating a variety of furniture arrangements	☒	☐	☐	Various sizes and shapes are provided and a different furniture layout for the various units can be achieved.
▪ providing for a range of activities and privacy levels between different spaces within the apartment	☒	☐	☐	Apartments vary in terms of layout and room size proportions.
▪ utilising flexible room sizes and proportions or open plans				
▪ ensuring circulation by stairs, corridors and through rooms is planned as efficiently as possible, thereby increasing the amount of floor space in rooms				
iii. Design apartment layouts which respond to the natural environment and optimise site opportunities, by:				
▪ providing private open space in the form of a balcony, a terrace, a courtyard or a garden for every apartment	☒	☐	☐	Every unit is provided with a balcony or terrace attached to their main living rooms.
▪ orienting main living spaces toward the primary outlook and aspect and away from neighbouring noise sources or windows	☒	☐	☐	
▪ locating main living spaces adjacent to main private open space	☒	☐	☐	The main living areas of units face the street or the internal courtyard depending on aspect.
▪ locating habitable rooms, and where possible kitchens and bathrooms, on the external face of the buildings, thereby maximising the number of rooms with windows	☒	☐	☐	
iv. Maximise opportunities to facilitate natural ventilation and to capitalise on natural daylight, for example by providing:- corner apartments; cross-over or cross-through apartments; split-level or maisonette apartments; shallow, single-aspect apartments;	☒	☐	☐	
v. Avoid locating kitchen as part of the main circulation spaces of an apartment, such as a hallway or entry space	☒	☐	☐	Hallways have been avoided in many of the units.
vi. Include adequate storage space in apartment	☒	☐	☐	All the units are provided with storage space within their confines.
vii. Ensure apartment layouts and dimensions facilitate furniture removal and placement	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
4.4.2 Apartment Mix and Affordability Objectives ▪ To provide a diversity of apartment types, which cater for different household requirements now and in the future ▪ To provide equitable access to new housing	☒ ☒	☐ ☐	☐ ☐	The proposed development is considered to be consistent with the Apartment Mix objectives as an acceptable mix of 1, 2 and 3 bedroom apartments are proposed which will cater for a range of household requirements, housing choice and affordability.
4.4.2 Apartment Mix and Affordability Performance Criteria i. Provide a variety of apartment types between studio-, one-, two-, three- and three plus-bedroom apartments ii. Locate a mix of accessible one-, two- and three-bedroom apartments on the ground level for people with disabilities, elderly people and families with children iii. Optimise the number of accessible and adaptable apartments. See 4.4.5 Flexibility	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The development has the following bedroom mix:- 41 x 1 bedroom units (28%) 95 x 2 bedroom units (65%) 11 x 3 bedroom units (7%) Hence there is a range of apartment types and size provided throughout the development. There are one bedroom, two bedroom and three bedroom units situated on the ground floor. 30 apartments are indicated by the applicant to be adaptable. This is 20% adaptable.
4.4.3 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	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	All units in the development are provided with private open space that varies in size. The open space is in the form of a balcony or terrace. The private open spaces provide casual overlooking of communal and public open spaces.
4.4.3 Balconies Performance Criteria i. Where other private open space is not provided, provide at least one primary balcony. The combined area of private open space is a minimum of 12% of the dwelling floor space **ii. Primary balconies for one-bedroom apartments are to have a minimum depth of 2 metres and a minimum area of 8 m^2. Primary balconies for two and three bedroom apartments are to have a minimum depth of 2.4 metres and a minimum area of 10m^2.** ▪ Developments which seek to vary from the minimum standards must provide scale plans of balcony with furniture layout to confirm adequate, useable space iii. Primary balconies are to be: ▪ located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space ▪ proportioned to be functional and	☒ ☐ ☒ ☒	☐ ☒ ☐ ☐	☐ ☐ ☐ ☐	All apartments have at least one balcony. Access is provided directly from living areas. **A small number of minor variations to this standard have been identified in terms of balcony depth for 2 and 3 bedroom apartments. The applicant has prepared scaled plans showing the balconies and how an outdoor furniture layout may appear. The plans also show a dining table layout with four chairs per unit being placed on each balcony in a satisfactory manner. To this extent, the balconies are found to occupy satisfactory areas and provide an adequate outdoor space for the respective residents. This minor variation to this standard is considered worthy of support in this instance. (This is as**

Requirement	Yes	No	N/A	Comment
promote indoor/outdoor living. A dining table and two to four chairs should fit on the majority of balconies in any development. Consider supplying a tap and gas point	☒	☐	☐	**originally approved).**
iv. 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; these should be screened from the public domain	☒	☐	☐	Secondary balconies provided to some cross through apartments.
v. Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies. This may be achieved by:				
▪ locating balconies facing predominantly north, east or west to optimise solar access and views to Parramatta River, Homebush Bay West and Sydney Olympic Park	☒	☐	☐	Balconies are located where views are offered. A majority of the balconies face, the north, east and west. There are some balconies facing the south which is unavoidable.
▪ utilising sun screens, pergolas, shutters and operable walls to control sunlight and wind	☒	☐	☐	
▪ providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions—along rail corridors, on busy roads or in tower buildings	☒	☐	☐	Primary intent of the design is to maximise the number of units orientated and having views to Homebush Bay.
▪ choosing cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to requirements for daylight, wind, acoustic privacy and visual privacy - ensuring balconies are not so deep that they prevent sunlight entering the apartment below	☒	☐	☐	A significant number of balconies are semi recessed.
vi. Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include:				
▪ detailing balustrades using a proportion of solid to transparent materials to address site lines from the street, public domain or adjacent development. Full glass balustrades do not provide privacy for the balcony or the apartment's interior, especially at night	☒	☐	☐	Transparent balustrades are proposed to maximise solar access, casual surveillance and to maximise views.
▪ detailing balustrades and providing screening from the public, for example, for a person seated looking at a view, clothes drying areas, bicycle storage or air conditioning units	☒	☐	☐	
vii. Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony	☒	☐	☐	Addressed by way of appropriate condition in the original consent.

Requirement	Yes	No	N/A	Comment
design, for example, drainage pipes under balconies are often visible from below in taller buildings and negatively impact the overall facade appearance				
4.4.4 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 the flexibility of use ▪ To achieve quality interior spaces while considering the external building form requirements	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The amended development is considered to be consistent with the Ceiling Heights objectives as suitable ceiling heights are provided for the residential nature of the apartments.
4.4.4 Ceiling Heights Performance Criteria i. Minimum dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL) are: ▪ in mixed use buildings along Hill Road and major east-west streets: 3.6 metre minimum for ground floor retail or commercial and 3.3 metre minimum for first floor residential, retail or commercial to promote future flexibility of use ▪ in residential buildings on primary north-south street and on secondary streets: 3.3 metre minimum for ground floor to promote future flexibility of use; 2.7 metre minimum for all habitable rooms on all other floors; 2.4 metre minimum for all nonhabitable rooms ▪ for two storey units, 2.4 metre minimum for second storey if 50 percent or more of the apartment has 2.7 metre minimum ceiling heights ▪ for two-storey units with a two storey void space, 2.4 metre minimum ii. Double height spaces with mezzanines count as two storeys iii. Use ceiling design 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 well proportioned rooms: for example, smaller rooms often feel larger and more spacious when ceilings are higher ▪ maximise heights in habitable rooms by stacking wet areas from floor to floor. This ensures that services and their bulkheads are located above bathroom and storage areas rather than habitable spaces ▪ promote the use of ceiling fans for cooling and heating distribution iv. Facilitate better access to natural light	☐ ☐ ☐ ☐ ☐ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☐ ☐ ☐ ☐	Development not a mixed use development and not on primary north/south street or secondary streets. There are no two storey units in the development.

Requirement	Yes	No	N/A	Comment
by using ceiling heights which: ▪ 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 units and apartments with deep floor plans ▪ enable the effectiveness of light shelves in enhancing daylight distribution into deep interiors v. Developments which seek to vary the recommended ceiling heights must demonstrate that apartments will receive satisfactory daylight (eg. Shallow apartments with large amount of window area) vi. Coordinate internal ceiling heights and slab levels with external height requirements and key datum lines. External building elements requiring coordination may include:- datum lines set by the Structural Design Framework; exterior awing levels or colonnade heights	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	
4.4.5 Flexibility Objectives ▪ To encourage housing which meets the broadest range possible of occupants' needs, including people who are ageing and people with disabilities ▪ To promote 'long life loose fit' buildings, which can accommodate whole or partial change of use ▪ To encourage adaptive re-use ▪ To save the embodied energy expended in building demolition	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The amended development is considered to be consistent with the Flexibility objectives as layouts promote changes to furniture arrangement and suitable number can be adapted to the changing needs of residents.
4.4.5 Flexibility Performance Criteria i. Provide robust building configurations which utilise multiple entries and circulation cores, especially in larger buildings over 15 metres long, for example with:- thin building cross sections suitable for either residential or commercial uses; a mix of apartment types; higher ceilings on the ground floor and first floor; separate entries for the ground floor level and the upper levels; sliding and/or movable wall systems ii. Provide a multi-use space with kitchenette within each development to be available for the use of residents iii. Provide apartment layouts which accommodate the changing use of rooms. Design solutions may include:- windows in all habitable rooms as many non-habitable rooms as possible; adequate room sizes or open-plan apartments; dual master-bedroom apartments, which can support two independent adults living together or a live/work situation iv. Utilise structural systems, which support a degree of future change in building use or configuration. Design solutions may include:- a structural grid which accommodates car parking	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	Multiple communal entries and access cores are provided to serve the different areas of Block D. Communal Multi use room with kitchenette is provided within the development. The floor layout plans suggest a satisfactory furniture layout per unit.

Requirement	Yes	No	N/A	Comment
dimensions, retail, commercial and residential uses vertically throughout the building; aligning structural walls, columns and services cores between floor levels; minimising of internal structural walls; higher floor to floor dimensions on the ground floor and possibly the first floor; knock-out panels between apartments to allow two adjacent apartments to be amalgamated				
v. Design all commercial / retail components of mixed use buildings to comply with AS1428-2001	☐	☐	☒	
vi. Promote accessibility and adaptability by:				
▪ providing a minimum of 20% of all apartments that comply with AS4299-1995 Adaptable housing Class B	☒	☐	☐	The development provides for 20% of units that are adaptable.
▪ providing a minimum of 75% visitable apartments within each development; that is, where the living room is accessible	☒	☐	☐	
▪ optimising pedestrian mobility and access to communal private space	☒	☐	☐	
▪ designing developments to meet AS3661 Slip-Resistant Surface Standard for pedestrian areas	☒	☐	☐	
▪ ensuring wheelchair accessibility between designated dwellings, the street and all common facilities	☒	☐	☐	
4.4.6 Ground Floor Apartments Objectives				
▪ To contribute to residential streetscape character and to create active safe streets	☒	☐	☐	The amended development is considered to be consistent with the Ground Floor Apartment objectives as a range of ground floor apartments are proposed which contribute to an active streetscape.
▪ To increase the housing and lifestyle choices available in apartment buildings	☒	☐	☐	
▪ To ensure that ground floor apartments achieve good amenity	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
4.4.6 Ground Floor Apartments Performance Criteria				
i. Design front gardens or terraces to contribute to the spatial and visual structure of the street while maintaining privacy for apartment occupants. This can be achieved by:- animating the street edge and creating more pedestrian activity by optimizing individual entries for ground floor apartments; providing appropriate fencing, balustrades, window sill heights, lighting and/ or landscaping to meet privacy and safety requirements of occupants while contributing to a pleasant streetscape; increasing street surveillance with doors and windows facing onto the street; utilising a maximum 1.5 metre change in level from the street to the private garden or terrace to minimise sight lines from the streets into the apartment	☒	☐	☐	All ground floor apartments are setback from the boundaries by proposed adjoining streets. These setback areas are utilised for private terraces accessible from internal living areas and individual entries, bounded by fencing and landscaping which provide sufficient visual privacy.
ii. Promote housing choice by:				
▪ providing private gardens or terraces 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 offices accessible from the street	☒	☐	☐	The development does not include home offices attached to or within the ground floor units. However, it may be possible to create a home office in any one of the two or three bedroom units situated on the ground floor should the need arise in the future.
iii. Increase opportunities for solar access in ground floor units, particularly in denser areas by:	☒	☐	☐	The ground floor units are 2.7 metres high to promote light and ventilation.
▪ providing higher ceilings and taller windows	☒	☐	☐	
▪ choosing trees and shrubs which provide solar access in winter and shade in summer				
4.4.7 Home Offices Objectives				
▪ To promote economic growth in the town centre	☐	☐	☒	Objectives are generally considered to have been complied with. Building is intended to be for residential uses at this stage. Any intended use of a unit for home occupation would be required to be considered under a subsequent development application, but for the purposes of this clause, it is theoretically possible, therefore the intent of the control is considered to be met.
▪ To promote an active and safe neighbourhood by promoting 24 hour use of the area	☐	☐	☒	
▪ To promote transport initiatives by reducing travel time and cost, which in turn creates a cleaner environment	☐	☐	☒	
▪ To enable tax deduction advantages by clearly identifying a home business area	☐	☐	☒	
▪ To promote casual surveillance of the street	☐	☐	☒	
▪ To promote opportunities for less mobile people to make economic progress	☐	☐	☒	
▪ To promote a diverse workforce in terms of age and mobility, as well as people from culturally and linguistically diverse backgrounds	☐	☐	☒	

Requirement	Yes	No	N/A	Comment
4.4.7 Home Offices Performance Criteria				
i. Home offices are not allowed to conduct business which involves the registration of the building under the Factories, Shops and Industries Act 1962	☐	☐	☒	The development does not include home offices attached to or within the development. However, it may be possible to create a home office in any one of the two or three bedroom units should the need arise in the future. Notwithstanding this statement, home offices are generally not proposed in this development or as part of the development application.
ii. Home offices are to have no traffic or parking implications on the neighbourhood/street	☐	☐	☒	
iii. Home offices are to seek to minimise conflict with domestic activities	☐	☐	☒	
iv. Home offices are to have the flexibility of being able to convert to become part of the residence	☐	☐	☒	
v. Home offices are to have a clearly identifiable area, ideally designed to close-off from the rest of the dwelling for purposes of safety, security and privacy	☐	☐	☒	
vi. The work activity is not to interfere with the amenity of the neighbourhood by reason of emission of noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste, water, waste products, grit, oil, or otherwise	☐	☐	☒	
vii. Home offices are to have:				
▪ adequate storage areas	☐	☐	☒	
▪ separate business phone/fax	☐	☐	☒	
▪ large mailbox suitable for business mail	☐	☐	☒	
▪ any special utility services needed (eg separate power metering)	☐	☐	☒	
viii. Home offices are not allowed to display any goods in a window or otherwise	☐	☐	☒	
ix. Home offices are not allowed to exhibit any notice, advertisement or sign, other than a notice, sign or advertisement exhibited on the dwelling house or dwelling to indicate the name and occupation only of the resident	☐	☐	☒	
4.4.8 Internal Circulation Objectives				
▪ To facilitate quality apartment layouts, such as dual aspect apartments	☒	☐	☐	The amended development is considered to be consistent with the Internal Circulation objectives as spacious access hallways and apartments are provided.
▪ To contribute positively to the form and articulation of building facade and its relationship to the urban environment	☒	☐	☐	
▪ To create safe and pleasant spaces for the circulation of people and their personal possessions	☒	☐	☐	
▪ 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
4.4.8 Internal Circulation Performance Criteria				
i. Increase amenity and safety in circulation spaces by:				
▪ providing generous corridor widths and ceiling heights, particularly in lobbies, outside lifts and apartment entry doors	☒	☐	☐	Corridors, foyers and hallway widths are sufficiently lit, articulated and dimensioned to promote safety and movement of residents and their belongings.
▪ 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	☒	☐	☐	
ii. 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, and give more articulation to the facade	☒	☐	☐	Multiple access cores are provided to service the different areas of the building.
▪ limiting the number of units off a circulation core on a single level	☒	☐	☐	
iii. Where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor is limited to eight, except where:	☐	☒	☐	**Refer to SEPP 65 Residential Flat Design Code comments above. The application is considered acceptable in this regard.**
▪ 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	☒	☐	☐	
iv. Articulate longer corridors. Design solutions may include:- changing the direction or width of a corridor; utilising a series of foyer areas; providing windows along or at the end of a corridor	☒	☐	☐	Apart from those associated with level 1 units, generally long corridors are avoided
v. Minimise maintenance and maintain durability by using robust materials in common circulation areas	☒	☐	☐	
4.4.9 Storage Objectives				
▪ To provide adequate storage for everyday household items within easy access of the apartment	☒	☐	☐	The amended development is considered to be consistent with the Storage objectives as sufficient areas of storage are provided to each apartment, whether internally or within the parking levels.
▪ To provide storage for sporting, leisure, fitness and hobby equipment	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
4.4.9 Storage Performance Criteria i. Provide storage facilities accessible from hall or living areas, in addition to kitchen cupboards and bedroom wardrobes, at a minimum: ▪ studio - 6m^3 ▪ 1-bed - 6m^3 ▪ 2-bed – 8m^3 ▪ 3 and 3+ bed - 10m^3 ▪ This storage is to be excluded from FSR calculations	☒	☐	☐	Apartments are to have varying levels of storage areas. However, the storage space per unit varies. Each unit has a dedicated storage space within the apartment in addition to kitchen cupboards and wardrobes. All the units have storage space within the parking levels.
ii. Locate storage conveniently for apartments. Options include providing:- ▪ at least 50 percent of the required storage within each apartment and accessible from either the hall or living area. Storage within apartments is best provided as cupboards accessible from entries and hallways and/or from under internal stairs	☒	☐	☐	
▪ dedicated storage rooms on each floor within the development, which can be leased by residents as required	☒	☐	☐	
▪ dedicated and/or leasable storage in internal or basement car parks. Leasing storage provides choice and minimises the impact of storage on housing affordability	☒	☐	☐	
iii. Provide storage suitable for the needs of residents in the local area and able to accommodate larger items, such as:- boating-related equipment, surfing equipment, bicycle ▪ Bicycle storage should be a combination of secured and chained storage located in convenient and visible locations	☒	☐	☐	Chained bicycle storage spaces are provided within the car parking levels.
iv. Ensure that storage separated from apartments is secure for individual use	☒	☐	☐	
v. 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	☒	☐	☐	
vi. Consider providing additional storage in smaller apartments in the form of built-in cupboards to promote a more efficient use of small spaces.				
4.5 Building Amenity				
4.5.1 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 amended development is considered to be consistent with the Acoustic Amenity objectives as acoustic intrusion is minimised through building separation and the grouping of like-use rooms in apartments together.

Requirement	Yes	No	N/A	Comment
4.5.1 Acoustic Amenity Performance Criteria				
i. Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings	☒	☐	☐	Suitable building separation is provided to allow private open space areas to be located away from each other.
ii. Minimum building separations are:				
▪ **5 to 8 storeys/12-25 metres**	☐	☒	☐	**The setbacks and separation distances between buildings have been previously stated. Refer to SEPP 65 Residential Flat Design Code above.**
○ **18m between habitable rooms/balconies**	☐	☒	☐	
○ **13m between habitable rooms/balconies and non-habitable rooms**	☒	☐	☐	
○ **9m between non-habitable rooms**				
iii. 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 quiet areas, for example, living rooms with living rooms, bedrooms with bedrooms	☒	☐	☐	This is achieved where possible
▪ 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 (shared) walls with other apartments	☒	☐	☐	
iv. Design the internal apartment layout to separate noisier spaces from quieter spaces by grouping uses within an apartment—bedrooms with bedrooms and service areas like kitchen, bathroom, laundry together	☒	☐	☐	Like use rooms of apartments and neighbouring apartments are grouped to avoid noise disturbance, e.g. bedroom adjoin bedrooms, living rooms adjoin living rooms etc.
v. 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	☒	☐	☐	
vi. Reduce noise transmission from common corridors or outside the building by providing seals at entry doors	☒	☐	☐	
vii. Provide a detailed noise and vibration impact assessment report for residential buildings affected by surrounding uses	☒	☐	☐	
4.5.2 Daylight Access Objectives				
▪ To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential development	☒	☐	☐	The amended development is considered to be generally consistent with the Daylight Access objectives as the orientation of living areas allows for daylight infiltration.
▪ To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours	☒	☐	☐	
▪ To provide residents with the ability to adjust the quantity of daylight to suit their needs	☒	☐	☐	
4.5.2 Daylight Access Performance Criteria				

Requirement		Yes	No	N/A	Comment
i.	Orient new residential flat development to optimise northern aspect	☒	☐	☐	The applicant has stated that buildings have been orientated to maximise solar access but also take advantage of the view amenity.
ii.	For 1-2 storey developments, provide living rooms and principal ground level open spaces with at least 2 hours sunlight between 9.00 am and 3.00 pm in mid-winter	☐	☐	☒	
iii.	**For 3 or more storey developments, provide at least 75% of residential apartments with at least 2 hours of sunlight to living rooms and private open spaces between 9.00 am and 3.00 pm in mid-winter. Design opportunities include:- using skylights, clerestory windows and fanlights to supplement daylight access; providing two-storey and mezzanine, ground floor apartments to facilitate daylight access to living rooms and private open spaces on the ground level; limiting the depth of single aspect apartments; providing single aspect, single-storey apartments with northerly or easterly aspect; locating living areas to the north and service areas to the south and west of the development - using light shelves to reflect light into deeper apartments**	☐	☒	☐	**The applicant provided shadow statistics schedule that shows that 76 units or 51.7% of the units having living areas and private open space areas achieving the minimum 3 hours solar access.** **Furthermore, the applicant contends that an additional 14 units or 9.5% will receive the minimum 2 hours solar access between 9am and 3.00pm at the winter solstice.** **When added together this is 90 units or 61% of the units receiving some sunlight penetration at the winter solstice.** **This non-compliance is considered to be a function of site orientation and the constraints associated with infill development. To this extent, and given water view opportunities for this site, the variation to this clause is considered worthy of support. It is noted that the original approval achieved 62% compliance.**
iii.	**Limit the number of single-aspect apartments with a southerly aspect (SW–SE) to a maximum of 10 percent of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and address energy efficiency**	☐	☒	☐	**There are 20 single aspect south facing units, which is 14% for the development. This is partly due to the orientation of the site. A variation is considered acceptable given that the proposal performs satisfactorily in terms of solar access and supporting documentation demonstrates that the thermal performance of these apartments is such that residential amenity will not be unduly affected. It Is noted that the original approval achieved 13% compliance.**
iv.	Design for shading and glare control, particularly in summer, by: ▪ 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	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	Overhanging balconies are proposed to provide shading to private open spaces.

Requirement	Yes	No	N/A	Comment
or west windows ▪ using high performance glass but minimising external glare off windows ▪ avoiding reflective films ▪ using a glass reflectance below 20 percent ▪ considering reduced tint glass	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	
v. The use of light wells as a primary source of daylight in habitable rooms is prohibited. Where they are used, they are to be fully open to the sky and their dimensions relate to building separation				Light wells are not proposed for primary access to daylight.
vi. No more than 50% of the public domain (excluding streets) and communal space areas are overshadowed between 10.00 am and 2.00 pm between 21st April and 21st August. Provide appropriate shading in summer	☒	☐	☐	The internal courtyard space within the development will provide shade in summer whilst allowing solar penetration in winter. The built form is open to the north at level 2, which would provide direct solar access to a substantial portion of the communal open space between 21st April and 21st August.
vii. Shadow diagrams showing the impact of a proposal on adjacent residential developments and their private open space will be required	☐	☐	☒	There is no residential development adjoin Block D. Impact on proposed Block C to the rear (west) is minimal as shadow cast is mainly to the foreshore in the morning and Major East-West Street in the afternoon.
4.5.3 Natural Ventilation 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 amended 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 and BASIX commitments dictate energy consumption requirements.
4.5.3 Natural Ventilation Performance Criteria i. Plan the site to promote and guide natural breezes by: ▪ orienting buildings to maximise the use of prevailing winds ▪ locating vegetation to direct breezes and cool air as it flows across the site ▪ selecting planting or trees that do not inhibit airflow	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The building and apartment layouts are designed to maximise natural ventilation through the use of open-plan living areas.
ii. Limit residential building depth to 18 metres glass line to line to support natural ventilation	☐	☒	☐	**A variation is identified specific to building depth. This has previously been addressed in the SEPP 65 Section of the report.**
iii. Utilise the building layout and section to increase potential for natural ventilation, by: ▪ providing dual aspect apartments, eg. cross through and corner apartments ▪ facilitating convective currents by designing units which draw cool air in at lower levels and allow warm air to escape at higher levels, for example, maisonette apartments and two-storey	☒ ☒	☐ ☐	☐ ☐	Some dual aspect and corner apartments are provided within the development.

Requirement	Yes	No	N/A	Comment
apartments				
iv. Design the internal apartment layout to promote natural ventilation by: ▪ minimising interruptions in air flow through an apartment. The more corners or rooms airflow must negotiate, the less effective the natural ventilation ▪ grouping rooms with similar usage together, for example, keeping living spaces together and sleeping spaces together. This allows the apartment to be compartmentalised for efficient summer cooling or winter heating	☒ ☒ ☐	☐ ☐ ☒	☐ ☐ ☐	
v. A minimum of 60% of residential apartments are to be naturally ventilated				**Up to 82 units or 56% of apartments in the development have openings in two or more external walls of different orientation. Given that all apartments have openings to living areas and bedrooms, the variation is considered acceptable. It Is noted that the original approval achieved 61% compliance.**
vi. A minimum of 25% of kitchens within a development are to be naturally ventilated	☒	☐	☐	All kitchens within the development are considered to be naturally ventilated as they are part of the open plan living area that has no mechanical ventilation.
vii. Select doors and operable windows to maximise natural ventilation opportunities established by the apartment layout. Design solutions may include:- locating small windows on the windward side and larger windows on the leeward side of the building thereby utilising air pressure to draw air through the apartment; using higher level casement or sash windows, clerestory windows or operable fanlight windows—including above internal doors—to facilitate convective currents. This is particularly important in apartments with only one aspect; selecting windows which occupants can reconfigure to funnel breezes into the apartment, like vertical d, casement windows and externally opening doors	☒	☐	☐	
viii. Coordinate design for natural ventilation with passive solar design techniques	☒	☐	☐	
ix. Explore innovative technologies to naturally ventilate internal building areas or rooms—such as bathrooms, laundries and underground carparks—for example with stack effect ventilation or solar chimneys	☒	☐	☐	
x. Developments which seek to vary from the minimum standards must demonstrate how natural ventilation can be satisfactorily achieved, particularly in relation to habitable rooms	☒	☐	☐	
4.6 Building Form				

Requirement	Yes	No	N/A	Comment
4.6.1 Awnings and Signage Objectives ▪ To provide shelter for public streets ▪ To support and encourage pedestrian movement associated with retail uses ▪ To ensure signage is in keeping with desired streetscape character and with the development in scale, detail and overall design	☐	☐	☒	The Awnings and Signage objectives are not applicable to the proposed development as no awnings over the public domain or any signage are proposed.
4.6.1 Awnings and Signage Performance Criteria <u>Awnings</u>				
i. Encourage pedestrian activity on streets by providing awnings to retail strips,	☐	☐	☒	No awnings over the surrounding public domain are proposed. In this instance, where the proposal consists of units for a wholly residential use and where pedestrian traffic is to be limited, no awnings are considered necessary.
▪ complement the height, depth and form of the desired character or existing pattern of awnings	☐	☐	☒	
▪ provide sufficient protection for sun and rain	☐	☐	☒	
ii. Contribute to the legibility of the development and amenity of the public domain by locating local awnings over residential building entries	☐	☐	☒	
iii. Enhance safety for pedestrians by providing under-awning lighting	☐	☐	☒	
iv. New awnings are to follow the general alignment of existing awnings in the street	☐	☐	☒	
v. Provide continuous awnings at areas of high pedestrian activity, particularly where there are ground floor commercial and/or retail uses: corners of Hill Road and major east-west streets; and corners of major east west streets and the primary north-south street). Awnings are also to be provided to buildings fronting pedestrian plazas at the termination of major east-west streets	☐	☐	☒	
vi. Awning height is to be in the range 3.2 - 4.2 metres (clear soffit height) and the awning face is to be horizontal	☐	☐	☒	
vii. All awnings are to comply with State Environmental Planning Policy No 64 (SEPP 64) - Advertising and Signage	☐	☐	☒	
<u>Signage</u>				
i. Signage is to be integrated with the design of the development by responding to scale, proportions and architectural detailing	☐	☐	☒	No signage of any kind is proposed under this application. Again, being a residential development, no signage is considered necessary.
ii. Signage is to provide clear and legible way-finding for residents and visitors	☐	☐	☒	
iii. Under-awning signage is limited to one sign per residential building plus one sign per commercial or retail tenancy	☐	☐	☒	
iv. Signage on blinds is not permitted	☐	☐	☒	
v. Conceal or integrate the light source to any illuminated signage within the sign	☐	☐	☒	
vi. Illuminated signage is only permitted where it does not compromise residential amenity	☐	☐	☒	

Requirement	Yes	No	N/A	Comment
vii. All signage is to comply with State Environmental Planning Policy No 64 (SEPP 64) - Advertising and Signage	☐	☐	☒	
4.6.2.Facade Objectives ▪ To promote high architectural quality in 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 facade design	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The amended development is considered to be consistent with the Facade objectives as elevations of high architectural design quality which include modulation and articulation are proposed.
4.6.2 Façade Performance Criteria i. Consider the relationship between the whole building form and the facade and/or building elements. Columns, beams, floor slabs, balconies, window opening and fenestrations, doors, balustrades, roof forms and parapets are elements which can be revealed or concealed and organised into simple or complex patterns ii. Compose facades with an appropriate scale, rhythm and proportion which respond to the building's use and the desired contextual character, for example by:- defining a base, middle and top related to the overall proportion of the building; expressing key datum lines using cornices, change in materials or building setback; expressing building layout or structure, such as vertical bays or party wall divisions; expressing the variation in floor to floor height, particularly at lower levels; articulating building entries with awnings, porticos, recesses, blade walls and projecting bays; selecting balcony types which respond to the street context, building orientation and residential amenity and will create different façade profiles; detailing balustrades to reflect the type and location of the balcony and its relationship to the façade detail and materials; using a variety of window types to create a rhythm or express the building uses, for example, a living room versus a bathroom; incorporating architectural features which give human scale to the design of the building at street level, including entrances, awnings, colonnades, pergolas and fences; using recessed balconies and deep windows to create articulation and define shadows, thereby adding visual depth to the facade iii. 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 facade orientation iv. Express important corners by giving visual prominence to parts of the	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	Elevations are provided generally in accordance with scale of the Concept Plan approval and the Homebush Bay West DCP and consist of high quality elements.

Requirement	Yes	No	N/A	Comment
facade, for example, a change in building articulation, material or colour, roof expression or increased height				
v. Coordinate and integrate building services, such as drainage pipes, with overall facade and balcony design	☒	☐	☐	Unsightly elements such as services, piping and plant is to be suitably located and/or screened so as not to detract from the visual quality of facades.
vi. Coordinate security grills/screens, ventilations and carpark entry doors with the overall facade design	☒	☐	☐	
vii. Integrate the design of garage entries with the building facade design, locating them on secondary streets where possible.	☒	☐	☐	
4.6.3 Roof Design Objectives				
▪ To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings	☒	☐	☐	The amended development is considered to be consistent with the Roof Design objectives as a flat roof with no element which detract from the overall building appearance is proposed.
▪ To integrate the design of the roof into the overall facade, building composition and desired contextual response	☒	☐	☐	
▪ To increase the longevity of the building through weather protection	☒	☐	☐	
4.6.3 Roof Design Performance Criteria				
i. Relate roof design to the desired built form. Some design solutions may include: articulating the roof, or breaking down its massing on large buildings, to minimise the apparent bulk or to relate to a context of smaller building forms; using a similar roof pitch or material to adjacent buildings, particularly in existing special character areas or heritage conservation areas. Avoid directly copying the elements and detail of single family houses in larger flat buildings; this often results in inappropriate proportion, scale and detail for residential flat buildings; minimising the expression of roof forms gives prominence to a strong horizontal datum in the adjacent context, such as an existing parapet line; using special roof features ,which relate to the desired character of an area, to express important corners.	☒	☐	☐	The building is to have a flat roof which will not have any impact upon its overall appearance.
ii. Design the roof to relate to the size and scale of the building, the building elevations and 3D building form. This includes the design of any parapet or terminating elements and the selection of root materials	☒	☐	☐	
iii. Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access	☒	☐	☐	
iv. Minimise the visual intrusiveness of service elements by integrating them into the design of the roof. These elements include lift over-runs, service plants, chimneys, vent stacks, telecommunication infrastructures, gutters, downpipes and signage	☒	☐	☐	The rooftop plant rooms and lift overruns have been set back from roof edges.
v. Support the use of roofs for quality open space in denser urban areas by:				

Requirement	Yes	No	N/A	Comment
▪ providing space and appropriate building systems to support the desired landscape design (see Landscape Design and Open Space)	☒	☐	☐	Access is provided to the roof of different segments of the building. Within the roof segments are plant rooms; skylights; and communal open space.
▪ incorporating shade structures and wind screens to encourage open space use	☒	☐	☐	
▪ ensuring open space is accessible	☒	☐	☐	
vi. Facilitate the use or future use of the roof for sustainable functions, for example:– allow rainwater tanks for water conservation; orient and angle roof surfaces suitable for photovoltaic applications; allow for future innovative design solutions, such as water features or green roofs.	☒	☐	☐	
4.7 Building Performance				
4.7.1 Energy Efficiency Objectives				
▪ To reduce the necessity for mechanical heating and cooling	☒	☐	☐	The amended development is consistent with the Energy Efficiency objectives as a BASIX Certificate with relevant energy commitments.
▪ To reduce reliance on fossil fuels	☒	☐	☐	
▪ To minimise greenhouse gas emissions	☒	☐	☐	
▪ To support and promote renewable energy initiatives	☒	☐	☐	
▪ To use natural climatic advantages of the coastal location such as cooling summer breezes, and exposure to unobstructed winter sunlight	☒	☐	☐	
▪ To provide a suitable environment for proposed uses, having regard to wind impacts and noise	☒	☐	☐	
▪ To ensure that land is geotechnically suitable for development and can be feasibly remediated or any contaminants to a level adequate for the proposed use	☒	☐	☐	
4.7.1 Energy Efficiency Performance Criteria				
i. Incorporate passive solar design techniques to optimise heat storage in winter and heat transfer in summer by:				The various BASIX Certificates for the buildings show that the development as a whole achieves the Pass Mark for energy and water conservation. **The number of single aspect apartments with southerly aspect is 14% of the total number of units. (Refer to discussion of the Residential Flat Design Code (above) in relation solar access and south-facing single-aspect apartments. It is noted that the original proposal achieved 13% compliance.** Climate control techniques are found to be satisfactory.
▪ maximising thermal mass in floor and walls in northern rooms of dwelling/building	☒	☐	☐	
▪ polishing concrete floors and/or using tiles or timber floors rather than carpets	☒	☐	☐	
▪ **limiting the number of single aspect apartments with a southerly aspect (SW–SE) to a maximum of 10 percent of the total units proposed**	☐	☒	☐	
▪ insulating roof/ceiling to R2.0, external walls to R1.0 and the floor—including separation from basement car parking—to R1.0	☒	☐	☐	
▪ minimising the overshadowing of any solar collectors	☒	☐	☐	
ii. Improve the control of space heating and cooling by:				
▪ designing heating/cooling systems to target only those spaces which require heating or cooling, not the whole apartment	☒	☐	☐	
▪ designing apartments so that entries open into lobbies or				

Requirement	Yes	No	N/A	Comment
vestibules and are isolated from living areas by doorways	☒	☐	☐	
▪ allowing for adjustable awnings and blinds to be attached to the outside of windows to keep the heat out in summer	☒	☐	☐	
▪ providing gas bayonets to living areas, where gas is available	☒	☐	☐	
▪ providing reversible ceiling fans for improving air movement in summer and for distributing heated air in winter	☒	☐	☐	
iii. Provide or plan for future installation of solar collectors and photovoltaic panels, for example by:	☒	☐	☐	Solar panels are not proposed in this development however they could be installed in future should the need arise.
▪ designing the roof so that solar collectors and photovoltaic panels can be mounted parallel to the roof plane	☒	☐	☐	
▪ locating trees where they will not shade existing or planned solar and photovoltaic installations	☒	☐	☐	
iv. Improve the efficiency of hot water systems by:	☒	☐	☐	
▪ insulating a hot water system or systems with a Greenhouse Score of 3.5 or greater and which suits the needs of the development and/or individual dwellings	☒	☐	☐	
▪				
▪ installing water-saving devices, such as flow regulators, AAA (or higher) rated shower heads and tap aerators	☒	☐	☐	
v. Reduce reliance on artificial lighting by:	☒	☐	☐	
▪ providing a mix of lighting fixtures, including dimmable lighting, to provide for a range of activities in different rooms	☒	☐	☐	
▪ designing to allow for different possibilities for lighting the room, for example, low background lighting supplemented by task or effect lighting for use as required	☒	☐	☐	
▪ using separate switches for special purpose lighting	☒	☐	☐	
▪ using high efficiency lighting, such as compact fluorescent, for common areas	☒	☐	☐	
▪ using motion detectors for common areas, lighting doorways and entrances, outdoor security lighting and car parks	☒	☐	☐	
vi. Maximise the efficiency of household appliances by:	☒	☐	☐	
▪ selecting an energy source with minimum greenhouse emissions	☒	☐	☐	
▪ installing high efficiency refrigerators/freezers, clothes washers and dishwashers	☒	☐	☐	
▪ providing areas for clothes to be dried through natural ventilation	☒	☐	☐	
vii. Provide an Energy Performance Report from a suitably qualified consultant to accompany any	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
development application for a new building. Nathers 4.5 star rating should be achieved to 80% of all residential apartments and commercial offices viii. Use the NSW Government's sustainability assessment tool, BASIX, from such time as it is implemented for the residential housing types in the DCP precinct area, as an additional rating system, to be achieved to 80% of all residential apartments	☒	☐	☐	
4.7.2 Maintenance Objectives ▪ To ensure long life and ease of maintenance for the development	☒	☐	☐	The amended development is considered to be consistent with the Maintenance objectives as relevant conditions was included in the original consent to ensure the site is suitably maintained.
4.7.2 Maintenance Performance Criteria i. Design windows to enable cleaning from inside the building, where possible	☒	☐	☐	Possible in most instances.
ii. Select manually operated systems, such as blinds, sunshades, pergolas and curtains in preference to mechanical systems	☒	☐	☐	Many passive features are incorporated such as sun shades, overhanging balconies, pergolas and screens.
iii. Incorporate and integrate building maintenance systems into the design of the building form, roof and facade	☒	☐	☐	
iv. Select durable materials, which are easily cleaned and are graffiti resistant	☒	☐	☐	
v. Select appropriate landscape elements and vegetation and provide appropriate irrigation systems (see Landscape Design)	☒	☐	☐	Appropriate species selected.
vi. 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.	☒	☐	☐	
4.7.3 Waste Management Objectives ▪ To avoid the generation of waste through design, material selection and building practices	☒	☐	☐	A waste Management Plan has been submitted with the amended application detailing waste controls and removal during occupation of the site.
▪ 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	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
4.7.3 Waste Management Performance Criteria				
i. Incorporate existing built elements into new work, where possible	☐	☐	☒	
ii. Recycle and reuse demolished materials, where possible	☐	☐	☒	
iii. Specify building materials that can be reused and recycled at the end of their life	☒	☐	☐	
iv. Integrate waste management processes into all stages of the project, including the design stage	☒	☐	☐	Details have been provided.
v. Support waste management during the design stage by:				
▪ specifying modestly for the project needs	☒	☐	☐	
▪ reducing waste by utilising the standard product/component sizes of the materials to be used	☒	☐	☐	
▪ incorporating durability, adaptability and ease of future services upgrades	☒	☐	☐	
vi. Prepare a waste management plan for green and putrescible waste, garbage, glass, containers and paper	☒	☐	☐	On-going waste to be managed and coordinated by internal building management as part of a future management arrangement for during occupation of Block D
vii. 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	☒	☐	☐	
viii. 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	☒	☐	☐	Bins located within building with a designated bay for garbage collection.
ix. Incorporate on-site composting, where possible, in self contained composting units on balconies or as part of the shared site facilities	☒	☐	☐	Not practicable to do this on a building of this scale.
x. Supply waste management plans with any Development Application as required by the NSW Waste Board	☒	☐	☐	
4.7.4 Water Conservation Objectives				
▪ To reduce mains consumption of potable water	☒	☐	☐	Suitable water saving measures have been proposed.
▪ To reduce the quantity of urban stormwater runoff	☒	☐	☐	
▪ To encourage integrated water management, that is, capturing stormwater and/or rainwater and storing on site for both external and internal use	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
4.7.4 Water Conservation Performance Criteria				Water Management is satisfactory as per the BASIX Certificate. The development includes a rainwater tank collecting from roof area. The development will be connected to an alternative water supply (WRAMS) from the Sydney Olympic Park Authority Scheme.
i. Use AAA (or higher) rated appliances to minimise water use	☒	☐	☐	
ii. Encourage the use of rainwater tanks	☒	☐	☐	
iii. Collect, store and use rainwater on site for non-potable purposes. This may be used for car washing, watering the garden, toilet flushing and washing machines. Once treated, rainwater can also be used for potable supply. Consider the recycling of grey water for toilet flushing or for garden uses	☒	☐	☐	
iv. All development is to be connected to the Homebush Bay Water Reclamation and Management System (WRAMS). To facilitate connection to WRAMS, provide correctly sized dual water reticulation systems, appropriate dual supply plumbing, and toilet flushing and irrigation connections	☒	☐	☐	
v. Incorporate local indigenous native vegetation in landscape design	☒	☐	☐	
vi. Avoid the use of lead- or bitumen-based paints on roofs, as rainwater cannot be collected from them. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris	☒	☐	☐	
vii. Provide spring return taps for all public amenities.	☒	☐	☐	
4.8 Public Art + Design				
4.8 Public Art and Design Objectives ▪ To celebrate local heritage and culture ▪ To explore community cultural identity ▪ To instigate the feeling of 'community' in the town centre ▪ To articulate the nature and special qualities of the town in the public domain	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	The development does not include any items of public art.
4.8 Public Art and Design Performance Criteria				The development does not include any items of public art.
i. Artworks are to be integrated into broader development and planning	☐	☐	☒	
ii. Art and design that enhances the pedestrian experience are to be encouraged	☐	☐	☒	
iii. Projects that develop cultural themes that are relevant to the locality and its community are to be encouraged	☐	☐	☒	
iv. Public art is to be used to help define important spaces in the locality	☐	☐	☒	
v. Stand-alone projects that fail to address the locality and its culture, are to be avoided	☐	☐	☒	
vi. Elements such as seating, paving, bus shelters and other street furniture, whilst being functional, are to be visually appealing and of a high design quality	☐	☐	☒	

Section 94 Contributions Plan

Condition 4 of the original development consent requires the payment of contributions in accordance with Council's Section 94 Contributions Plan. As the application proposes modifications to the unit mix within the development, the amended proposal requires re

calculation of the contributions to be paid prior to the issue of the Construction Certificate subject to the requirements of the original contributions plans imposed.

The calculation is based on amended unit mix dimensions of 41 x 1 bedroom units, 95 x 2 bedroom units, 11 x 3 bedroom units. As at 26 April 2013, the total fee payable is $536,436.92. This figure is subject to indexation as per the relevant plans.

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 to its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

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

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

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited for a period of 37 days between 11 December 2012 and 17 January 2013. The proposal was also advertised in the Auburn Review newspaper of 11 December 2012. The notification generated no submissions in respect of the proposal

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 Section 96(2) modification has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979.

The proposed development is appropriately located within a locality earmarked for high-density residential redevelopment pursuant to Sydney Regional Environmental Plan No. 24 – Homebush Bay Area.

Having regard to the assessment of the proposal from a merit perspective, Council may be satisfied that the modification has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

For these reasons, it is considered that the proposal is satisfactory having regard to the provisions of Sections 79C(1) and 96(2) of the Environmental Planning and Assessment Act 1979, and the modification shall be recommended for approval to the Joint Regional Planning Panel.