AUBURN COUNCIL

To the Joint Regional Planning Panel Planning & Environment Report

93-105 Auburn Road & 18 Harrow Road, AUBURN

DA-368/2013

SUMMARY

Applicant	Broadview Group P/L C/- SJB Planning
Owner	E K Nominees Pty Limited
Application No.	DA-368/2013
Description of Land	Lot 1001 DP 1166744, Lot 1002 DP 1166744, 93-105 Auburn Road & 18 Harrow Road, AUBURN
Proposed Development	Construction of a mixed use development comprising a 17 storey building & a 19 storey building containing a total of 246 units & 7 retail tenancies over 4 levels of basement car parking and provision of a publicly accessible "Village Square" and through site link
Site Area	4,849sqm
Zoning	Zone B4 - Mixed Use
Disclosure of political donations and gifts	Nil disclosure
Issues	ALEP 2010 amendment to floor space ratio (FSR) Height Minor non-compliances with SEPP 65 and Auburn DCP 2010 Public submissions

Recommendation

That Development Application No. DA-368/2013 for Construction of a mixed use development comprising a 17 storey building & a 19 storey building containing a total of 246 units & 7 retail tenancies over 4 levels of basement car parking and provision of a publicly accessible "Village Square" and through site link on land at 93-105 Auburn Road and 18 Harrow Road, AUBURN be approved subject to conditions attached..

History/Consultations

Amendment to Auburn Local Environmental Plan 2010

The floor space ratio (FSR) applicable to the subject site was increased from 3.6:1 to 5.0:1 as part of a recent amendment to the LEP which came into effect on 11 April 2014.

Development Application no. DA-389/2011

On the 31 October 2012, the Land and Environment Court of New South Wales issued Consent Orders for construction of mixed use development comprising two 9 storey buildings (Block A) and (Block B) over basement car parking with associated landscape and drainage works and land subdivision.

A Section 96(AA) application to revise the configuration of the basement car park and construction of a third basement level is currently under assessment by Council Officers.

Pre-lodgement Application no. 43/2013

Prior to the lodgement of the subject development application, a pre-lodgement application was submitted to Council for a similar proposal to that which is the subject of this report.

Development Application no. 368/2013 (subject application)

The subject development application was lodged on 26 November 2013.

Following a detailed assessment of the proposal a number of issues were identified regarding compliance with the State Environmental Planning Policy No. 65 and associated Residential Flat Design Code; Auburn Local Environmental Plan 2010 and Auburn Development Control Plan 2010.

A briefing session was held between Council staff and the members of the Joint Regional Planning Panel – Sydney West on 30 January 2014. The Panel requested that the following information be provided:

- A concept plan (massing plan) showing a design outcome that would result from a building that complies with the proposed 5:1 FSR control as well as the 36m maximum building height limit. The massing plan should be accompanied by a shadow diagram showing 9am, 12 noon, and 3pm shadows.

- A concept plan (massing plan) showing a design outcome that would result from a building having the same footprint as the current application, but complies with the 36m height limit. This massing plan should also be accompanied by shadow diagrams showing 9am, 12 noon, and 3pm shadows together with calculations showing the limit of achievable FSR with a building that is height compliant and retains the footprint currently proposed in the development application.

- An analysis of views to adjoining schools is also to be undertaken with view lines delineated on plan.

In correspondence dated 14 February 2014, and e-mail dated 17 February 2014, the applicant was requested to submit the above information and also address various issues arising from the assessment of the proposal including stormwater, various minor non-compliances with State Environmental Planning Policy No. 65 – Design of Residential Flat Buildings and the accompanying Residential Flat Design Code and Auburn Development Control Plan 2010.

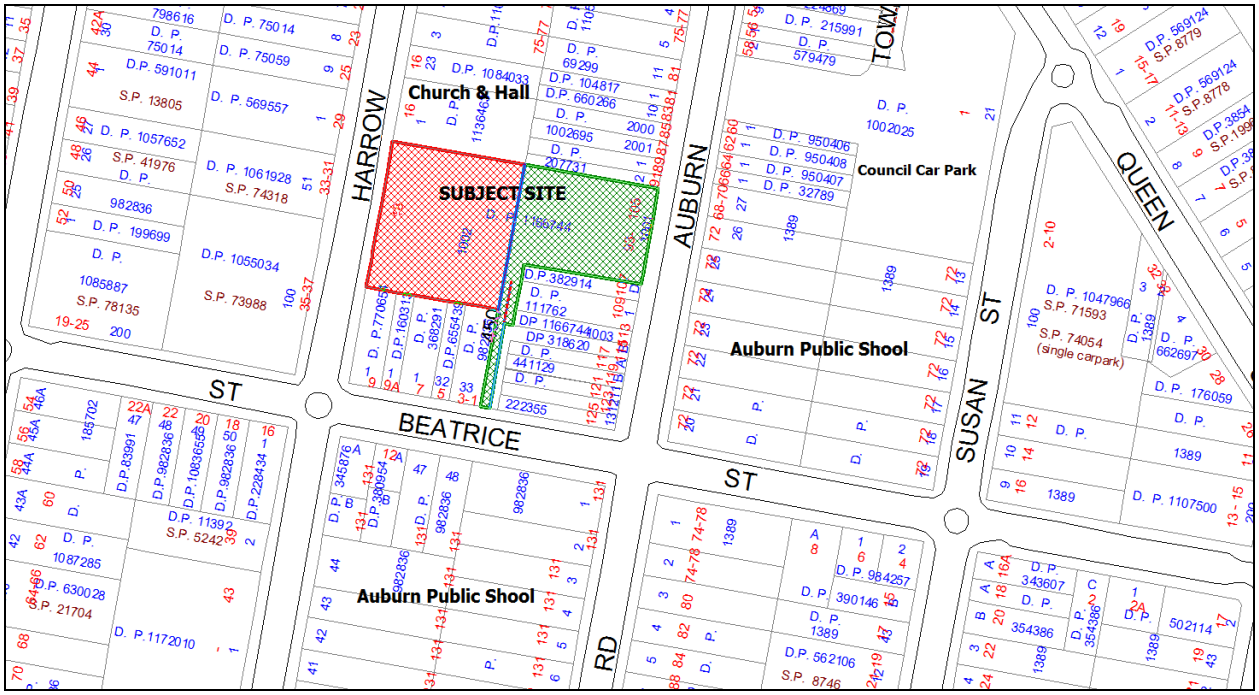
The applicant provided a response to Council's request on 21 February 2014 and during a subsequent meeting on 11 March 2014. These matters are discussed further in the report.

Site and Locality Description

The subject development site is comprised of two (2) lots which are legally described as Lots 1001 and 1002 in DP 166744 and are known as 93-105 Auburn Road and 118 Harrow Road, Auburn. The site is located in the Auburn Town Centre on the western side of Auburn Road and extends through to the eastern side of Harrow Road. A narrow portion of the site also extends to Beatrice Street at the rear of properties on Auburn Road, over which these properties have there is a reciprocal benefit of a vehicular right-of-way. The site is irregular in shape and has an area of 4,894sqm, with a frontage to Auburn Road of 36.62m, to Harrow Road of 54.94m, and an overall depth of approximately 100.695m for the majority of the width of the site. The site is vacant with no trees or significant vegetation.

Development immediately adjoining the site includes the Baptist Church and hall to the north (No. 16 Harrow); low scale retail/business premises to the north and south on Auburn Road and Beatrice Street, Auburn Public School and low-scale retail/business premises to the east; and 3-4 storey residential flat buildings and a mixed use development to the west on the opposite of Harrow Road.

The site is identified on the map and aerial photo below.



Description of Proposed Development

Council has received a development application for the construction of a mixed use development comprising the following:

- A part 3, part 4 level basement car park with a total of 342 car parking spaces (278 resident, 49 visitor & 15 retail spaces), 64 bicycle parking spaces, a loading zone, apartment storage, plant rooms and a waste storage room. Access to the basement car park is to be located on the southern side of the Harrow Road frontage;

- Construction of two buildings, one of 19 storeys (59.5m) to Auburn Road and the second of 17 storeys (53.1m) to Harrow Road;

- A total of 246 residential units, of which 25 are to adaptable units, comprising 60 x 1 bedroom units, 158 x 2 bedroom units and 28 x 3 bedroom units;

- Six (6) retail/business tenancies on the ground floor of the Auburn Road building (four with frontage to Auburn Road and two at the rear of the building with frontage to the through site link) and one (1) retail/business tenancy with frontage Harrow Road. The total floor area of the tenancies is 605sqm; and

- Provision of a publicly accessible "Village Square", and through site link adjacent to the northern boundary of the site. The link extends from Auburn Road to Harrow Road. A Voluntary Planning agreement for the provision of the Village Square, through site link, and public domain works adjacent to the frontages of the site, also forms part of the proposal and is the subject of a separate report.

Referrals

Internal Referrals

<u>Development Engineer</u>

The development application was referred to Council's Development Engineer for comment. Councils engineers advised that the application was satisfactory due to the provision of adequate parking and vehicular access to the site, satisfactory loading and waste collection arrangements and appropriate drainage arrangements, to conditions of consent.

External Referrals

NSW Police

In accordance with Section 8.0 of the Policy on Crime Prevention Through Environmental Design, the development application was referred to NSW Police for comment.

In correspondence dated 12 February 2014 the NSW Police advised that they had no objection to the proposal subject to the provision of clearly displayed street numbers on the premises; adequate and uniform lighting throughout the development; appropriately located CCTV and associated warning signs that the premises is under surveillance; well signed entrances and exits; maintenance of landscaping; and provision of adequate fire safety measures. Appropriate conditions of consent will be imposed to address the matters raised by the NSW Police.

NSW Roads and Traffic Authority

In accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 and Schedule 3 – Traffic Generating Development, the application was referred to the NSW Roads and Maritime Services (RMS).

In correspondence dated 29 January 2014 the RMS provided the following comments:

1. *The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.*

2. *The number of car parking spaces should be provided to Council's satisfaction.*

3. *The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage and AS2890.6:2009 for people with disabilities.*

4. *A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the first Construction Certificate.*

5. *The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.*

6. *All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.*

Appropriate conditions of consent will be imposed to address the matters raised by RMS.

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

State Environmental Planning Policies

State Environmental Planning Policy No. 55 – Remediation of Land

The requirement at clause 7 of SEPP No. 55 for Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development has been considered in the following table:

Matter for Consideration	**Yes/No**
Does the application involve re-development of the site or a change of land use?	☒ Yes ☐ No
In the development going to be used for a sensitive land use (eg: residential, educational, recreational, childcare or hospital)?	☐ Yes ☒ No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	☒ Yes ☐ No
Is the site listed on Council's Contaminated Land database?	☐ Yes ☒ No
Is the site subject to EPA clean-up order or other EPA restrictions?	☐ Yes ☒ No
Has the site been the subject of known pollution incidents or illegal dumping?	☐ Yes ☒ No
Does the site adjoin any contaminated land/previously contaminated land?	☐ Yes ☒ No

Details of contamination investigations carried out at the site:

A Preliminary Environmental Site Assessment, prepared by Environmental Investigation Services and dated November 2013, has been submitted in support of the proposal (T107270/2013). The report concludes that the site can be made suitable for the proposed development subject to implementation of the following recommendations:

- *Following removal of the footing for the former substation the area is inspected and if necessary samples analysed for PCBs;*
- *As the proposed development includes four levels [of] basement that may intercept groundwater a groundwater assessment should be undertaken;*
- *A walkover inspection of the site for fragments of potentially asbestos containing materials should be undertaken once the site has been cleared of rubbish, the steel reinforcement bars and vegetation;*
- *Following excavation of the fill material for the basement construction the site is inspected (and if necessary sampled) to confirm that the underlying soiling is VENM [virgin excavated material];*
- *During excavation works, the site should be inspected by experienced environmental personnel to assess any unexpected conditions or subsurface facilities that may be discovered between investigation locations. This should facilitate appropriate adjustment of the works programme and schedule in relation to the changed site conditions.*

It is recommended that should the application be approved, a condition be placed on the consent to ensure compliance with the recommendations of the report.

Matter for Consideration	Yes/No
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	☒ Yes ☐ No

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

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

Requirement	Yes	No	N/A	Comment
Clause 2 Aims objectives etc. (3) Improving the design quality of residential flat development aims: (a) to ensure that it contributes to the sustainable development of NSW: (i) by providing sustainable housing in social and environmental terms (ii) by being a long-term asset to its neighbourhood (ii) by achieving the urban planning policies for its regional and local contexts (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community (e) to minimise the consumption of energy from non-renewable resources to conserve the environment and to reduce greenhouse gas emissions	☒	☐	☐	The proposal is generally considered to satisfy the aims and objectives of SEPP 65. Some aspects of non-compliance are identified with this policy, and these are discussed in greater detail below in the Residential Flat Design Code compliance table.
Clause 30 Determination of DAs (1) After receipt of a DA, the advice of the relevant design review panel (if any) is to be obtained concerning the design quality of the residential flat development (2) In determining a DA, the following is to be considered: (a) the advice of the design review panel (if any) (b) the design quality of the residential flat development when evaluated in accordance with the design quality principles (c) the publication "Residential Flat Design Code" – DoP Sept. 2002	☐ ☐ ☒ ☒	☐ ☐ ☐ ☐	☒ ☒ ☐ ☐	No formalised Design Review Panel exists in respect of the Auburn LGA. Refer to discussion of design quality principles below. Refer to discussion of Residential Flat Design Code below.
Part 2 Design quality principles				

Requirement	Yes	No	N/A	Comment
Principle 1: Context Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity if the area.	☒	☐	☐	The proposed development is considered to make a positive contribution to the locality and improve the existing streetscape. The character of the town centre is undergoing transition from older style, low-scale retail/business buildings to high density mixed use developments. The proposal is consistent with the desired future character of the Auburn Town Centre.
Principle 2: Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of 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.	☒	☐	☐	As discussed in detail throughout the report, the bulk of the buildings has been reduced by minimizing the building footprint and tower elements to provide increased separation between the buildings. This has the effect of reducing the overall bulk of the development when viewed from various locations. As discussed in detail throughout the report, the applicant is proposing to exceed the 36m height limit under Auburn LEP 2010 so as to achieve this reduced building bulk. This matter is discussed in detail under Clause 4.6 Exceptions to development standards.
Principle 3: Built form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	☒	☐	☐	The proposed built form responds appropriately to the site constraints and results in a development that is suitably sited so to ensure adequate building setbacks. The proportions, articulation and presentation of the buildings are contemporary and the façade treatments will create visual interest within the streetscape.
Principle 4: Density Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area, or in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.	☒	☐	☐	The site is zoned for mixed use development and is located in the Auburn Town Centre. The recent amendment to Auburn LEP 2010 increases the allowable density on the site by increasing the maximum FSR from 3.6:1 to 5.0:1. The proposed development has an FSR of 4.74:1 and, therefore, complies with this FSR.

Requirement	Yes	No	N/A	Comment
Principle 5: Resource, energy and water efficiency Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.	☒	☐	☐	BASIX Certificates have been submitted with the development application. The certificates require sustainable development features to be installed into the development, such as energy efficient fixtures and fittings and a rainwater tank.
Principle 6: Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design buildings on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat vales. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbour's amenity, and provide for practical establishment and long term management	☒	☐	☐	The landscape details generally indicate appropriate landscaping on the site and responds adequately to the proposed built form. The landscape concept provides for private and communal open spaces for future residents of the development. The concept landscape plan provides a suitable response to the town centre location of the site. Landscaping has been optimized through the use of planter boxes and appropriate planting on slab as the basement car park occupies the entirety of the site. All areas of open space are useable, accessible and provide opportunity for social interaction.
Principle 7: Amenity Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.	☒	☐	☐	The proposal will deliver sufficient amenity to residents of the buildings. The proposal generally achieves compliance with the Residential Flat Design Code in regard to solar access, natural ventilation, privacy, storage, building layout, outlook & accessibility.

Requirement	Yes	No	N/A	Comment
Principal 8: Safety and security Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.	☒	☐	☐	Passive surveillance of public and communal open space is maximised through orientation of units. The position and orientation balconies and habitable rooms of apartments overlook the communal open space, through site link and the Village Square and adjacent streets. The ground floor retail/business tenancies provide further passive surveillance and increased activity in publicly accessible areas. Building entries are clearly defined and demarcation is provided between public and private areas. The proposed development satisfies the principles of safety and security. The design also permits passive surveillance of the common courtyard areas. Lift foyers and basement car parking will have appropriate security access and intercom access for visitors.
Principal 9: Social dimensions Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or in the case of precincts undergoing transition, provide for the desired future community.	☒	☐	☐	The proposal provides an adequate mix of 1, 2 and 3 bed apartments as well as providing a significant number of adaptable units. The development is considered to be acceptable in this regard.
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 development has an attractive, contemporary appearance and utilises building elements that provide individuality to the development without compromising the streetscape. The finishes and treatment to the buildings provide an appropriate response to the likely future character of the locality.

Residential Flat Design Code (SEPP 65)

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

Requirement	Yes	No	N/A	Comment
Part 01 Local Context				
Building Type				

Requirement	Yes	No	N/A	Comment
• Residential Flat Building • Terrace • Townhouse • Mixed-use development • Hybrid (refer p8-17 of Design Code)	☐ ☐ ☒ ☐	☐ ☐ ☐ ☐	☒ ☒ ☐ ☒	The proposed development can be categorised as a "tower" type residential flat building. The Code provides the following description of this building type: *"A tower apartment is a residential flat building, which is vertically proportioned and has a limited number of dwelling units arranged around a central core. The floor plates are typically repetitive and the tower is free standing except for the base, which may have a podium."*
Subdivision and Amalgamation				
Objectives • Subdivision/amalgamation pattern arising from the development site suitable given surrounding local context and future desired context. • Isolated or disadvantaged sites avoided.	☒ ☒	☐ ☐	☐ ☐	Should the application be approved an appropriate condition of consent shall be imposed requiring the sites to be amalgamated prior to issue of any Occupation Certificate. No site isolation issues will result from the proposed development. The remaining sites on the southern side of the subject site with frontage to Auburn Road (no.s 107-125) and Beatrice Street (no.s 1-9) are capable of being economically developed.
Building Height				
Objectives • To ensure future development responds to the desired scale and character of the street and local area. • To allow reasonable daylight access to all developments and the public domain.	☒ ☒	☐ ☐	☐ ☐	The proposed buildings at 53.1m and 59.5m exceed the building height limit of 36m under Auburn LEP 2010. It is considered that the proposal will be compatible with the desired scale and character of the streets and town centre whilst maintaining reasonable daylight access to surrounding sites and the public domain. These matters are discussed in detail throughout the report.
Building Depth				
Objectives • To ensure that the bulk of the development is in scale with the existing or desired future context. • To provide adequate amenity for building occupants in terms of sun access and natural ventilation. • To provide for dual aspect apartments.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The general bulk and scale of the development will be compatible with the scale of future development in the locality. The buildings have been designed with dual aspect apartments and to provide adequate amenity for building occupants and includes.

Requirement	Yes	No	N/A	Comment
Controls • The maximum internal plan depth of a building should be 18 metres from glass line to glass line. • Freestanding buildings (the big house or tower building types) may have greater depth than 18 metres only if they still achieve satisfactory daylight and natural ventilation. • Slim buildings facilitate dual aspect apartments, daylight access and natural ventilation. • In general an apartment building depth of 10-18m is appropriate. Developments that propose wider than 18m must demonstrate for satisfactory day lighting and natural ventilation are to be achieved.	☐ ☒ ☐ ☒	☐ ☐ ☐ ☐	☒ ☐ ☒ ☐	The depth of the buildings varies, however, both of the east-west wings of the buildings are 18.5m from glass line to glass line. The controls allow for tower building types to exceed the maximum 18m depth provided satisfactory daylight and natural ventilation is achieved. The buildings achieve satisfactory daylight access and natural ventilation given the orientation of the buildings. The applicant also argues that the apartments are wide and have full height floor to ceiling glazing. The development includes dual aspect apartments and achieves the minimum requirements relating to the provision of natural light and ventilation.
Building Separation				
Objectives • To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings. • To provide visual and acoustic privacy for existing and new residents. • To control overshadowing of adjacent properties and private or shared open space. • To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants. • To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow.	☒ ☒ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☒	The building scale is appropriate in the context of the desired future character of the area. Adequate separation is provided between the buildings and the adjoining uses to allow for the provision of open space, visual and acoustic privacy and solar access. These matters are discussed in detail throughout the report.

Requirement	Yes	No	N/A	Comment
Controls • For buildings over three storeys, building separation should increase in proportion to building height:				Development adjoining the site comprises the Church and Hall to the north and low-scale retail/business premises to the north and south. The setback controls apply between buildings and, therefore, it can be taken that half of the setback is to be provided on each site.
○ Up to 4 storeys/12 metres: ▪ 12m between habitable rooms/balconies	☒	☐	☐	The Harrow Road building has a northern side setback from the boundary of between 4.74m and 4.89m for the first four levels. This is considered to be acceptable given that the northern boundary in this location adjoins the Church.
▪ 9m between habitable rooms/balconies and non-habitable rooms	☒	☐	☐	
▪ 6m between non habitable rooms	☒	☐	☐	The southern side setback of this building has a setback of 8.825m to windows of habitable rooms and 7.0m to a balcony. This meets the minimum requirements of 12m between habitable room/balconies (i.e. a setback of 6m from the boundary). The Auburn Road building has a northern side setback from the boundary of between 5m and 8m to windows of habitable room/balconies. Currently the site adjoins low scale retail/business development. Should these sites be developed in the future the proposed setbacks will provide adequate separation between habitable rooms/balconies which are likely to be offset from the subject building. The southern side setback of the three (3) storey podium has a nil setback for approximately 17m from the front boundary and is then setback 6.97m to windows of habitable rooms and 5m to a balcony. The nil setback is acceptable as Auburn DCP 2010 – Local Centres requires a four (4) storey continuous street wall. As there is currently no residential development on the adjoining site/s to the south it is likely that future development will be designed to offset windows and balconies so as to provide an acceptable level of privacy.

Requirement	Yes	No	N/A	Comment
○ 5-8 storeys/up to 25 metres: ▪ **18m between habitable rooms/balconies** ▪ 13m between habitable rooms/balconies and non-habitable rooms ▪ 9m between non-habitable rooms ○ 9 storeys and above/over 25 metres: ▪ **24m between habitable rooms/balconies** ▪ **18m between habitable rooms/balconies and non-habitable rooms** ▪ 12m between non-habitable rooms	☐ ☒ ☒ ☐ ☐ ☒	☒ ☐ ☐ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☐	The fifth floor of the Harrow Road building has a northern side setback from the boundary of 4.74m. The upper floors are setback over 24m to the balcony edges. This is considered to be acceptable given that the northern boundary in this location adjoins the Church. **The southern setbacks vary from 8.825m to windows of habitable rooms to 7.0m to one of the balconies.** **The Auburn Road building has a northern side setback from the boundary of between 5m and 8m to windows of habitable room/balconies for all floors above the three (3) podium levels. The southern side setback varies from 5m to a south-facing balcony and 6.72m to windows of habitable rooms.** **The southern setbacks of the two buildings are below the minimum requirement of 24m between habitable rooms/balconies and 18m between habitable rooms/balconies and non-habitable rooms (i.e. setbacks of 12m and 9m from the boundary respectively).** **Currently the site adjoins low scale retail/business development on its southern, and part of its northern, boundaries. These sites are small, and in separate ownership, and any large scale redevelopment would require many sites to be amalgamated to achieve a favourable built form. Should these sites be developed in the future, any buildings would also be setback from the boundary. Windows and balconies can be offset and screens used if required so as to achieve privacy.**

Requirement	Yes	No	N/A	Comment
				In terms of overshadowing, the properties to the south of the development site will be overshadowed during the winter solstice even with increased building setbacks and a building height compliant with the 36m height limit under Auburn LEP 2010. Overshadowing of the subject development site will also occur should properties to the north be redeveloped in the future. **The Auburn Road properties will receive solar access in the morning and are largely overshadowed by midday. Throughout the remainder of the afternoon the separation between the two proposed buildings allows for solar access to part of these properties. The Beatrice Street properties will receive solar access from 1pm. It should be noted, however, that the submitted shadow diagrams are a flat projections of the shadows cast by the proposed buildings. Multi-level buildings constructed on the sites to the south will change the nature of this overshadowing and opportunities for solar access.** **(NB: Overshadowing of Auburn Public School and surrounding residential properties is discussed in detail in the Auburn DCP 2010 – Local Centres compliance table)**
• Allow zero separation in appropriate contexts, such as in urban areas between street wall building types (party walls)	☒	☐	☐	The Auburn Road frontage of the development has a nil setback to the southern boundary over the first three (3) levels for a length of 17m, including the front balcony. It should be noted that this part of the southern boundary is approximately 44m in length. This setback is acceptable as the ADCP 2010 – Local Centres requires that a four (4) storey street wall building type be constructed along the Auburn Road frontage.

Requirement	Yes	No	N/A	Comment
• Where a building step back creates a terrace, the building separation distance for the floor below applies.	☐	☐	☒	
• Coordinate building separation controls with side and rear setback controls – in a suburban area where a strong rhythm has been established between buildings, smaller building separations may be appropriate.	☐	☐	☒	
• Coordinate building separation controls with controls for daylight access, visual privacy and acoustic privacy.	☒	☐	☐	
• Protect the privacy of neighbours who share a building entry and whose apartments face each other by designing internal courtyards with greater building separation	☒	☐	☐	Adequate separation is provided between the buildings to ensure privacy to residents of the development.
• 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				
Objectives • To establish the desired spatial proportions of the street and define the street edge.	☒	☐	☐	The buildings provide an appropriate setback to both Auburn and Harrow Roads which define the street edge, provide a clear transition between public and private space, achieve visual privacy to apartments from the street, an outlook to and casual surveillance of the street, and allows for appropriate streetscape works.
• 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.	☒	☐	☐	
Controls • Minimise overshadowing of the street and/or other buildings.	☒	☐	☐	**Overshadowing of other buildings has been discussed previously. Overshadowing of streets is discussed in detail under Auburn DCP 2010 – Local Centres.**
• **In general no part of a building or above ground structure may encroach into a setback zone – exceptions are underground parking structures no more than 1.2m above ground where this is consistent with the desired streetscape, awnings, balconies and bay windows.**	☐	☒	☐	**Building setbacks have been discussed previously.**

Requirement	Yes	No	N/A	Comment
Objectives – Side Setbacks • To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings. • To retain or create a rhythm or pattern of development that positively defines the streetscape so that space is not just what is left over around the building form. Objectives – Rear Setbacks • To maintain deep soil zones to maximise natural site drainage and protect the water table. • To maximise the opportunity to retain and reinforce mature vegetation. • To optimise the use of land at the rear and surveillance of the street at the front. • To maximise building separation to provide visual and acoustic privacy	☒ ☒ ☐ ☐ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☒ ☒ ☐ ☐	Side setbacks have been discussed previously. As the development site has two street frontages there is no rear building setback from a boundary. The two buildings are, however, adequately separated so as to maximise visual and acoustic privacy. A large portion of the site is dedicated to the through site link, Village Square, and communal open spaces which will be suitably landscaped.
Controls • Where setbacks are limited by lot size and adjacent buildings, 'step in' the plan on deep buildings to provide internal courtyards and to limit the length of walls facing boundaries. • **In general no part of a building or above ground structure may encroach into a setback zone – exceptions are underground parking structures no more than 1.2m above ground where this is consistent with the desired streetscape, awnings, balconies and bay windows.**	☒ ☐	☐ ☒	☐ ☐	The development has been divided into two distinct buildings which limits the lengths of walls facing the side boundaries. **Building setbacks have been discussed previously.**
Floor Space Ratio				
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 proposed development complies with the maximum floor space ratio of 5.0:1 under Auburn LEP 2010 and is, therefore, considered to be of an appropriate density. The building is modulated and of an appropriate width to allow for adequate daylight access and natural ventilation as discussed later in the report. Suitably sized balconies are provided to all units.
Part 02 Site Design				
Site Analysis				
• Site analysis should include plan and section drawings of the existing features of the site, at the same scale as the site and landscape plan, together with appropriate written material (refer page 39 of Design Code for requirements) • A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the application	☒ ☒	☐ ☐	☐ ☐	The development is accompanied by a Statement of Environmental Effects which includes detailed site analysis information in relation to existing conditions, the proposed development, and the relevant development control plans.
Deep Soil Zones				

Requirement	Yes	No	N/A	Comment
Objectives • To assist with management of the water table • To assist with management of water quality • To improve the amenity of developments through the retention and/or planting of large and medium size trees	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	The proposal does not include a deep soil zone as the full extent of the site is utilised to provide basement car parking. This is appropriate given the town centre location. Planter boxes will be provided at ground level which will accommodate substantial planting.
<u>Design Practice</u> • 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.	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	
Fences and Walls				
<u>Objectives</u> • 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.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	
<u>Design Practice</u> • Respond to the identified architectural character for the street and/or the area (refer page 45 of the Design Code for design considerations) • Clearly delineate the private and public domain without compromising safety and security by designing fences and walls which provide privacy and security while not eliminating views, outlook, light and air; and limiting the length and height of retaining walls along street frontages.	☒ ☒	☐ ☐	☐ ☐	It is proposed to provide a 2m high batten fence along the southern boundary adjacent to the vehicle access and communal open space areas. This fence height is considered to be acceptable given the town centre location of the site and the desire for improved site security. A condition of consent is to be imposed requiring that the fence forward of the building line not exceed 1.2m in height.

Requirement	Yes	No	N/A	Comment
				The proposed through site link is located on the northern boundary of the site and adjoins the Church hall. The Church has requested that a 1.8m solid wall be constructed adjacent to the hall so as to protect visual and acoustic privacy. This part of the through site link is adjacent to the Village Square. Planter boxes, with fencing above to a height of 2m, are proposed for the remainder of the northern boundary. Appropriate conditions of consent will be imposed with respect to site fencing so as to provide suitable privacy and security whilst not eliminating views, outlook, light and air to the subject building occupants, users of the Village Square, and adjoining sites.
• 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.	☒	☐	☐	The communal open space areas have been designed for both passive and active recreation.
• 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.	☐	☒	☐	**The Auburn Road frontage of the development has a nil setback to the street so as to provide an active frontage through the provision of retail/commercial tenancies. The Harrow Road frontage has largely been dedicated to residential apartments. The setback area in front of the units is comprised of services (including an electrical substation and booster cupboard) and access to services in the basement. The floor level of the units is raised above street level, however, so as to improve the appearance of the development and provide residents with an improved outlook.**
• Select durable materials which are easily cleaned and graffiti resistant	☒	☐	☐	Suitable materials are proposed.
Landscape Design				

Requirement	Yes	No	N/A	Comment
Objectives • To add value to residents' quality of life within the development in the forms of privacy, outlook and views. • To provide habitat for native indigenous plants and animals. • To improve stormwater quality and reduce quantity. • To improve the microclimate and solar performance within the development. • To improve urban air quality. • To contribute to biodiversity.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Landscape Design objectives as suitable landscaping is to be used to soften the impact of the built form, contribute to the streetscape, and provide for natural screening and shading.
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. (Refer planting design solutions at p46-47 of Design Code) • Design landscape which contributes to the site's particular and positive characteristics. • Contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management. • Provide a sufficient depth of soil above paving slabs to enable growth of mature trees. • Minimise maintenance by using robust landscape elements.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	A concept landscape plan, prepared by a suitably qualified consultant, has been submitted with the application. The plan shows landscaping elements which respond appropriately to the private, communal, and public uses of the various spaces.
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.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	

Requirement	Yes	No	N/A	Comment
<u>Design Practice</u> • Provide communal open space with is appropriate and relevant to the building's setting (refer to guidelines on p48 of Design Code)	☒	☐	☐	
• 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.	☒	☐	☐	The communal open space provides for both passive and active recreation needs of residents and includes such features as a vegetable garden and play equipment. Some of the area will receive solar access during mid-winter, however, the adjoining north-facing Village Square will provide an alternative open space area for residents.
• Provide open space for each apartment capable of enhancing residential amenity in the form of balcony, deck, terrace, garden, yard, courtyard and/or roof terrace.	☒	☐	☐	All units are provided with private open space in the form of balconies or terraces.
• Locate open space to increase the potential for residential amenity by designing apartment buildings which: are sited to allow for landscape design; are sited to optimise daylight access in winter and shade in summer; have a pleasant outlook; have increased visual privacy between apartments.	☒	☐	☐	The buildings have been sited so as to allow for optimal solar access to the Village Square. Landscaping features will provide shade in summer.
• Provide environmental benefits including habitat for native fauna, native vegetation and mature trees, a pleasant microclimate, rainwater percolation and outdoor drying area.	☒	☐	☐	Landscaping on the site will provide environmental benefits including a pleasant microclimate and possible habitat for small native fauna (such as lizards and insects). A condition of consent will be imposed requiring the provision of an outdoor clothes drying area in the communal open space area.

Requirement	Yes	No	N/A	Comment
• **The area of communal open space required should generally be at least 25-30% of the site area. Larger sites and brownfield sites may have potential for more than 30%.** • 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.	☐ ☒	☒ ☐	☐ ☐	**Communal open space to be accessed by residents only, equates to approximately 8% (380sqm) of the site. The communal open space provides for both passive and active recreation needs of residents. The deficiency is offset by the large Village Square on the northern side of the site which, excluding the through site link and paved areas in front of the retail/business tenancies, has an area of approximately 690sqm. The communal open space and Village Square together equate to 22% of the site area. This represents a shortfall of approximately 142sqm from the minimum 25%. Should, however, that part of the through site link directly adjoining the Village Square be incorporated in the calculations then, in total, 1,220sqm of useable open space is provided which equates to 25% of the site area.**
• **Minimum recommended area of private open space for each apartment at ground level or similar space on structure is 25m^2 and the minimum preferred dimension is 4m.**	☐	☒	☐	**The ground floor units are provided with balcony/terrace areas of between 13sqm and 47sqm, with only one balcony having an area of less than 25sqm. In terms of dimensions, only one of the balconies has a width greater than 4m with all others having a width of between 2m and 3.6m. This is considered to be acceptable as the generally accepted minimum standard for balcony widths is 2m.**
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 proposed development is considered to be consistent with the Orientation objectives as the buildings are appropriately positioned to maximise solar access to units and the Village Square. Given the orientation of the site, however, any development on the subject site will unavoidably overshadow properties located to the south.**
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 appropriate with regard to the general orientation and separation of buildings as previously discussed.

Requirement	Yes	No	N/A	Comment
• Select building types or layouts which respond to the streetscape while optimising solar access. Where streets are to be edged and defined by buildings: align buildings to the street on east-west streets; and use courtyards, L-shaped configurations and increased setbacks to northern side boundaries on north-south streets.	☒	☐	☐	The proposed building types and layouts responds appropriately to the street by providing podium levels which complement the scale and height of existing development and minimises the width of the tower levels as they present to the street. This has allowed for solar access to be optimised to the units.
• Optimise solar access to living spaces and associated private open spaces by orienting them to the north.	☒	☐	☐	The buildings have been designed to optimise solar access to living spaces and balconies of the majority of units by orientating units to face north, east and west and minimising those units with only a southern aspect.
• Detail building elements to modify environmental conditions as required to maximise sun access in winter and sun shading in summer.	☒	☐	☐	Building elements such as screens, recesses and overhanging balconies will provide solar protection during summer whilst maintaining adequate solar access in winter.
Planting on Structures				
Objectives • To contribute to the quality and amenity of communal open space on roof tops, podiums and internal courtyards. • To encourage the establishment and healthy growth of trees in urban areas.	☒ ☒	☐ ☐	☐ ☐	The proposed development is considered to be consistent with the Planting on Structures objectives as sufficient soil depth is provided to allow open space areas to be planted and landscaped.

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 • Design planters to support the appropriate soil depth and plant selection by: ensuring planter proportions accommodate the largest volume of soil possible; and providing square or rectangular planting areas rather than long narrow linear areas. Minimum soil depths will vary depending on the size of the plant however soli depths greater than 1.5m are unlikely to have any benefits for tree growth. • 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: o Large trees such as figs (canopy diameter of up to 16m at maturity): ▪ Min. soil volume 150cum ▪ Min. soil depth 1.3m ▪ Min. soil area 10m x 10m o Medium trees (canopy diameter of up to 8m at maturity): ▪ Min. soil volume 35cum ▪ Min. soil depth 1m ▪ Approx. soil area 6m x 6m o Small trees (canopy diameter of up to 4m at maturity): ▪ Min. soil volume 9cum ▪ Min. soil depth 800mm ▪ Approx soil area 3.5m x 3.5m o Shrubs: ▪ Min. soil depths 500-600mm o Ground cover: ▪ Min. soil depths 300-450mm o Turf: ▪ Min. soil depth 100-300mm ▪ Any subsurface drainage requirements are in addition to the min. soil depths	☒ ☒ ☒ ☐ ☐ ☒ ☒ ☐ ☐ ☒ ☐ ☐ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	Planters of various depths and widths are proposed, depending on their location and function, which will support a variety of plants from trees to ground covers.
Stormwater Management				
Objectives • To minimise the impacts of residential flat development and associated infrastructure on the health and amenity of natural waterways. • To preserve existing topographic and natural features including waterways and wetlands. • To minimise the discharge of sediment and other pollutants to the urban stormwater drainage system during construction activity.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Satisfactory stormwater management plans have been submitted and include an on-site detention tank and rainwater tank.

Requirement	Yes	No	N/A	Comment
Design Practice • Reduce the volume impact of stormwater on infrastructure by retaining it on site (refer design solutions on p54 of Design Code) • Optimise deep soil zones. All development must address the potential for deep soil zones. • On dense urban sites where there is no potential for deep soil zones to contribute to stormwater management, seek alternative solutions. • Protect stormwater quality by providing for stormwater filters, traps or basins for hard surfaces, treatment of stormwater collected in sediment traps on soils containing dispersive clays. • Reduce the need for expensive sediment trapping techniques by controlling erosion. • Consider using grey water for site irrigation.	☒ ☐ ☒ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☐	☐ ☒ ☐ ☐ ☐ ☒	
Safety				
Objectives • To ensure residential flat developments are safe and secure for residents and visitors. • To contribute to the safety of the public domain.	☒ ☒	☐ ☐	☐ ☐	The proposed development is considered to be consistent with the Safety objectives as secure access to the communal entries of the buildings, and casual surveillance of the public domain from living and open space areas, is to be provided.
Design Practice • Reinforce the development boundary to strengthen the distinction between public and private space. This can be actual or symbolic and include: employing a level change ay the site and/or building threshold; signage; entry awnings; fences; walls and gates; change of material in paving between the street and the development.	☒	☐	☐	Suitable landscaping and fencing is to be provided to boundaries between public and private areas.
• Optimise the visibility, functionality and safety of building entrances by: orienting entrances towards the public street; providing clear lines of sight between entrance foyers and the street; providing direct entry to ground level apartments from the street rather than through a common foyer; direct and well lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances.	☒	☐	☐	Communal building entries are to be orientated to the street. A suitable level of visibility is provided within the development. Convenient access ways via lift link the car park and the development above. Direct and well lit access is to be provided to building foyers, corridors and car parking areas.
• 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. • Minimise opportunities for concealment	☒	☐	☐	Units and balconies have been designed to overlook the street, communal open space, Village Square and through site link. The ground floor retail/business tenancies also overlook the adjacent streets, Village Square and through site link.

Requirement	Yes	No	N/A	Comment
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 have been minimised and appropriate lighting will be provided.
• **Control access to the development by: making apartments inaccessible from the balconies, roofs and windows of neighbouring buildings; separating the residential component of a development's car parking from any other building use and controlling car park access from public and common areas; providing direct access from car parks to apartment lobbies for residents; providing separate access for residents in mixed-use buildings; providing an audio or video intercom system at the entry or in the lobby for visitors to communicate with residents, providing key card access for residents.**	☐	☒	☐	**Shared and direct access is provided from the car park to the lobbies and all access points will be restricted via use of a swipe card and intercom system. This will prevent unauthorised entry to the buildings. Although entry to the car ark is via a single driveway in Harrow Road, the car parking for the retail/business tenancies and the residents has been provided on different levels.**
• 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 has been submitted. The proposal is acceptable in this regard.
Visual Privacy				
Objectives • To provide reasonable levels of visual privacy externally and internally during the day and night. • To maximise outlook and views from principal rooms and private open space without compromising visual privacy.	☒ ☒	☐ ☐	☐ ☐	The proposed development is considered to be consistent with the Visual Privacy Objectives as outlook of open space is maximised where possible, without compromising visual privacy.
Design Practice • Locate and orient new development to maximise visual privacy between buildings on site and adjacent buildings by providing adequate building separation, employing appropriate rear and side setbacks, utilise the site layout to increase building separation.	☒	☐	☐	The site does not currently share a side boundary with residential development. The interface of the subject proposal with future development on adjoining sites has, however, been discussed throughout the report.
• Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments by: balconies to screen other balconies and any ground level private open space; separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms; changing the level between ground floor apartments with their associated private open space, and the public domain or communal open space.	☒	☐	☐	The layout of the buildings ensures adequate privacy to private open space areas and habitable rooms within the development.
• Use detailed site and building design elements to increase privacy without compromising access to light and air (refer p58-59 of Design Code for detailing)	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Building Entry				
Objectives • To create entrances which provide a desirable residential identity for the development. • To orient the visitor. • To contribute positively to the streetscape and building facade design.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposed development is considered to be consistent with the Building Entry Objectives as identifiable communal entries are proposed.
Design Practice • Improve the presentation of the development to the street by: locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network; designing the entry as a clearly identifiable element of the building in the street; utilising multiple entries where it is desirable to activate the street edge or reinforce a rhythm of entries along a street. • Provide as direct a physical and visual connection as possible between the street and the entry. • Achieve clear lines of transition between the public street, the shared private circulation spaces and the apartment unit. • Ensure equal access for all. • Provide safe and secure access (refer design solutions on p60 of the Design Code) • Provide separate entries from the street for pedestrians and cars; different uses and ground floor apartments. • Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces. • Provide and design mailboxes to be convenient for residents and not to clutter the appearance of the development from the street (refer design solutions on p61 of the Design Code).	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	A clear and distinct communal entry is to be provided to each building which relates to the street. Separate pedestrian entry is provided to each retail/business tenancy from the street and the Village Square/through site link will activate these areas. The entry foyers to the buildings are spacious, feature glazing for clear sight lines, and will be secured with locked doors. The entry foyers also allow equitable access to the building. Mailboxes are to be provided at the recessed entrance to each building.
Parking				
Objectives • To minimise car dependency for commuting and recreational transport use and to promote alternative means of transport – public transport, bicycling and walking. • To provide adequate car parking for the building's users and visitors depending on building type and proximity to public transport. • To integrate the location and design of car parking with the design of the site and the building.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposed development is considered to be consistent with the Parking objectives as a suitable number of resident, visitor and retail/business car spaces, and bicycle spaces, are provided within the basement levels which do not impact upon the aesthetic design of the building.

Requirement	Yes	No	N/A	Comment
Design Practice • Determine the appropriate car parking spaces in relation to the development's proximity to public transport, shopping and recreational facilities; the density of the development and the local area; the site's ability to accommodate car parking.	☒	☐	☐	As discussed in detail later in this report, car parking spaces have been provided in accordance with Auburn DCP 2010 – Parking and Loading.
• 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.	☒	☐	☐	All of the parking provided is located within the basement levels. Parking levels will have appropriate ventilation intakes, and secure, direct and convenient access to the building via lifts.
• Where above ground enclosed parking cannot be avoided ensure the design of the development mitigates any negative impact on streetscape and street amenity by avoiding exposed parking on the street frontage; hiding car parking behind the building façade – where wall openings occur, ensure they are integrated into the overall façade scale, proportions and detail; wrapping the car parks with other uses.	☐	☐	☒	
• 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.	☒	☐	☐	Bicycles spaces are proposed within the basement car park which is easily accessed via lift from the building entry.
Pedestrian Access				
Objectives • To promote residential flat development which is well connected to the street and contributes to the accessibility of the public domain.	☒	☐	☐	The proposed development is considered to be consistent with the Pedestrian Access objectives as barrier free access is available to all areas of the development.
• 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. • Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entires, lobbies, communal open space, site facilities, parking areas, public streets and internal roads. • Promote equity by ensuring the main building entrance is accessible for all from the street and from car parking areas; integrating ramps into the overall building and landscape design. • Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space. • Maximise the number of accessible, visitable and adaptable apartments in a building. • Separate and clearly distinguish between pedestrian accessways and vehicle accessways. • Consider the provision of public through site pedestrian accessways 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.	☒	☐	☐	The site is considered to be appropriately barrier free with wheelchair access possible from the street, Village Square/through site link, and basement car park to all levels of the development. There are 25 adaptable units within the development, representing 10% of the total number of units proposed. Vehicular and pedestrian entries are separated and well distinguished. A through site link is provided from Auburn Road to Harrow Road and adjoins the proposed Village Square. An accessibility report has been submitted with the application confirming that the development complies with the relevant Australian Standards.
Vehicle Access				
Objectives • To integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety. • To encourage the active use of street frontages.	☒	☐	☐	The proposed development is considered to be consistent with the Vehicle Access objectives. The vehicular access point has been designed to minimise the streetscape impact.

Requirement	Yes	No	N/A	Comment
Design Practice • Ensure that pedestrian safety is maintained by minimising potential pedestrian/vehicle conflicts (refer design approaches on p65 of the Design Code)	☒	☐	☐	Pedestrian/vehicle conflicts are minimised through the provision of a single vehicular access driveway to the site from Harrow Road.
• Ensure adequate separation distances between vehicular entries and street intersections.	☒	☐	☐	The driveway is approximately 38m from the intersection of Harrow Road and Beatrice Street providing adequate separation.
• Optimise the opportunities for active street frontages and streetscape design by: making vehicle access points as narrow as possible; limit the number of vehicle accessways to a minimum; locating car park entry and access from secondary streets and lanes.	☒	☐	☐	The vehicle access point is as narrow as possible and is limited to the secondary street frontage.
• Improve the appearance of car parking and service vehicle entries by: screening garbage collection, loading and servicing areas visually away from the street; setback or recess car park entries from the main façade line; avoid 'black holes' in the façade by providing security doors to car park entries; where doors are not provided, ensure that the visible interior of the car park is incorporated into the façade design and materials selection and that building services – pipes and ducts – are concealed; return the façade material into the car park entry recess for the extent visible from the street as a minimum.	☒	☐	☐	Service areas, such as garbage storage (within specific rooms) and loading spaces, are contained within the basement level and are not visible from public areas. Garbage is to be collected from the basement level. A roller door will be provided to the car park and the recesses suitably finished to match the building façade.
• Generally limit the width of driveways to a maximum of 6m. • Locate vehicle entries away from main pedestrian entries and on secondary frontages.	☐ ☒	☐ ☐	☒ ☐	The width of the vehicle access is in accordance with Australian Standards.
Part 03 Building Design				
Apartment Layout				
Objectives • To ensure the spatial arrangement of apartments is functional and well organised. • 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.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Apartment Layout objectives as units are suitably sized with acceptable levels of amenity.
Design Practice • Determine appropriate sizes in relation to: geographic location and market demands; the spatial configuration of an apartments; affordability. • 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	☒ ☒	☐ ☐	☐ ☐	Apartment layouts are generally considered satisfactory in terms of orientating living areas and private open spaces to optimise solar access where possible. Open plan living/dining areas are provided which allows for flexibility of use over time.

Requirement	Yes	No	N/A	Comment
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.	☒	☐	☐	All units are provided with private open space. The main living areas of units have, where possible, been orientated to take advantage of solar access and outlook.
• Locating main living spaces adjacent to main private open space; locating habitable rooms, and where possible kitchens and bathrooms, on the external face of buildings; maximising opportunities to facilitate natural ventilation and to capitalise on natural daylight by providing corner apartments, cross-over/cross-through apartments; split-level/maisonette apartments, shallow/single aspect apartments.	☒	☐	☐	The living area of each unit directly adjacent to the area of private open space. Kitchens are either located in open plan living/dining areas or are adjacent to a window. Bathrooms and laundries are, however, located adjacent to the building core so as to allow for optimal solar access to habitable rooms.
• Avoid locating kitchen as part of the main circulation spaces of an apartment, such as a hallway or entry space.	☒	☐	☐	
• Include adequate storage space in apartment	☒	☐	☐	All the units have storage space within their confines in addition to kitchen cupboards and wardrobes. Additional storage is also provided in the basement car parking levels.
• Ensure apartment layouts and dimensions facilitate furniture removal and placement.	☒	☐	☐	
• Apartment dimensions on p67-68 of the Design Code achieved.	☒	☐	☐	
• Apartment areas on p69 of the Design Code achieved.	☒	☐	☐	
• **Single aspect apartments should be limited in depth to 8m from a window.**	☐	☒	☐	**Of the 246 units proposed in both buildings, 79 single aspect apartments exceed the 8m minimum depth from a window, including the rear wall of the kitchen, by approximately 0.4m-1.2m. The applicant has justified the non-compliance based on the units having a wide frontage and full height glazing to open plan living areas, thus improving solar access and ventilation. Further, the units have a north, east or west orientation. No objection is, therefore, raised.**
• **The back of a kitchen should be no more than 8m from a window.**	☐	☒	☐	
• The width of cross-over/cross-through apartments over 15m deep should be 4m or greater.	☐	☐	☒	
• **Buildings not meeting the minimum standards must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly for habitable rooms.**	☒	☐	☐	
• Minimum apartment sizes: 1 bed = 50m^2, 2 bed = 70m^2, 3 bed = 95m^2	☒	☐	☐	Unit sizes comply with the minimum requirements as follows: • 1 bed – 50sqm-70sqm • 2 bed – 78sqm-90sqm • 3 bed – 98sqm-111sqm
Apartment Mix				
Objectives • To provide a diversity of apartment types, which cater for different household requirements now and in the future.	☒	☐	☐	The proposed development is considered to be consistent with the Apartment Mix objectives as an acceptable mixture of 1, 2 and 3 bedroom apartments are proposed which will cater for a range of household requirements.
• To maintain equitable access to new housing by cultural and socio-economic groups.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Provide a variety of apartment types particularly in large apartment buildings. Variety may not be possible in smaller buildings (up to 6 units) • Refine the appropriate mix for a location by: considering population trends in the future as well as present market demands; noting the apartment's location in relation to public transport, public facilities, employment areas, schools, universities and retail centres. • **Locate a mix of 1 and 3 bed apartments on the ground level where accessibility is more easily achieved.** • Optimise the number of accessible and adaptable units to cater for a wider range of occupants. • Investigate the possibility of flexible apartment configurations which support change in the future.	☒ ☒ ☐ ☒ ☒	☐ ☐ ☒ ☐ ☐	☐ ☐ ☐ ☐ ☐	The development has the following bedroom mix:- 1 bedroom – 60 units (24.4%) 2 bedroom – 158 units (64.2%) 3 bedroom – 28 units (11.4%) **The residential component of the ground floor of the development is comprised of one (1) and (2) bedrooms units, including three (3) adaptable units. A centrally located lift in the main lobbies of the buildings enables direct access to adaptable dwellings on upper floors. The development is acceptable in this regard.** The development provides for 25 adaptable units.
Balconies				
Objectives • To provide all apartments with private open space. • To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for apartment residents • To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings. • To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Balconies objectives as all apartments are to be provided with suitably sized private open spaces which integrate with the overall architectural form of the building and provide casual surveillance of communal and public areas.
Design Practice • Where other private open space is not provided, provide at least one primary balcony. • Primary balconies should be: located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space; sufficiently large and well proportioned to be functional and promote indoor/outdoor livening – a dining table and 2 chairs (small apartment) and 4 chairs (larger apartment) should fit on the majority of balconies in the development. • Consider secondary balconies, including Juliet balconies or operable walls with balustrades, for additional amenity and choice: in larger apartments; adjacent to bedrooms; for clothes drying, site balconies off laundries or bathrooms and they should be screened from the public domain. • Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies by: locating balconies which predominantly face north, east or west to provide solar access; utilising sun screens, pergolas,	☒ ☒ ☐ ☒	☐ ☐ ☐ ☐	☐ ☐ ☒ ☐	All apartments are provided with a balcony which is directly accessible from the living area. Balconies have been predominantly orientated to face north, east and west for solar access and are generally protected by building elements,

Requirement	Yes	No	N/A	Comment
shutters and 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.				such as full height fin walls at either end or, by being partially recessed.
• Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy (refer design considerations on p72 of the Design Code)	☒	☐	☐	A mix of transparent and solid balustrades are to maximise solar access and casual surveillance.
• Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design. • Consider supplying a tap and gas point on primary balconies.	☒ ☒	☐ ☐	☐ ☐	Should the application be approved a condition of consent can be imposed requiring the provision of a tap and gas/electrical point to balconies.
• Provide primary balconies for all apartments with a min. depth of 2m (2 chairs) and 2.4m (4 chairs). • Developments which seek to vary from the min. standards must demonstrate that negative impacts from the context – noise, wind, cannot be satisfactorily ameliorated with design solutions. • Require scale plans of balcony with furniture layout to confirm adequate, useable space when an alternate balcony depth is proposed.	☒ ☐ ☐	☐ ☐ ☐	☐ ☐ ☒	All balconies have a minimum depth of 2m.
Ceiling Heights				
<u>Objectives</u> • To increase the sense of space in apartments and provide well proportioned rooms. • To promote the penetration of daylight into the depths of the apartment. • To contribute to flexibility of use. • To achieve quality interior spaces while considering the external building form requirements.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Ceiling Heights objectives as suitable ceiling heights are provided for the both the retail/business tenancies and the residential units.

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 buildings have floor to ceiling heights of 2.7m. Solar access has been optimised through the use of floor to ceiling height glazing to open plan living/dining/kitchen areas.
• Facilitate better access to natural light by using ceiling heights which enable the effectiveness of light shelves in enhancing daylight distribution into deep interiors; promote the use of taller windows, highlight windows and fan lights. This is particularly important for apartments with limited light access such as ground floor apartments and apartments with deep floor plans.	☒	☐	☐	
• Design ceiling heights which promote building flexibility over time for a range of other uses, including retail or commercial, where appropriate.	☒	☐	☐	
• Coordinate internal ceiling heights and slab levels with external height requirements and key datum lines (refer p73 of Design Code).	☒	☐	☐	
• 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.	☒	☐	☐	
• Min. dimensions from finished floor level to finished ceiling level:				
○ **Mixed use buildings: 3.3m min. for ground floor retail/commercial and for first floor residential, retail or commercial.**	☐	☒	☐	A floor to ceiling height of 3.3m has been provided to the ground floor retail/business tenancies. **The first floors of the buildings have a floor to ceiling height of 2.7m. This is considered acceptable given the residential only use of the floors.**
○ For RFBs in mixed use areas: 3.3m min for ground floor;	☒	☐	☐	
○ For RFBs or other residential floors in mixed use buildings: 2.7m min. for all habitable rooms on all floors, 2.4m preferred min for non-habitable rooms but no less than 2.25m;	☒	☐	☐	
○ 2 storey units: 2.4m for second storey if 50% or more of the apartments has 2.7m min. ceiling heights;	☐	☐	☒	
○ 2 storey units with a 2 storey void space: 2.4m min;	☐	☐	☒	
○ attic spaces: 1.5m min wall height at edge of room with a 30^0 min. ceiling slope.	☐	☐	☒	
• Developments which seek to vary the recommended ceiling heights must demonstrate that apartments will receive satisfactory daylight.	☐	☐	☒	
Flexibility				

Requirement	Yes	No	N/A	Comment
Objectives • To encourage housing designs which meet the broadest range of the occupants' needs as possible. • To promote 'long life loose fit' buildings, which can accommodate whole or partial changes of use. • To encourage adaptive reuse. • To save the embodied energy expended in building demolition.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Flexibility objectives as room layouts enable changes to furniture arrangement and a suitable number can be adapted so as to be accessible.
Design Practice: • Provide robust building configurations, which utilise multiple entries and circulation cores, especially in larger buildings over 15m long by: thin building cross sections, which are suitable for residential or commercial uses; a mix of apartment types; higher ceilings in particular on the ground floor and first floor; separate entries for the ground floor level and the upper levels; sliding and/or moveable wall systems.	☒	☐	☐	Apartment layout provides for basic changes to internal configuration. The buildings have accessible units and a mix of apartment types.
• Provide apartment layouts which accommodate the changing use of rooms (refer design solutions on p75 of the Design Code).	☒	☐	☐	Apartment layout provides for basic changes to internal configuration.
• Utilise structural systems which support a degree of future change in building use or configuration (refer design solutions on p75 of the Design Code).	☒	☐	☐	
• Promote accessibility and adaptability by ensuring: the number of accessible and visitable apartments is optimised; and adequate pedestrian mobility and access is provided.	☒	☐	☐	There are 246 units in the development, of which 25 (10%) are to be designated as "adaptable units". Satisfactory pedestrian access is also provided throughout the site and within the buildings. The proposal is considered to be satisfactory in this regard.
Ground Floor Apartments				
Objectives • To contribute to the desired streetscape of an area and to create active safe streets. • To increase the housing and lifestyle choices available in apartment buildings.	☒ ☒	☐ ☐	☐ ☐	The proposed development is considered to be consistent with the Ground Floor Apartment Objectives as a range of ground floor apartments are proposed which also provide casual surveillance of street.

Requirement	Yes	No	N/A	Comment
Design Practice • Design front gardens or terraces which contribute to the spatial and visual structure of the street while maintaining adequate privacy for apartment occupants. Refer to p77 of the Design Code for design options.	☒	☐	☐	The ground floor units of the Harrow Road building are setback from the boundary, and elevated from the adjoining street, providing adequate privacy to balconies and units.
• Ensure adequate privacy and safety of ground floor units located in urban areas with no street setbacks by: stepping up the ground floor level from the level of the footpath a maximum of 1.2m; designing balustrades and establishing window sill heights to minimise site lines into apartments, particularly in areas with no street setbacks; determining appropriateness of individual entries; ensuring safety bars or screens are integrated into the overall elevation design and detailing.	☒	☐	☐	
• Promoting house choice by: providing private gardens, which are directly accessible from the main living spaces of the apartment and support a variety of activities; maximising the number of accessible and visitable apartments on the ground floor; supporting a change or partial change in use, such as a home office accessible from the street or a corner shop.	☒	☐	☐	Ground floor units have been provided with private courtyards, where practicable, and each building has been provided with accessible 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.	☒	☐	☐	Solar access and ambient natural light to ground floor units has been increased by providing floor to ceiling glazing to open plan living areas.
• Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units.	☒	☐	☐	Ground floor units are accessed via a common entry. This is considered to be acceptable given the need to locate site services on the Harrow Road frontage and the location of the two ground floor units at the rear of the Auburn Road building providing an active frontage to the trough site link and Village Square. Each building has been provided with accessible units on the ground floor.
• Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	☒	☐	☐	Ground floor units have been provided with private open space in the form of courtyards where practicable.
Internal Circulation				

Requirement	Yes	No	N/A	Comment
Objectives • To create safe and pleasant spaces for the circulation of people and their personal possessions. • To facilitate quality apartment layouts, such as dual aspect apartments. • To contribute positively to the form and articulation of the building façade and its relationship to the urban environment. • To encourage interaction and recognition between residents to contribute to a sense of community and improve perceptions of safety.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Internal Circulation objectives as spacious access hallways and apartments are provided around the lift cores.
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.	☒	☐	☐	Corridors and foyer 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.**	☐	☒	☐	**Each building has been provided with a single entry core. The buildings have, however, been designed with articulated facades and prominent building entries.**
• 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.	☒ ☒	☐ ☐	☐ ☐	Multiple corridors radiate from the lift core providing access within the 'T' and 'L' shaped buildings.
• **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.**	☐	☒	☐	**The podium levels of each building have in excess of 8 units accessing the corridor (Building A – 9 units, Building B – 10 units). The 'L' and 'T' shaped footprint of these podium levels has resulted in similarly shaped corridors with large lift lobby areas. The development is acceptable in this regard as a satisfactory streetscape and building entries have been achieved, and a high level of amenity provided to corridors, lobbies and units.**
Mixed Use				

Requirement	Yes	No	N/A	Comment
Objectives • To support a mix of uses that complement and reinforce the character, economics and function of the local area. • Choose a compatible mix of uses.	☒ ☒	☐ ☐	☐ ☐	The proposed development is consistent with the Mixed Use objectives as it provides for ground floor retail/business with residential units above which will reinforce the character, economy and function of the town centre.
• Consider building depth and form in relation to each use's requirements for servicing and amenity (refer details on p80 of the Design Code).	☒	☐	☐	The depth of the buildings are appropriate for the intended uses.
• 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.	☒	☐	☐	The circulation systems within the development are acceptable.
• 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.	☒	☐	☐	The proposed development positively contributes to the public domain and streetscape by providing active uses at street level and avoiding the use of blank walls.
• Address acoustic requirements for each use by: separate residential uses, where possible, from ground floor retail or leisure uses by utilising an intermediate quiet-use barrier, such as offices; design for acoustic privacy from the beginning of the project to ensure that future services, such as air conditioning, do not cause acoustic problems later. • Recognising the ownership/lease patterns and separating requirements for purposes of BCA.	☒ ☒	☐ ☐	☐ ☐	The development has not been designed with an intermediate level of a quieter use between the ground floor retail/business space and the upper residential floors. Separate applications will be required to be lodged for the uses of the ground floor tenancies at which time potential noise impacts will be assessed. The BCA also requires varying levels of sound insulation to prevent the transmission of noise between floor and walls.
Storage				
Objectives • To provide adequate storage for everyday household items within easy access of the apartment. • To provide storage for sporting, leisure, fitness and hobby equipment.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Storage is provided within each unit in the form of built in wardrobes, kitchen cupboards and dedicated separate storage cupboards. Additional storage spaces are also provided in the basement car parking areas.

Requirement	Yes	No	N/A	Comment
Design Practice • Locate storage conveniently for apartments including: at least 50% of the required storage within each apartment and accessible from either the hall or living area – best provided as cupboards accessible from entires and hallways and/or under internal stairs; dedicated storage rooms on each floor within the development, which can be leased by residents as required; providing dedicated and/or leasable storage in internal or basement car parks. • Provide storage which is suitable for the needs of residents in the local area and able to accommodate larger items such as sporting equipment and bicycles. • Ensure that storage separated from apartments is secure for individual use. • Where basement storage is provided ensure that it does not compromise natural ventilation in car parks or create potential conflicts with fire regulations; exclude it from FSR calculations. • Consider providing additional storage in smaller apartments in the form of built-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 = 6m^3 ○ 1 bed = 6m^3 ○ 2 bed = 8m^3 ○ 3+ bed = 10m^3	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The applicant has provided details of the storage space provided to each unit and in total within the basement levels. It is not clear, however, whether the figures provided exclude kitchen cupboards and wardrobes, and the volume of storage space to be allocated to each unit within the basement. In terms of the total storage space required this equates to 1,904sqm. The proposal has 2,531.9sqm of storage in total. Should the application be approved, a condition of consent is recommended to be imposed requiring the provision of storage to each unit to comply with the minimum requirements of the Code. Designated bicycle parking areas are provided within the basement levels.
Acoustic Amenity				
Objectives • To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private open spaces.	☒	☐	☐	The proposed development is considered to be consistent with the Acoustic Amenity objectives as acoustic intrusion is minimised through building separation and the grouping of like-use rooms in apartments.

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 maximize acoustic privacy from neighbouring buildings.
• Arrange apartments within a development to minimise noise transmission 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.	☐	☐	☒	There are no external noise sources in close proximity to the site, such as arterial roads or railways, which would require additional building treatment.
• Reduce noise transmission from common corridors or outside the building by providing seals at entry doors.	☒	☐	☐	Should the application be approved a condition of consent can be imposed requiring door seals to be provided to entry doors.
Daylight Access				
Objectives • To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development.	☒	☐	☐	The proposed development is considered to be generally consistent with the Daylight Access objectives as the orientation of living areas allows for solar access.
• To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.	☒	☐	☐	
• To provide residents with the ability to adjust the quantity of daylight to suit their needs.	☒	☐	☐	
Design Practice • Plan the site so that new residential flat development is oriented to optimise northern aspect.	☒	☐	☐	The proposed buildings have been located and designed so as to take advantage of the northerly aspect.
• Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.	☒	☐	☐	The communal open space is located between, and on the southern side, of the two buildings. The space between the buildings will receive solar access for 2-3 hours during mid-winter. Residents will, however, have access to the north-facing Village Square which receives solar access over the majority of the space for the entire day in mid-

Requirement	Yes	No	N/A	Comment
				winter.
• Optimise the number of apartments receiving daylight access to habitable rooms and principal windows: ensure daylight access to habitable rooms and private open space, particularly in winter; use skylights, clerestory windows and fanlights to supplement daylight access; promote two storey and mezzanine, ground floor apartments or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces; limit the depth of single aspect apartments; ensure single aspect , single storey apartments have a northerly or easterly aspect; locate living areas to the north and service areas to the south and west of development; limit the number of south acing apartments and increase their window area; use light shelves to reflect light into deeper apartments.	☒	☐	☐	The number of units receiving daylight access to habitable rooms and private open space areas has been optimised through the use of building setbacks, orientation, unit layout and width, and full height glazing to open plan living areas. Each balcony will provide shading to the balcony on the level below and horizontal building elements will assist in shading windows. Samples of glass have been submitted, however, details of the energy efficiency and reflective qualities have not been detailed. Should the application be approved, a condition of consent will be imposed to ensure that the use of energy efficiency glass has a maximum reflectance value so as to minimise glare to surrounding properties.
• 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).	☒	☐	☐	
• Limit the use of lightwells as a source of daylight by prohibiting their use as the primary source of daylight in habitable rooms.	☐	☐	☒	Lightwells have not been relied upon as a primary source of daylight to habitable rooms.
• Where lightwells are used: relate lightwell dimensions to building separation; conceal building services and provide appropriate detail and materials to visible walls; ensure lightwells are fully open to the sky; allow exceptions for adaptive reuse buildings, if satisfactory performance is demonstrated.	☐	☐	☒	
• Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter. In dense urban areas, a minimum of 2 hours may be acceptable.	☒	☐	☐	The applicant has provided plans which show that 70% of the units achieve a minimum 2 hours solar access to living areas and private open space areas. This is considered acceptable given that the site is located within an urban area.
• **Limit the number of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed.**	☐	☒	☐	**A total of 15% of the units (37 out of 246) are south-facing with a single aspect. The applicant argues that these units are spread over both buildings and the development complies with cross ventilation and solar access requirements. The orientation of the buildings has also been maximised to take advantage of the northerly aspect and south-facing, single**
• Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
				aspect units are limited to one per floor of each building. The non-compliance in this instance is, therefore, considered to be acceptable.
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 proposed development is considered to be consistent with the Natural Ventilation objectives as all habitable rooms, and where possible non-habitable rooms, have sufficient openings for ventilation. The BASIX commitments dictate energy consumption requirements.
Design Practice • Plan the site to promote and guide natural breezes by: determining prevailing breezes and orient buildings to maximise use, where possible; locating vegetation to direct breezes and cool air as it flows across the site and by selecting planting or trees that do not inhibit air flow. • Utilise the building layout and section to increase the potential for natural ventilation (refer design solutions on p86 of the Design Code) • Design the internal apartment layout to promote natural ventilation by: minimising interruptions in air flow through an apartment; grouping rooms with similar usage together. • Select doors and operable windows to maximise natural ventilation opportunities established by the apartment layout (refer design solution on p86-87 of Design Code) • Coordinate design for natural ventilation with passive solar design techniques. • Explore innovative technologies to naturally ventilate internal building areas or rooms. • Building depths which support natural ventilation typically range from 10-18m. • 60% of residential units should be naturally cross ventilated. • 25% of kitchen within a development should have access to natural ventilation. • Developments which seek to vary from the minimum standards must demonstrate how natural ventilation can be satisfactorily achieved particularly in relation to habitable rooms.	☒ ☒ ☒ ☒ ☒ ☒ ☐ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☒	The orientation of the buildings and apartment layouts have been designed to maximise natural ventilation through the use of open-plan living areas, full height glazing, and the provision of dual aspect apartments where possible. Building depths have been discussed previously. The proposed development achieves natural cross-ventilation for 61.8% of the total number of units (152 out of 246) and, therefore, complies with the minimum requirement. All kitchens within the development are naturally ventilated as they are either part of the open plan living areas or have a window where located in a separate room.
Awnings and Signage				

Requirement	Yes	No	N/A	Comment
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	☒ ☐	☐ ☐	☐ ☒	An awning has been provided to the Auburn Road frontage of the development. Signage for the retail/commercial tenancies will be subject to future applications.
<u>Design Practice</u> *Awnings* • Encourage pedestrian activity on streets by providing awnings to retail strips, where appropriate, which: give continuous cover in areas which have a desired pattern of continuous awnings; complement the height, depth and form of the desired character or existing pattern of awnings; provide sufficient protection for sun and rain. • Contribute to the legibility of the residential flat development and amenity of the public domain by locating local awnings over building entries. • Enhance safety for pedestrians by providing under-awning lighting. *Signage* • Councils should prepare guidelines for signage based on the desired character and scale of the local area (refer considerations on p88 of Design Code) • Integrate signage with the design of the development by responding to scale, proportions and architectural detailing. • Provide clear and legible way finding for residents and visitors.	☒ ☒ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☒	A continuous awning has been provided to the Auburn Road frontage of the development. The awning is to be comprised of decorative perforated metal which will provide filtered shade. It is considered appropriate, however, to impose a condition requiring that some form of clear/translucent material be placed over the metal so as to provide wet weather protection. The design of the awning is compatible with awnings on existing adjoining buildings and provides a suitable transition to the covered through site link.
Facades				
<u>Objectives</u> • To promote high architectural quality in residential flat buildings. • To ensure that new developments have facades which define and enhance the public domain and desired street character. • To ensure that building elements are integrated into the overall building form and façade design.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposed development is considered to be consistent with the Facade objectives as the building elevations are of high architectural design quality commensurate with the Town Centre location.

Requirement	Yes	No	N/A	Comment
Design Practice • Consider the relationship between the whole building form and the façade and/or building elements. • Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. Refer design solutions on p89 of the Design Code. • Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the façade orientation. • Express important corners by giving visual prominence to parts of the façade. • Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design. • Coordinate security grills/screens, ventilation louvres and car park entry doors with the overall façade design.	☒ ☒ ☒ ☐ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☐ ☐	The proposed buildings have been designed with a high level of modulation, articulation and incorporation of architectural features so as to provide visually interesting and varied facades appropriate to the use and orientation of the buildings. Should the application be approved an appropriate condition of consent is recommended to be imposed with respect to the location and treatment of building services.
Roof Design				
Objectives • To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings. • To integrate the design of the roof into the overall façade, building composition and desired contextual response. • To increase the longevity of the building through weather protection.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposed development is considered to be consistent with the Roof Design objectives and design practices insofar as the roof treatment relates to the size and scale of the building, service elements have been integrated into the roof design and top floor apartment have direct access to private open space on the roof.
Design Practice • Relate roof design to the desired built form Refer design solutions on p91 of the Design Code. • Design the roof to relate to the size and scale of the building, the building elevations and three dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials. • Design roofs to respond to the orientation of the site. • Minimise the visual intrusiveness of service elements (lift overruns, service plants, chimneys, vent stacks, telecommunication infrastructure, gutters, downpipes, signage) by integrating them into the design of the roof. • Support the use of roofs for quality open space in denser urban areas by: providing space and appropriate building systems to support the desired landscape design; incorporating shade structures and wind screens to encourage open space use; ensuring open space is accessible. • Facilitate the use or future use of the roof for sustainable functions eg rainwater tanks, photovoltaics, water features • Where habitable space is provided within the roof optimise residential amenity in the form or attics or penthouse apartments.	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	
Energy Efficiency				

Requirement	Yes	No	N/A	Comment
Objectives • To reduce the necessity for mechanical heating and cooling. • To reduce reliance on fossil fuels. • To minimise greenhouse gas emissions. • To support and promote renewable energy initiatives.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Energy Efficiency objectives as BASIX Certificates, which achieve the relevant energy targets, are provided.
Design Practice Requirements superseded by BASIX	☐	☐	☒	The various BASIX Certificates for the buildings show that the development as a whole achieves the Pass Mark for energy and water conservation.
Maintenance				
Objectives • To ensure long life and ease of maintenance for the development.	☐	☐	☐	The proposed development is considered to be consistent with the Maintenance objectives as relevant conditions shall be included in any consent to ensure the site is suitably maintained.
Design Practice • Design windows to enable cleaning from inside the building, where possible. • Select manually operated systems in preference to mechanical systems. • Incorporate and integrate building maintenance systems into the design of the building form, roof and façade. • Select durable materials, which are easily cleaned and are graffiti resistant. • Select appropriate landscape elements and vegetation and provide appropriate irrigation systems. • For developments with communal open space, provide a garden maintenance and storage area, which is efficient and convenient to use and is connected to water and drainage.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	Should the application be approved, relevant conditions in relation to use of high-quality materials and general maintenance of the site shall be included in the consent.
Waste Management				
Objectives • To avoid the generation of waste through design, material selection and building practices. • To plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development. • To encourage waste minimisation, including source separation, reuse and recycling. • To ensure efficient storage and collection of waste and quality design of facilities.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Waste Management objectives as suitable arrangements and facilities for waste disposal and storage, including garbage chutes, are proposed.

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

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

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

State Environmental Planning Policy (Infrastructure) 2007

In accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 and Schedule 3 – Traffic Generating Development, the application was referred to the NSW Roads and Maritime Services (RMS).

The RMS provided comments in correspondence dated 29 January 2014. The comments are detailed above in the External Referral section.

Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the area delineated as the Sydney Harbour Catchment and SREP (Sydney Harbour Catchment) 2005 is applicable to the development application. The development application raises no issues in terms of consistency with the requirements and objectives of this planning instrument or the associated Development Control Plan.

Local Environmental Plans

Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comment
Part 1 Preliminary				
1.1 Name of Plan				
This Plan is *Auburn Local Environmental Plan 2010*.	☒	☐	☐	
1.1 AA Commencement This Plan commences on the day on which it is published on the NSW legislation website.	☒	☐	☐	The plan was gazetted on 29 October 2010.
1.3 Land to which Plan applies (1) This Plan applies to the land identified on the Land Application Map. Note. Part 23 of Schedule 3 to the *State Environmental Planning Policy (Major Development) 2005* applies to certain land identified on the Land Application Map. (2) Despite subclause (1), this Plan does not apply to the land identified on the Land Application Map as "Deferred matter".	☒ ☒	☐ ☐	☐ ☐	The plan applies to the site.
1.4 Definitions The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.	☒	☐		
1.6 Consent authority The consent authority for the purposes of this Plan is (subject to the Act) the Council.	☐	☒	☐	In accordance with Clause 23G of the Environmental Planning & Assessment Act, 1979, development proposals with a capital investment value of $20 million or more are to be determined by the Joint Regional Planning Panel (JRPP). Council remains the assessment authority.
1.7 Maps (1) A reference in this Plan to a named map adopted by this Plan is a reference to a	☒	☐	☐	

Clause	Yes	No	N/A	Comment
map by that name: (a) approved by the Minister when the map is adopted, and (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.				
(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.	☒	☐	☐	
(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.	☒	☐	☐	
(4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.				
Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the Department of Planning and infrastructure website.	☒	☐	☐	
1.8A Savings provision relating to development applications If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced. *Note.* *However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant land is appropriately amended or, if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.*	☐	☐	☒	The savings provisions do not apply to this application as it was lodged subsequent to commencement of this Plan.
1.9 Application of SEPPs and REPs				
(1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as	☒	☐	☐	

Clause		Yes	No	N/A	Comment
	provided by section 36 of the Act.				
(3)	The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies: *State Environmental Planning Policy No 1—Development Standards* *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* (clause 6, clause 10 and Parts 3 and 4) *State Environmental Planning Policy No 60—Exempt and Complying Development* *Sydney Regional Environmental Plan No 24—Homebush Bay Area*	☐	☐	☒	
1.9A	**Suspension of covenants, agreements and instruments**				
(1)	For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.	☐	☐	☒	There are no covenants, agreements or similar instruments that require suspension to enable development of the land in accordance with this Plan.
(2)	This clause does not apply: (a) to a covenant imposed by the Council or that the Council requires to be imposed, or (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.	☐	☐	☒	
(3)	This clause does not affect the rights or interests of any public authority under any registered instrument.	☐	☐	☒	
(4)	Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).	☐	☐	☒	

Clause	Yes	No	N/A	Comment
Part 2 Permitted or prohibited development				
2.3 Zone objectives and land use table (1) The Table at the end of this Part specifies for each zone: (a) the objectives for development, and (b) development that may be carried out without consent, and (c) development that may be carried out only with consent, and (d) development that is prohibited.	☒	☐	☐	A mixed use development is permitted with consent in the B4 Mixed Use Zone.
(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	☒	☐	☐	
(3) In the Table at the end of this Part: (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.	☒	☐	☐	
(4) This clause is subject to the other provisions of this Plan.	☒	☐	☐	
2.4 Unzoned land				
(1) Development may be carried out on unzoned land only with consent.	☐	☐	☒	The land is zoned B4 Mixed Use.
(2) Before granting consent, the consent authority: (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and	☐	☐	☒	
(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.	☐	☐	☒	
2.5 Additional permitted uses for particular land (1) Development on particular land that is described or referred to in Schedule 1 may be carried out: (a) with consent, or (b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.	☐	☐	☒	
(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.	☐	☐	☒	

Clause	Yes	No	N/A	Comment
2.6 Subdivision—consent requirements (1) Land to which this Plan applies may be subdivided, but only with consent. Notes:- 1 *If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent*. 2 *Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development*. (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.	☐ ☐	☐ ☐	☒ ☒	Subdivision is not proposed.
2.7 Demolition requires consent The demolition of a building or work may be carried out only with consent. Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this plan or *State* *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development, the Act enables it to be carried out without development consent.	☐	☐	☒	The site is vacant. No demolition works are proposed.
Land Use Table				

Clause	Yes	No	N/A	Comment
Zone B4 Mixed Use **1 Objectives of zone** • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To encourage high density residential development. • To encourage appropriate businesses which contribute to economic growth. • To achieve an accessible, attractive and safe public domain	☒	☐	☐	The proposed buildings comprise ground floor retail/business premises and residential flat buildings above. The development is defined as a "mixed use development" and is permissible in the zone. The proposal is also consistent with the zone objectives. ***mixed use development*** means a building or place comprising 2 or more different land uses. ***business premises*** means a building or place at or on which: (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital. **Note.** Business premises are a type of ***commercial premises***—see the definition of that term in this Dictionary. ***retail premises*** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following; (a) bulky goods premises, (b) cellar door premises, (c) food and drink premises, (d) garden centres, (e) hardware and building supplies, (f) kiosks, (g) landscaping material supplies, (h) markets, (i) plant nurseries, (j) roadside stalls, (k) rural supplies, (l) shops, (m) timber yards, (n) vehicle sales or hire premises, but does not include highway service centres, service stations, industrial retail outlets or restricted premises. **Note.** Retail premises are a type of ***commercial premises***—see the definition of that term in this Dictionary.
2 Permitted without consent Nil	☐	☐	☒	
3 Permitted with consent Backpackers' accommodation; Boarding houses; **Business premises**; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; **Residential flat buildings**; **Retail premises**; Roads; Self-storage units; Seniors housing; Serviced apartments (but only as part of a mixed use development); Shop top housing; Warehouse or distribution centres; Any other development not specified in item 2 or 4	☐	☐	☒	
4 Prohibited Agriculture; Air transport facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Canal estate developments; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Marinas; Mining; Moorings; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Rural supplies; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies	☐	☐	☒	

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

Clause		Yes	No	N/A	Comment
	(a) to establish a maximum building height to enable appropriate development density to be achieved, and	☒	☐	☐	
	(b) to ensure that the height of buildings is compatible with the character of the locality	☒	☐	☐	
(2)	**The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.**	☐	☒	☐	**In accordance with the Height of Buildings Map HOB_002, the subject site has a maximum building height limit of 36m. At its highest point the proposed development has a height of 59.5m. This matter is discussed in further detail at Clause 4.6 Exceptions to Development Standards.**
(2A)	Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is: (a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres, (b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map—14 metres.	☐	☐	☒	
4.4	**Floor space ratio**				
(1)	The objectives of this clause are as follows: • To establish a maximum floor space ratio to enable appropriate development density to be achieved, and • To ensure that development intensity reflects its locality.	☒	☐	☐	
(2)	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	☒	☐	☐	In accordance with the Floor Space Ratio Map FSR_002, the maximum FSR permitted is 5.0:1. The FSR of the proposed development is 4.84:1 and, is therefore, of an appropriate density complying with the maximum permissible FSR and reflecting the desired future character of the Auburn town centre.
(2A)	Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows: (a) for sites less than 1,300 square metres—0.75:1, (b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1,	☐	☐	☒	

Clause	Yes	No	N/A	Comment
(c) for sites that are 1,800 square metres or greater—0.85:1.				
(2B) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows: (a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and (b) 3:1 for office premises and hotel or motel accommodation.	☐	☐	☒	
(2C) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Floor Space Ratio Map, is as follows: (a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and (b) 2:1 for office premises and hotel or motel accommodation.	☐	☐	☒	
(2D) Despite subclause (2), the maximum floor space ratio for retail premises on land in Zone B6 Enterprise Corridor within the Commercial Precinct, as shown edged green on the Floor Space Ratio Map is 1.5:1.	☐	☐	☒	
4.5 Calculation of floor space ratio and site area (1) Objectives The objectives of this clause are as follows: (a) to define *floor space ratio*, (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to: (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and (iii) require community land and public places to be dealt with separately. (2) Definition of "floor space ratio" The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site area. (3) Site area	☒	☐	☐	FSR has been calculated in accordance with this clause.

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

Clause	Yes	No	N/A	Comment
The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.	☐	☐	☒	
(9) Covenants to prevent "double dipping" When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.	☐	☐	☒	A covenant is not required as a condition of consent is to be imposed requiring the sites be amalgamated should consent be granted.
(10) Covenants affect consolidated sites If: (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development, the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.	☐	☐	☒	
(11) Definition In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.	☐	☐	☒	
4.6 Exceptions to development standards				
(1) The objectives of this clause are: (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	☒	☐	☐	
(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	☒	☐	☐	As discussed previously, the applicant is seeking to vary the development standards pertaining to building height as follows: • Clause 4.3 – a maximum building height of 36.0m applies to the site. A maximum building height of 59.5m is

Clause	Yes	No	N/A	Comment
				proposed.
(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard.	☒	☐	☐	The applicant has submitted a written request to justify the contravention of the development standard in accordance with this clause. This matter is discussed in detail at the end of the compliance table.
(4) Consent must not be granted for development that contravenes a development standard unless: • the consent authority is satisfied that:	☒	☐	☐	
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and (b) the concurrence of the Director-General has been obtained.				This matter is discussed in further detail at the end of the compliance table.
(5) In deciding whether to grant concurrence, the Director-General must consider: (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and (b) the public benefit of maintaining the development standard, and (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.	☐	☐	☒	In accordance with the Department of Planning Circular PS-08-003 dated 9 May 2008 the concurrence of the Director-General can be assumed.
(6) Development consent must not be granted under this clause for a subdivision of land in Zone RUI Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental	☐	☐	☒	

Clause		Yes	No	N/A	Comment
	Management or Zone E4 Environmental Living if:				
	(a) The subdivision will result will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or	☐	☐	☒	
	(b) The subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.				
(7)	After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).				
(8)	This clause does not allow consent to be granted for development that would contravene any of the following:				
	(a) a development standard for complying development,				
	(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,				
	(c) clause 5.4.				
Part 5 Miscellaneous provisions					
5.3	**Development near zone boundaries**				
(1)	The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.	☐	☐	☒	The development is permissible in the zone.
(2)	This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.	☐	☐	☒	
(3)	This clause does not apply to:				
	(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or	☐	☐	☒	
	(b) land within the coastal zone, or	☐	☐	☒	
	(c) and proposed to be developed	☐	☐	☒	

Clause		Yes	No	N/A	Comment
	for the purpose of sex services or restricted premises.				
(4)	Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:	☐	☐	☒	
	(a) the development is not inconsistent with the objectives for development in both zones, and	☐	☐	☒	
	(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.	☐	☐	☒	
(5)	This clause does not prescribe a development standard that may be varied under this Plan.				
5.4	**Controls relating to miscellaneous permissible uses**				The proposal does not incorporate any miscellaneous permissible uses.
(1)	Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.	☐	☐	☒	
	Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.	☐	☐	☒	
(2)	Home businesses If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.	☐	☐	☒	
(3)	Home industries If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.	☐	☐	☒	
(4)	Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under	☐	☐	☒	

Clause	Yes	No	N/A	Comment
this Plan, the retail floor area must not exceed: (a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or (b) 400 square metres, whichever is the lesser.	☐	☐	☒	
(5) Farm stay accommodation If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.	☐	☐	☒	
(6) Kiosks If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 10 square metres.	☐	☐	☒	
(7) Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.	☐	☐	☒	
(8) Roadside stalls If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 8 square metres.	☐	☐	☒	
(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:- (a) 60 square metres, (b) 25% of the total floor area of the principal dwelling.	☐	☐	☒	
5.6 Architectural roof features (1) The objectives of this clause are: (a) To ensure that any decorative roof element does not detract from the architectural design of the building, and (b) To ensure that prominent architectural roof features are contained within the height limit.	☐	☐	☒	The proposed buildings do not have any architectural roof features.
(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.	☐	☐	☒	

Clause	Yes	No	N/A	Comment
(3) Development consent must not be granted to any such development unless the consent authority is satisfied that: (a) the architectural roof feature: (i) comprises a decorative element on the uppermost portion of a building, and (ii) is not an advertising structure, and (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and (iv) will cause minimal overshadowing, and (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.	☐	☐	☒	
5.8 Conversion of fire alarms				
(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.	☐	☐	☒	The clause is not applicable to this application.
(2) The following development may be carried out, but only with development consent:				
(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,	☐	☐	☒	
(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,	☐	☐	☒	
(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.	☐	☐	☒	
(3) Development to which subclause (2) applies is complying development if it consists only of:	☐	☐	☒	
(a) internal alterations to a building, or	☐	☐	☒	
(b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or	☐	☐	☒	

Clause		Yes	No	N/A	Comment
	roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.				
(4)	A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.	☐	☐	☒	
(5)	In this clause: *private service provider* means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.				
5.9	**Preservation of trees or vegetation**				
(1)	The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	☐	☐	☒	There are no trees or significant vegetation on the site.
(2)	This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council. Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.	☐	☐	☒	
(3)	A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:	☐	☐	☒	
	(a) development consent, or	☐	☐	☒	
	(b) a permit granted by the Council.	☐	☐	☒	
(4)	The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.	☐	☐	☒	
(5)	This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.	☐	☐	☒	
(6)	This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.	☐	☐	☒	
(7)	A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:	☐	☐	☒	

Clause	Yes	No	N/A	Comment
(a) that is or forms part of a heritage item, or that is within a heritage conservation area, or	☐	☐	☒	
(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:	☐	☐	☒	
(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area,	☐	☐	☒	
(c) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.	☐	☐	☒	
Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.				
(8) This clause does not apply to or in respect of:				
(a) the clearing of native vegetation:	☐	☐	☒	
(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003,* or	☐	☐	☒	
(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or	☐	☐	☒	
(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or	☐	☐	☒	
(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or	☐	☐	☒	
(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or	☐	☐	☒	
(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.	☐	☐	☒	
Note. Permissibility may be a matter that is				

Clause	Yes	No	N/A	Comment
determined by or under any of these Acts. (9) Not adopted				
5.9AA Trees or vegetation not prescribed by development control plan (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council. (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.	☐ ☐	☐ ☐	☒ ☒	
5.10 Heritage conservation Note. Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5. (1) Objectives The objectives of this clause are: (a) to conserve the environmental heritage of Auburn, and (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and (c) to conserve archaeological sites, and (d) to conserve places of Aboriginal heritage significance. (2) Requirement for consent Development consent is required for any of the following: (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area, (i) a heritage item. (ii) An Aboriginal object. (iii) A building, work, relic or tree within a heritage conservation area. (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to	☐ ☐	☐ ☐	☒ ☒	The site is not listed in the Auburn Local Environmental Plan 2010 as a heritage item, archaeological site, aboriginal place of significance, nor is it in a heritage conservation area. The site is, however, adjacent to the following heritage items which are of local significance: • Item No. I2 - Auburn Baptist Church to the north (16 Harrow Road); • Item No. I5 - Auburn Public School on the north-east and south-west intersection of Auburn Road and Beatrice Street.to the east and on the southern side of Beatrice Street (72 & 131 Auburn Road); and • Item No. I22 - Federation Dwelling to the north-west on the opposite side of Harrow Road (no. 25)

Clause	Yes	No	N/A	Comment
suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance, (e) erecting a building on land:				
(i) on which a heritage item is located or that is within a heritage conservation area or, (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land on which a heritage item is located or that is within a heritage conservation area. (i) on which a heritage item is located or that is within a heritage conservation area or, (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (3) When consent not required However, consent under this clause is not required if:	☐	☐	☒	
(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:	☐	☐	☒	
(i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or (b) the development is in a cemetery or burial ground and the proposed development:	☐	☐	☒	
(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and (ii) would not cause disturbance to human remains, relics,	☐	☐	☒	

Clause	Yes	No	N/A	Comment
Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or (d) the development is exempt development. (4) Effect on heritage significance The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6). (5) Heritage impact assessment The consent authority may, before granting consent to any development on land: (a) on which a heritage item is situated, or (b) within a heritage conservation area, or (c) within the vicinity of land referred to in paragraph (a) or (b), require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	☐ ☒ ☒	☐ ☐ ☐	☒ ☐ ☐	Refer to comments below. Refer to comments below.

The applicant has submitted a Heritage Impact Statement, prepared by Graham Brooks & Associates Pty Ltd and dated November 2013, which provides the following evaluation of the proposal in response to guidelines contained in the NSW Heritage Manual for evaluating development adjacent to a heritage item:

"How is the impact of the new development on the heritage significance of the item or area minimized?

The proposed development will introduce new built elements to the locality which are consistent with the character and density of the recent development to the north, within the Auburn Town Centre. It reflects the revised development controls that apply to the Auburn Town Centre.

The impact of this change has been minimized by limiting the street façade of the Auburn Road building to three storeys and the Harrow Road building to five storeys and the extensive northern setback of Tower B, to provide a visual separation between the new development and the adjacent heritage items."

"How does the new development affect views to, and from, the heritage item? What has been done to minimize negative effects?

The proposed development is separated from the northern component of Auburn Public School campus by the width of Auburn Road and from the southern component by the intervening development and Beatrice Street. As such it will not affect views to the Auburn Public School or the tree within its grounds.

Clause	Yes	No	N/A	Comment
Similarly, as the residence at 25 Harrow Road is north of the subject site, on the opposite side of the road, views of this item will not be affected. *The glimpse of the Auburn Baptist Church tower above the roof of the church hall currently available when looking across the vacant site from Auburn Road may be obscured by the proposed development. As this view is minimal and there will be publicly available views from the Village Square, within the subject site, this impact is considered to be acceptable from a heritage perspective.* *Some views from within the grounds of the heritage items will include the new development. As these views have not been identified as a contributing factor in their significance this is not considered to be a heritage impact."* *"Will the additions visually dominate the heritage item? How has this been minimized?* *As the proposed development will not be seen in views to the Auburn Public School or the residence at 25 Harrow Road they will not visually dominate these heritage items.* *Building B [western building] will be seen as a background element in some views to the Auburn Baptist Church when approaching from the north.* *The Statement of Significance for the Auburn Baptist Church refers to the aesthetic significance of the 1928 Romanesque church building and makes no mention of the church hall addition that was constructed at a later date.* *As the subject site is located south east of the church and separated by the intervening church hall it will not be seen in the view when looking directly at the church.* *The impact of the proposal is minimized by setting Building B [western building] back from the northern boundary, and the extensive setback of the tower component of this building.* *The distinctive presentation of the church tower in the Harrow Road streetscape will not be affected by the proposed development. There will be no impact on its historic or social significance resulting from the proposed development."* It can, therefore, be concluded that the proposed development will not have an adverse impact on the significance of the aforementioned heritage items.				
(6) Heritage conservation management plans The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.	☐	☐	☒	
(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):				
(a) notify the Heritage Council of its intention to grant consent, and	☐	☐	☒	
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	☐	☐	☒	
(8) Aboriginal places of heritage significance The consent authority must, before				

Clause		Yes	No	N/A	Comment
	granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:				
	(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and	☐	☐	☒	
	(b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.	☐	☐	☒	
(9)	Demolition of item of State significance The consent authority must, before granting consent for the demolition of a nominated State heritage item:				
	(a) notify the Heritage Council about the application, and	☐	☐	☒	
	(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	☐	☐	☒	
(10)	Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:				
	(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and	☐	☐	☒	
	(b) the proposed development is in accordance with a heritage conservation management document that has been approved by the consent authority, and	☐	☐	☒	
	(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and	☐	☐	☒	
	(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting or the heritage significance of the Aboriginal place of heritage significance, and	☐	☐	☒	
	(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.	☐	☐	☒	

Clause		Yes	No	N/A	Comment
Part 6 Additional local provisions					
6.1 Acid sulfate soils					
• The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.		☒	☐	☐	In accordance with the Acid Sulfate Soils Map ASS_002, the subject land is identified as Class 5 and is not located within 500 metres of Class 1, 2, 3 or 4 land. An acid sulfate soils management plan is, therefore, not required.
• Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.		☒	☐	☐	
Class	**Works of land**				
1	Any works.				
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.				
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.				
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.				
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.				
• Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.		☐	☐	☒	
• Despite subclause (2) Development consent is not required under this clause for the carrying out of works if: (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.		☐	☐	☒	
• Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):		☐	☐	☒	

Clause	Yes	No	N/A	Comment
(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety, (b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil), (c) minor work, being work that costs less than $20,000 (other than drainage work). • Despite subclause (2), development consent is not required under this clause to carry out any works if: (a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or (b) the works are likely to lower the watertable.	☐	☐	☒	
6.2 Earthworks (1) The objectives of this clause are as follows: (a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land, (b) to allow earthworks of a minor nature without separate development consent.	☒	☐	☐	The proposal involves earthworks (excavation) for the basement car parking. The works will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of surrounding land.
(2) Development consent is required for earthworks, unless: (a) (a) the work does not alter the ground level (existing) by more than 600 millimetres, or (b) (b) the work is exempt development under this Plan or another applicable environmental planning instrument, or (c) the work is ancillary to other development for which development consent has been given.	☐	☐	☒	
(3) Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability	☒	☐	☐	

Clause	Yes	No	N/A	Comment
in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or of the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area. Note. The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.				
6.3 Flood planning (1) The objectives of this clause are: (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment.	☒	☐	☐	The subject site is not in a flood planning area.
(2) This clause applies to: (a) land that is shown as "Flood planning area" on the Flood Planning Map, and (b) other land at or below the flood planning level.	☐	☐	☒	
(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development: (a) is compatible with the flood hazard of the land, and (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and	☐	☐	☒	

Clause		Yes	No	N/A	Comment
	(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.				
(4)	A word or expression used in this clause has the same meaning as it has in the NSW Government's *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this clause.	☒	☐	☐	
(5)	In this clause: *flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard. *Flood Planning Map* means the Auburn Local Environmental Plan 2010 Flood Planning Map.				
6.4	**Foreshore building line**				
(1)	The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.	☐	☐	☒	The site is not situated adjacent to a watercourse or a water body. The clause will not apply to this application.
(2)	This clause applies to land identified as below the foreshore building line on the Foreshore Building Line Map.				
(3)	Development consent must not be granted for development on land in the foreshore area except for the following purposes:				
	(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,	☐	☐	☒	
	(b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,	☐	☐	☒	
	(c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoor).	☐	☐	☒	
(4)	Development consent must not be granted under subclause (3) unless the consent authority is satisfied that:				
	(a) the development will contribute to achieving the objectives for the zone in which the land is located, and	☐	☐	☒	
	(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and	☐	☐	☒	
	(c) the development is not likely to cause environmental harm such as:	☐	☐	☒	
	(i) pollution or siltation of the	☐	☐	☒	

Clause	Yes	No	N/A	Comment
waterway, or (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or (iii) an adverse effect on drainage patterns, and (d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and (g) in the case of development for the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, the extension, alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and (h) sea level rise or change of flooding patterns as a result of climate change have been considered.	☐	☐	☒	The site is not situated adjacent to a watercourse or a water body.
6.5 Essential Services (1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage. (d) stormwater drainage or on-site conservation, (e) suitable road access. (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.	☒	☐	☐	The site has suitable road access and, should, the application be approved, conditions of consent will be imposed with respect to the provision of site services.

- ***Clause 4.6 Exceptions to development standards***

It is proposed to vary the maximum building height established under Clause 4.3 Height of Buildings.

In terms of the applicant's obligation to address the variation of the development standard, Clause 4.6(3) states:

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant has submitted the following justification in support of the variation sought to the development standard pertaining to maximum building height:

"In the circumstances of the case, the provision of strict numerical compliance would be unreasonable due to the following:

1. *An urban design study was undertaken on behalf of Council in September 2012. The urban design study investigated a number of local centres, including the Auburn Town Centre. The investigation was undertaken to consider the impact of the proposed increase in FSR controls on the town centres and to recommend appropriate controls and strategies.*

   The urban design study is the basis of the exhibited Planning Proposal (PP-3/2010). That Planning Proposal seeks to amend the height and FSR controls in the Auburn Town Centre as set out in the following table.

	Existing FSR	Proposed FSR	Existing Height	Proposed Height
93-107 Auburn Rd	3.6:1	5.0:1	36.0m	36.0m
Land to nth & sth	3.0:1	5.0:1	27.0m	38.0m

   It can be seen that the subject large consolidated site is having an FSR increase of 1.4:1 but no increase in height.

   Compared to adjoining lands, the historic 33% difference in height has not been continued. The adjoining lands are now proposed to have the same FSR and a 2.0m greater height. A proportional height increase would result in a height of 46.88m, or if a 33% differentiation over the proposed 38.0m was maintained, the height would be 50.5m.

   This approach is consistent with the urban design study which acknowledged that building height controls will require revision where density increases.

   The detailed design consideration of the subject application has pursued a design approach of taller more slender building forms.

   The alternate approach is to avoid a visually bulky development within the height limit, or to reduce the height of the towers and provide a larger east-west profile of the towers. This has been determined to lead to a poorer urban outcome as:

   - *The separation between the towers is reduced;*
   - *The amenity of the through site link and village square is reduced due the greater sense of enclosure;*
   - *The number of south-facing apartments would increase; and*
   - *The profile of the towers to Harrow Road and Auburn Road would increase, losing the more slender silhouette proposed.*

2. *The site is subject to a draft exhibited LEP which proposes to increase the FSR to 5.0:1 (PP-3/2010). The proposal does not exceed the Draft FSR control, proposing a total FSR of 4.75:1 demonstrating that the density of development is consistent with the desired future character of the locality.*

3. *The site having a dual frontage and large site area of 4,849sqm has been able to position the towers on the site in a manner that presents low-rise podiums to the street frontages, with narrow towers above.*

4. *The variation of the height control allows for the provision of FSR in a manner consistent with the intended outcomes of Planning Proposal (PP-3/2010) to:*

    - *Enable high density residential and mixed use development that contribute to housing targets;*

    - *Maximise the use of public transport, walking and cycling in areas of high accessibility; and*

    - *Ensure development in Auburn supports the centre's hierarchy of the Metropolitan Plan for Sydney 2036.*

Given the circumstance of the case, the provision of a strict numerical compliance would be unreasonable on the basis that the proposed development achieves compliance with the objectives of the standard, and is compatible with adjoining development."

"In the circumstances of the case, there are sufficient planning grounds to justify contravening the development standard being:

- *The proposal satisfies the objectives of the B4 mixed use zone and the objectives of the building height standards as described …. above.*

- *Non-compliance with the standards does not contribute to adverse environmental impacts in terms of overshadowing, visual impacts or view loss.*

- *The scale of the proposed development is consistent with the scale of the surrounding development and streetscape along Auburn Road, with the towers setback and presenting a slender profile.*

- *The proposal has a maximum FSR of 4.75:1 which readily complies with the proposed maximum FSR development standard of 5.0:1 proposed for the locality.*

- *The proposed development is generally consistent with controls and the intent of the controls, contained in the Auburn Development Control Plan 2010."*

In terms of matters to be taken into consideration when granting consent to a variation of a development standard, Clause 4.6(4) states:

(4) Consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,"

The applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3) insofar as compliance with the development standard pertaining to the maximum building height control is unreasonable or unnecessary in the

circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standard.

The Auburn City Urban Design Study, commissioned by Council and completed by AECOM Australia Pty Ltd September in 2012, identifies the site under 'Major Landholdings' and a 'Likely Opportunity Site', meaning that it is a large site under private ownership with potential for development. The study recommended an increase in the maximum building height stipulated under ALEP 2010 of 36m to 43m (12 storeys). The subsequent Planning Proposal by Council did not include the recommended height variation on the subject site despite the height limit on adjoining land being increased to 38m and the site of the Auburn Village Shopping Centre to the north increasing to 49m.

The applicant is seeking to vary the height limit as a means of addressing the disparity between the increased FSR of 5.0:1 and the retention of the existing maximum height limit of 36m. The exceedance of the height limit allows for a reduced building footprint and bulk, greater building setbacks, and enables improved compliance with residential amenity standards in state and local plans and policies. The proposed development, therefore, satisfies the objectives of the 'Height of buildings' development standard insofar as the proposed building height enables an appropriate development density of 4.84:1 to be achieved. Although the building heights may be somewhat above future development in the locality, the development will however, be compatible in scale and character presenting as two well defined buildings of contemporary design and appearance.

The consent authority must also be satisfied that the proposed development complies with the objectives of the B4 mixed use zone. To this end, the development provides for integrated and compatible land uses in a highly accessible location so as to encourage public transport patronage, walking and cycling; it provides for high density residential buildings; opportunities for retail/business uses which will contribute to economic growth; and an accessible, attractive and safe public domain through the provision of a publicly accessible through site link/Village Square, and appropriate interface with Auburn and Harrow Roads.

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

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

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

Auburn Development Control Plan 2010

(a) Local Centres

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

Requirement	Yes	No	N/A	Comments
2.0 Built Form				
Objectives a. To provide richness of detail and architectural interest, especially to visually prominent parts of buildings such as lower storeys and street facades. b. To ensure that the form, scale, design and nature of development enhances the streetscape and visual quality of commercial areas within the Auburn local	☒ ☒	☐ ☐	☐ ☐	The proposed design is considered to be a high quality design of contemporary appearance and consistent with the desired future character of the zone and locality. As discussed in detail previously, the development is of an appropriate density (complying with the maximum

government area. c. To ensure that the built form and density of a new development respects the scale, density and desired future character of the area. d. To ensure development appropriately supports the centres hierarchy within the Auburn local government area.	☒ ☒	☐ ☐	☐ ☐	FSR under ALEP 2010) and, although the maximum building height is exceeded, the scale of the development is compatible with existing low-scale development through the inclusion of podium levels. Low scale commercial properties in the vicinity of the site are yet to reach their development potential and will likely be developed in the future.
2.1 Number of storeys **Performance criteria** **P1** To ensure an acceptable level of amenity and future flexibility is provided for new commercial and residential developments. **Development controls** **D1** The minimum finished floor level (FFL) to finished ceiling level (FCL) shall be as follows: • **3300mm for ground level (regardless of the type of development);** • 3300 for all commercial/retail levels; and • 2700mm for all residential levels above ground floor.	☐ ☐ ☒ ☒	☐ ☒ ☐ ☐	☒ ☐ ☐ ☐	The proposed development is considered to provide an acceptable level of amenity for the intended occupants. **Residential units on the ground floor have a floor to ceiling height of 2.7m. This is considered to be acceptable given the residential use.** Floor to ceiling heights of 3.3m have been provided for the retail/business tenancies on the ground floor. Floor to ceiling heights of 2.7m have been provided for the residential levels.
2.2 Articulation and proportion **Performance criteria** **P1** The bulk, scale and intensity of development is consistent with the scale of surrounding existing and planned developments. **P2** Existing horizontal or vertical rhythms in a streetscape are complemented by new facades. Visual interest in a building is achieved by: articulation of facade into horizontal divisions of base, middle and top; balcony and fenestration details; and proportion, spacing and modelling of the surface through detail and relief. **P3** New facades complement the predominant horizontal and vertical proportions in the street and are compatible with surrounding buildings. **Development controls** **D1** Buildings shall incorporate: • balanced horizontal and vertical proportions and well spaced and proportioned windows; • a clearly defined base, middle and top; • modulation and texture; and • architectural features which give human scale at street level such as entrances	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	This matter has been discussed previously. The bulk and scale of the development is considered appropriate with regard to the future desired character of the area and zone objectives. The built form is articulated into a clearly defined base with discernable pedestrian access. All facades are appropriately articulated through the use of vertical and horizontal elements, including balconies, windows, varied setbacks and external finishes. Surrounding development is comprised of low-rise residential buildings, a place of public worship, schools, and retail/business premises. The treatment of the podium levels of the buildings is considered to complement the scale of existing buildings within the vicinity. The proposed design possesses balanced and horizontal elements and well spaced and proportional windows. The buildings are modulated with the provision of recesses building elevations. The ground floor treatment is of an appropriate scale.

and porticos. **D2** The maximum width of blank walls for building exteriors along key retail streets shall be 5m or 20% of the street frontage, whichever is the lesser. **D3** Articulation of the building exterior shall be achieved through recesses in the horizontal and vertical plane, adequate contrasts in materials, design features and the use of awnings. **D4** Features such as windows and doors shall be in proportion with the scale and size of the new building and any adjoining buildings which contribute positively to the streetscape. **D5** Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The design of the buildings complies with these development controls.
2.3 Materials **Performance criteria** **P1** Materials enhance the quality and character of the business precinct. **Development controls** **D1** New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the character of buildings in the locality. **D2** Building materials and finishes complement the finishes predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building. **D3** Building facades at street level along primary streets and public places consist of a minimum of 80% for windows/glazed areas and building and tenancy entries. **D4** Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The proposed materials are considered to be of high quality and contemporary appearance which will enhance the character of the town centre. The development is acceptable in this regard. The facade contains a mix of masonry, glazing and decorative steel panels which are appropriate for the mixed use nature of the buildings and the Town Centre locality. The ground level building façade facing Auburn Road is largely comprised of glazing. Should the application be recommended for approval, an appropriate condition could be imposed in this regard.
2.4 Roofs **Performance criteria** **P1** Roof design is integrated into the overall building design. **Development controls** **D1** Design of the roof shall achieve the following: • concealment of lift overruns and service plants; • presentation of an interesting skyline; • enhancing views from adjoining developments and public places; and • complementing the scale of the	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	Plant rooms are to be located in the basement. The lift overruns are integrated into the design of the buildings. The roofs are comprised of various horizontal planes and will provide interest within the skyline. The roof design will not affect views from adjoining developments and/or public spaces. The roof design complements the scale of the buildings.

building. **D2** Roof forms shall not be designed to add to the perceived height and bulk of the building.	☒	☐	☐	The roof form does not add to the perceived height and bulk of the building.
D3 Where outdoor recreation areas are proposed on flat roofs, shade structures and wind screens shall be provided.	☒	☐	☒	There are no recreation areas proposed on the roofs of the buildings.
2.5 Balconies **Performance criteria** **P1** Balconies contribute positively to the amenity of residents and the visual quality of the local centre. **Development controls**	☒	☐	☐	
D1 Balustrades and balconies shall be constructed from a balance of solid and transparent material to allow for views from the interior.	☒	☐	☐	The facade and balconies present to the street in a coordinated balance of glass and masonry.
D2 Balconies and terraces shall be oriented to overlook public spaces.	☒	☐	☐	Balustrades consist of partly transparent materials to allow for views into public spaces.
D3 The design of the underside of the balcony shall take into consideration the view of the underside from the street and shall not have exposed pipes and utilities.	☒	☐	☐	Should the application be recommended for approval, an appropriate condition will be imposed with respect to the treatment of the underside of balconies.
D4 Screens, louvers or similar devices shall be provided to balconies so as to visually screen any drying of laundry.	☒	☐	☐	Elements such as screens and solid balustrades are proposed to some of the balconies. Should the application be approved, it is recommended that a condition of consent be imposed requiring that 50% of any balconies which contain only transparent glazing be fitted with translucent glazing, a screen, or solid element so as to screen clothes drying.
2.6 Interface with schools, places of public worship, and public precincts **Development controls** **D1** Where a site adjoins a school, place of public worship or public open space: • This interface shall be identified in the site analysis plan and reflected in building design;	☒	☐	☐	The site adjoins the Auburn Baptist Church and Hall to the north and Auburn Public School, to the east on the opposite side of Harrow Road. The buildings have been setback from the northern boundary with the Church/Hall to accommodate a through site link and Village Square. The tower elements have a greater setback than the podium levels providing an appropriate transition in scale between the development and the adjoining Church/Hall.
• Building design incorporates an appropriate transition in scale and character along the site boundary(s);	☒	☐	☐	
• Building design presents an appropriately detailed facade and landscaping in the context of the adjoining land use.	☒	☐	☐	The main playground to the school (on the eastern side of Auburn Road) is located on the eastern side of the site behind one and two storey school buildings. The grounds are surrounded by an open style palisade fence allowing views into the school from the footpath and surrounding development. The proposed development is directly opposite the northern portion of the school (which is largely dedicated to car parking) and is separated from the site by Auburn Road. This separation, combined with the main playgrounds being located on the eastern side of the one (1) and two (2) storey school buildings and the location of large trees
D2 The potential for overlooking of playing areas of schools shall be minimised by siting, orientation or screening.	☒	☐	☐	
D3 Fencing along boundaries shared with public open space shall have a minimum transparency of 50%.	☒	☐	☐	
D4 Sight lines from adjacent development to public open space shall be maintained and/or enhanced. Direct, secure private access to public open space is encouraged, where possible.	☐	☐	☐	

				on the site, will obscure views into the playground.
3.0 Streetscape and Urban form				
Objectives a. To ensure development integrates well with the locality and respects the streetscape, built form and character of the area. b. To encourage innovative development which is both functional and attractive in its context.	☒ ☒	☐ ☐	☐ ☐	
3.1 Streetscape **Performance criteria** **P1** New and infill development respects the integrity of the existing streetscape and is sympathetic in terms of scale, form, height, shopfront character, parapet, verandah design, and colours and materials, in a manner which interprets the traditional architecture, albeit in modern forms and materials. **P2** New development conserves and enhances the existing character of the street with particular reference to architectural themes. **Development controls** **D1** Applicants shall demonstrate how new development addresses the streetscape and surrounding built environment. **D2** Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	☒ ☒ ☒ ☐	☐ ☐ ☐ ☐	☐ ☐ ☐ ☒	The proposed development responds appropriately to the existing streetscape. The podium levels are compatible with the existing Church and residential buildings in the vicinity. The commercial sites to the east and south are, however, likely to be redeveloped in the future as these buildings are of little architectural merit and the sites have significant development potential. The proposed buildings reflect the intensity of development envisaged for the Auburn Town Centre.
3.2 Setbacks **Performance criteria** **P1** The setback of new buildings is consistent with the setback of adjoining buildings. **P2** The built edge of development at the street frontage contributes to a sense of enclosure and scale within the centre. **P3** The design of landmark or gateway buildings on corner and junction sites recognises the importance of these sites as dominant elements in the streetscape (see Figure 1 below). **P4** The design of infill buildings reinforces continuity, symmetry and unity in the streetscape (see Figure 2 below). **Development controls** **D1** New development or additions to existing development shall adopt the following front setbacks: • Nil setbacks for the first two storeys, particularly if adjoining buildings are on a nil setback (see Figure 3 below). This reinforces the existing continuity of the streetscape. • Where new buildings are more than two storeys in height, the levels above the first two storeys are set back by stepping the upper levels and/or roof. **D2** Corner sites shall reinforce the street corner, incorporate strong architectural	☒ ☒ ☐ ☒ ☐ ☒ ☐	☐ ☐ ☐ ☐ ☒ ☐ ☐	☐ ☐ ☒ ☐ ☐ ☐ ☒	The site is not located on a corner nor is it identified as a gateway site. The ground floor of the Auburn Road frontage of the development has a nil setback. The upper podium levels have varying setbacks. Balconies are, however, provided at either end of the frontage with a nil setback so as to complement the setbacks of existing and future development. The proposal is acceptable having regard to the performance criteria, in that the built edge of the development contributes to a sense of enclosure and scale.

elements and adhere to a nil setback for the lower two storeys. **D3** Where business development is located adjacent to existing residential properties, new development shall be set back from side boundaries as follows: • External walls – 900mm for single storey development. • External walls – 1500mm for two storeys. Depending on performance and other criteria, side setbacks may be required to be increased in order to minimise potential impacts on adjoining properties in terms of solar amenity, views, privacy and overshadowing.	☐ ☐	☐ ☐	☒ ☒	The subject site does not adjoin residential development, however, side setbacks are provided in excess of these requirements, with the exception the podium levels facing Auburn Road which have a nil setback from the southern side boundary so as to comply with built edge/street wall requirements of the DCP (NB: this part of the development currently adjoins retail/business premises)
4.0 Mixed Use Developments				
Objectives a. To encourage sustainable development by permitting services and employment-generating uses in conjunction with residential uses. b. To provide affordable residential development within close proximity to transport, employment and services. c. To enhance the vitality and safety of commercial centres by encouraging further residential development. d. To achieve a lively and active street frontage by encouraging the integration of appropriate retail and commercial uses with urban housing.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development satisfies the objectives for mixed use development insofar as employment generating uses are provided in conjunction with residential uses, a mix of unit sizes is provided in close proximity to transport and services, and the vitality and safety of the town centre is enhanced through the provision of residential development, and active street frontages.
4.1 Building design **Performance criteria** **P1** Mixed use developments are designed to architecturally express the different functions of the building while sympathetically integrating into the local centre streetscape. **Development controls** **D1** The architecture of ground level uses shall reflect the commercial/retail function of the centre. **D2** Buildings shall achieve a quality living environment that sympathetically integrates into the character of the commercial precinct. **D3 Commercial and retail servicing, loading and parking facilities shall be separated from residential access and servicing and parking.**	☒ ☒ ☒ ☒	☐ ☐ ☐ ☒	☐ ☐ ☐ ☐	The ground floor retail/business tenancies and upper residential levels have a clearly defined appearance which integrates into the town centre streetscape. **All of the car parking for the development is accessed via a single driveway from Harrow Road. The allocation of car parking spaces for the retail/business tenancies and residents has been separated onto different levels. This is considered to be a satisfactory arrangement.**
4.2 Active street frontages **Performance criteria** **P1** Street activity is enhanced by: • the concentration of retail outlets and restaurants at street level; and • the number of entrances at street level. **Development controls** **D1** Retail outlets and restaurants are located at the street frontage on the ground level. **D2** A separate and defined entry shall be	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The development includes retail/commercial tenancies across the Auburn Road frontage and facing the through site link and Village Square. A tenancy is also located on the Harrow Road frontage adjacent to the through site link which will enhance street activity and draw people through the site.

provided for each use within a mixed use development.				Each tenancy has its own entry and a separate residential entry is provided to both buildings.
4.3 Amenity **Performance criteria** **P I** The amenity provided for residents of a mixed use development is similar to that expected in residential zones in terms of visual and acoustic privacy, solar amenity and views. **Development controls** **D I** The internal environment of dwellings within mixed use developments in the vicinity of major arterial roads or railway lines shall provide an appropriate level of amenity for privacy, solar access and views.	☒ ☐	☐ ☐	☐ ☒	The development provides for an appropriate level of residential amenity. Refer to the SEPP 65/Residential Flat Design Code assessment section of the report. The development is not located in the near vicinity of railway lines or arterial roads.
4.4 Residential flat building component of mixed use developments Applicants shall consult the Residential Flat Buildings Part of this DCP for the design requirements for the residential flat building component of a mixed use development.	☒	☐	☐	Refer to the Auburn DCP – Residential Flat Buildings compliance table below.
5.0 Privacy and Security				
Objectives a. To provide personal and property security for residents and visitors and enhance perceptions of community safety. b. To enhance the architectural character of buildings at night, improve safety and enliven the town centre at night. **Performance criteria** **P1** Private open spaces and living areas of adjacent dwellings are protected from overlooking. **P2** Site layout and design of buildings, including height of front fences and use of security lighting, minimises the potential for crime, vandalism and fear. **Development controls** **D1** Views onto adjoining private open space shall be obscured by: • Screening with a maximum area of 25% openings is permanently fixed and made of durable materials; or • Incorporating planter boxes into walls or balustrades to increase visual separation between areas. Existing dense vegetation or new planting may be used as a secondary measure to further improve privacy. **D2** Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings.	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	The proposal is considered to promote safety and security in the local area by increasing passive surveillance and providing active street frontages. Harrow Road provides adequate separation to protect the privacy of residential flat buildings on its western side. The development's design, and incorporation of security features, will minimise the potential for crime, vandalism, and the perception of safety. The development has provided numerous privacy features to ensure adjoining development (existing and future) is not adversely impact upon. Appropriate screening and planter boxes to private open space areas have been provided where required. The two buildings have been designed around a large Village Square with windows to habitable rooms separated by a distance of more than 12m. Windows to living rooms and main bedrooms for the majority of units have been oriented to the street and within the site. Units on the southern side of the building have bedroom and kitchen windows facing the boundary which may be opposite windows of any future development on the adjoining sites.

D3 Shared pedestrian entries to buildings shall be lockable.	☒	☐	☐	The windows, however, are setback 8.825m from the boundary and, given that any future development will also be required to be setback from the boundary, adequate separation between the windows will be provided.
D4 Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	☒	☐	☐	The buildings have been designed to overlook the street and the proposed Village Square and through site link.
D5 Development shall be consistent with Council's Policy on Crime Prevention Through Environmental Design.	☒	☐	☐	A crime risk report has been submitted with the application and the proposed development is consistent with the principles of Crime Prevention Through Environmental Design (CPTED). Further, the NSW Police have raised no objections to the proposal. The proposed development is not currently adjacent to residential development.
5.1 Lighting **Performance criteria**				Should the application be recommended for approval, appropriate conditions may be imposed with regards to lighting.
P1 Lighting is provided to highlight the architectural features of a building and enhance the identity and safety of the public domain but does not floodlight the facade.	☒	☐	☐	
P2 The use of integrated lighting systems in retail shops is both functional and decorative.	☒	☐	☐	
P3 Lighting is sufficient for its purpose and used to make bold design statements.	☒	☐	☐	
P4 Lighting does not interfere with amenity of residents or safety of motorists.	☒	☐	☐	
Development controls				
D1 Lighting design shall be integrated with the interior design of a retail/commercial premise. The use of low voltage track lighting, recesses spotlighting and designer light fittings is encouraged.	☒	☐	☐	
D2 Lighting systems shall incorporate specific display lighting to reinforce merchandise and provide a contrast against the street lighting generally.	☒	☐	☐	
D3 Surface mounted fluorescent fixtures shall not be considered in any part of the retail areas of the premises.	☒	☐	☐	
D4 The light source shall be selected to provide the desired light effect; however, fitting and methods shall be chosen produce the highest energy efficiency.	☒	☐	☐	
D5 Lighting shall not interfere with the amenity of residents or affect the safety of motorists.	☒	☐	☐	
D6 Excessive lighting shall not be permitted. Light spill onto the street into the public domain shall be minimised.	☒	☐	☐	
5.2 Shutters and grilles **Performance criteria**				Details have not been provided with the application of any shutters or grilles to the retail/commercial tenancy shopfronts. Should the application be
P1 Security shutters, grilles and screens allow the viewing of shopfront windows and light to spill out onto the footpath.	☒	☐	☐	
P2 Shutters, grilles and screens are to be	☒	☐	☐	

made from durable, graffiti-resistant materials and compatible with the building style. **Development controls** **D1** Windows and doors of existing shopfronts shall not be filled in with solid materials. **D2** Security shutters, grilles and screens shall: • be at least 70% visually permeable (transparent); • not encroach or project over Council's footpaths; and • be made from durable, graffiti-resistant materials. **D3** Solid, external roller shutters shall not be permitted.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	approved, however, a condition of consent will be imposed to ensure compliance with these requirements.
5.3 Noise **Performance criteria** **P1** New commercial developments within major arterial roads or railway lines are designed to mitigate noise and vibration impacts. **P2** Commercial uses in the local centres must minimise noise impacts on adjoining residential areas caused by loading/unloading, late night operations, use of plant and equipment and entertainment activities. **Development controls** **D1** New commercial development (whether part of a mixed use development or not) shall comply with the provisions of the relevant acts, regulations, environmental planning instruments, Australian Standards and guidelines produced by the NSW Department of Environment, Climate Change and Water, the NSW Roads and Traffic Authority and the NSW Department of Planning as applicable for noise, vibration and quality assurance. This includes: • Development Near Rail Corridors and Busy Roads, NSW Department of Planning, December 2008 – Interim Guidelines. • NSW Industrial Noise Policy; • Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and • Environmental Criteria for Road and Traffic Noise. **D2** Restaurant and cafe design shall minimise the impact of noise associated with late night operation on nearby residents. Operation includes loading/unloading of goods/materials and the use of plant and equipment at a proposed commercial premise. **D3** An acoustic report shall be submitted with a development application for a proposed commercial use in the local centre that operates during the hours between 10pm and 6am.	☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☐ ☒ ☒ ☒ ☒ ☒ ☒	The subject site is not located within close proximity of major arterial roads or railway lines. The proposed development includes ground floor retail/commercial tenancies. Should the application be approved, appropriate conditions of consent will be imposed with respect to noise emissions from these premises. Further, separate development applications will be required for the use of these tenancies and hours of operation will be assessed at that time. The use of the retail/commercial tenancies has not been nominated as part of the subject application. Separate development applications will be required for the use of these tenancies.

6.0 Access and Car Parking In addition to this section, applicants shall consult the Parking and Loading Part of this DCP for other access, parking and loading requirements for all development within local centres.				
6.1 Access, loading and car parking requirements **Development controls**				Refer to the Auburn DCP 2010 – Parking and Loading compliance table.
D1 Car parking rates shall be provided in accordance with the Parking and Loading Part of this DCP.	☒	☐	☐	
6.2 Creation of new streets and laneways **Performance criteria**				
P1 All new proposed roads are designed to convey the primary function of the street, including:				
• Safe and efficient movement of vehicles and pedestrians;	☐	☐	☒	The proposal does not include any new streets or laneways.
• Provision for parked vehicles and landscaping, where appropriate;	☐	☐	☒	
• Location, construction and maintenance of public utilities; and	☐	☐	☒	
• Movement of service and delivery vehicles.	☐	☐	☒	
Development controls				
D1 On some sites, new streets may be able to be introduced. Where a new street shall be created, the street shall be built to Council's standards, Road Design Specification D1 and relevant Quality Assurance requirements while having regards to the circumstances of each proposal. Consideration will be given to maintaining consistency and compatibility with the design of existing roads in the locality.	☐	☐	☒	
D2 Development adjoining a new laneway shall contribute to an attractive streetscape and presents a well designed and proportioned facade and incorporates windows, balconies, doorways and landscaping, where possible.	☐	☐	☒	
D3 New public laneways created within large blocks shall maximise pedestrian and vehicle connections within local centres.	☐	☐	☒	
D4 A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side.	☐	☐	☒	
D5 New streets shall be dedicated to Council. The area of any land dedicated to Council shall be included in the site area for the purpose of calculating the floor space ratio.	☐	☐	☒	
7.0 Landscaping				
Objectives a. To create attractive buildings, public spaces and walkways.	☒	☐	☐	The concept landscape plan indicates appropriate landscaping which responds to the scale of the Village Square and through site link. The plan provides for private and communal open spaces for future residents of the development, and the Village Square also provides additional recreation space for residents, employees of the retail/commercial tenancies and
b. To improve visual quality and contribute to a more positive local centre experience.	☒	☐	☐	
c. To reduce impacts on climate change at the local level and improve the natural environmental features and local ecology of the local centre.	☒	☐	☐	
Performance criteria **P1** Landscaping forms an integral part of the	☒	☐	☐	

	overall design concept.				members of the public.
P2	Landscape reinforces the architectural character of the street and positively contributes to maintaining a consistent and memorable character.	☒	☐	☐	
P3	Landscaped areas are used to soften the impact of buildings and car parking areas as well as for screening purposes.	☒	☐	☐	
P4	Landscaped areas are provided for passive and recreational use of workers.	☒	☐	☐	
Development controls					
D1	Development shall incorporate landscaping in the form of planter boxes to soften the upper level of buildings.	☒	☐	☐	
D2	At grade car parking areas, particularly large areas, shall be landscaped so as to break up large expanses of paving. Landscaping shall be required around the perimeter and within large carparks.	☐	☐	☒	
D3	In open parking areas, one (1) shade tree per ten (10) spaces shall be planted within the parking area.	☐	☐	☒	All car parking is to be provided in basement levels.
D4	Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to provide associated site security.	☒	☐	☐	
D5	Paving and other hard surfaces shall be consistent with architectural elements.	☒	☐	☐	
7.1 Street trees					
D1	Street trees shall be planted at a rate of one (1) tree per lineal metre of street frontage, even in cases where a site has more than one street frontage, excluding frontage to laneways.	☒	☐	☐	There are no trees on the site, nor are there any street trees along either the Auburn Road or Harrow Street frontages. Should the application be approved, a condition of consent will be imposed requiring that street trees be provided in accordance with the public domain plans for the Auburn Town Centre.
D2	Street tree planning shall be consistent with Council's Street Tree Masterplan or relevant Public Domain Plan or Infrastructure Manual.	☒	☐	☐	
D3	Significant existing street trees shall be conserved and, where possible, additional street trees shall be planted to ensure that the existing streetscape is maintained and enhanced.	☐	☐	☒	
D4	Where street trees and the provision of awnings are required, cut-outs shall be included in the awning design to accommodate existing and future street trees.	☐	☐	☒	
D5	Driveways and services shall be located to preserve significant trees.	☐	☐	☒	
D6	At the time of planting, street trees shall have a minimum container size of 200 litres and a minimum height of 3.5m, subject to species availability.	☐	☐	☒	
D7	Planter boxes (or similar) surrounding trees in the footpath shall be 1.2m x 1.2m, filled with approved gravel and located 200mm from the back of the kerb line.	☐	☐	☒	
8.0 Energy Efficiency and Water Conservation					
Objectives					A BASIX Certificate has been submitted to address the energy efficiency and water conservation measures required for the residential component of the building and the common areas (such as foyers and basement car park). Should the application be approved a condition of
a.	To achieve energy efficient commercial and retail developments.	☒	☐	☐	
b.	To encourage site planning and building design which optimises site conditions to achieve energy efficiency.	☒	☐	☐	
c.	To minimise overshadowing of the public	☒	☐	☐	

domain including streets and open space. d. To give greater protection to the natural environment by reducing greenhouse gas emissions. e. To encourage the installation of energy efficient and water conserving appliances. f. To reduce the consumption of non-renewable energy sources for the purposes of heating, water, lighting and temperature control. g. To minimise potable water mains demand of non-residential development by implementing water efficiency measures.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	consent will also be imposed with respect to the provision of energy efficient lighting, heating/cooling systems, and water saving devices in the commercial tenancies. With regard to overshadowing of the public domain, there are no areas of public open space in the vicinity of the site. Overshadowing of the public domain is, therefore, confined to footpaths. The shadow diagrams submitted with the application shows shadows moving across the following streets: • Harrow Road & Beatrice Street (west of Harrow Road) from 9am to 11am; • Beatrice Street, between Auburn Road and Harrow Road, from 9am and 3pm; • Beatrice Street, between Auburn Road and Susan Street) from 1pm; and • Auburn Road from 12 noon. Future development of sites to the south of the subject site would also result in these streets being affected by shadow. Further, existing buildings also block solar access to the western side of Auburn Road and northern side of Beatrice Street at various times of the day. The proposed development is, therefore, not considered to result in excessive overshadowing of footpaths in the vicinity of the site.
8.1 Energy efficiency **Performance criteria** **P1** Internal building layouts are designed to minimise use of fossil fuel for heating and cooling and to encourage use of renewable energy in their running. Building materials and insulation assist thermal performance. **Development controls** **D1** Any hot water heaters to be installed, as far as practicable, shall be solar and, to the extent that this is not practicable, shall be greenhouse gas friendly systems that achieve a minimum 3.5 Hot Water Greenhouse Score. **D2 The practicability of all external lighting and common areas (e.g. undercover car parking) being lit utilising renewable energy resources generated on site shall be investigated. Larger developments (buildings exceeding 400m^2 in area) shall investigate the viability of utilising renewable energy resources for all lighting on site. A statement shall be included with the development application addressing these requirements.**	☒ ☒ ☐	☐ ☐ ☒	☐ ☐ ☐	The building internal layout of the buildings is generally considered acceptable. The building will be made out of appropriate masonry materials with suitable thermal massing properties. This is as per the BASIX certificate requirements. **The applicant's Statement of Environmental Effects states that it is able to comply with this control, however, no details have been submitted. The BASIX Certificate requires energy efficient lighting be installed in common areas and this is considered an acceptable energy efficient measure.**
8.2 Water conservation **Performance criteria** **P1** Water efficiency is increased by	☒	☐	☐	The submitted BASIX Certificate addresses water conservation.

appropriate building design, site layout, internal design and water conserving appliances. **Development controls** **D1** New developments shall connect to recycled water if serviced by a dual reticulation system for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes. **D2** Where a property is not serviced by a dual reticulation system, development shall include an onsite rainwater harvesting system or an onsite reusable water resource for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes. **D3** Development shall install all water using fixtures that meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.	☐ ☒ ☒	☐ ☐ ☐	☒ ☐ ☐	A rainwater tank is proposed.
8.3 Stormwater drainage Applicants shall consult the Stormwater Drainage Part of this DCP for requirements for stormwater management.	☒	☐	☐	The proposed method of stormwater disposal is generally acceptable to Council's Development engineers subject to the imposition of appropriate conditions of consent.
8.4 Rainwater tanks **Performance criteria** **P1** Adequate measures are incorporated into new development to encourage the collection and reuse of stormwater and reduce stormwater runoff. **Development controls** **D1** Rainwater tanks shall be installed as part of all new development in accordance with the following: • The rainwater tank shall comply with the relevant Australian Standards; • The rainwater tank shall be constructed, treated or finished in a non-reflective material that blends in with the overall tones and colours of the subject and surrounding development; • Rainwater tanks shall be permitted in basements provided that the tank meets applicable Australian Standards; • The suitability of any type of rainwater tanks erected within the setback area of development shall be assessed on an individual case by case basis. Rainwater tanks shall not be located within the front setback; and • The overflow from rainwater tanks shall discharge to the site stormwater disposal system. For details refer to the Stormwater Drainage Part of this DCP.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	Should the application be approved, a condition of consent will be imposed requiring that the proposed rainwater tank comply with these requirements, and Auburn DCP 2010 – Stormwater Drainage, where relevant.
8.5 Ventilation **Performance criteria** **P1** Natural ventilation is incorporated into the building design. **Development controls**	☒	☐	☐	The proposed development exceeds the minimum requirements for natural ventilation under SEPP 65.

D1 The siting, orientation, use of openings and built form of the development shall maximise opportunities for natural cross ventilation for the purposes of cooling and fresh air during summer and to avoid unfavourable winter winds.	☒	☐	☐	
8.6 Solar amenity **Performance criteria** **P1** New buildings are designed to protect solar amenity for the public domain and residents. **Development controls** **D1** Shadow diagrams shall accompany development applications for buildings which demonstrate that the proposal will not reduce sunlight to less than 3 hours between 9.00 am and 3.00 pm on 21 June for:	☒	☐	☐	
• public places or open space;	☒	☐	☐	The issue of solar access to residential properties has been discussed previously and the proposed development will not reduce sunlight to the private open space areas or windows to residential properties over which shadows are cast, to less than 3 hours between 9am and 3pm in mid-winter. The submitted shadow diagrams also indicate that the playground areas of both sections of Auburn Public School will receive the required solar access. The proposed development will cast shadows only over the Beatrice Street frontage and buildings of the south-western part of the school between 9am and 3pm, and over the south-western portion of the north-eastern part of the school between 1pm and 3pm. There are no public places or open spaces within the vicinity of the site. The proposed Village Square within the subject site will receive solar access to the majority of the space. The proposed development complies with the DCP requirements pertaining to solar access.
• 50% of private open space areas;	☒	☐	☐	
• 40% of school playground areas; or	☒	☐	☐	
• windows of adjoining residences.	☒	☐	☐	
D2 Lighter colours in building materials and exterior treatments shall be used on the western facades of buildings.	☒	☐	☐	The proposed external finishes and colour scheme of the western elevation are appropriate.
9.0 Ancillary Site Facilities				
9.1 Provision for goods and mail deliveries **Performance criteria** **P1** New development incorporates adequate provision in its design for the delivery of goods and mail to both business and residential occupants. **Development controls**	☒	☐	☐	
D1 Provision shall be made on-site for courier car parking spaces in a convenient and appropriately signposted location, preferably with access off the principal street frontage, for developments incorporating greater than 3,000m^2 of	☐	☐	☒	The development does not have a gross leasable commercial floor area of more than 3,000sqm, therefore, a courier space is not provided. The basement car park does, however, include a loading bay.

gross leasable floor area devoted to commercial premises. **D2** Provision of mailboxes for residential units shall be incorporated within the foyer area of the entrance to the residential component of the mixed use developments.	☒	☐	☐	Mailboxes are to be provided adjacent to the ground floor foyer of each of the buildings.
10.0 Other Relevant Controls				
10.1 Waste **D1** Applicants shall consult the Waste Part of this DCP for requirements for disposal.	☒	☐	☐	An acceptable waste management plan, dealing with construction and on-going waste management, has been submitted for the application. The development is acceptable in this regard.
10.2 Access and amenity **D1** Applicants shall consult the relevant provisions within the Access and Mobility Part of this DCP.	☒	☐	☐	The proposed development provides suitable access in accordance with the Access and Mobility part of this ADCP 2010.
11.0 Public Domain				
Objectives a. To ensure private development contributes to a safe, attractive and useable urban environment within the local centres of the Auburn local government area. b. To ensure the public domain forms an integrated part of the urban fabric of commercial centres. c. To encourage both night and day pedestrian activity in the commercial centres. d. To ensure private development contributes to a positive pedestrian environment. e. To encourage public art in new development. **Development controls** **D1** Any works within the public domain or which present to the public domain shall be consistent with Council's Public Domain Manual and/or the Town Centre Infrastructure Manual and Council's Policy on Crime Prevention Through Environmental Design. **D2** New buildings shall contribute to the public domain through the provision of awnings, sheltered building entries, verandahs and canopies, safe pedestrian linkages to car parks, landscaping, and open space, where appropriate. **Note:** Refer to the relevant Public Domain Plan and Council's Public Art Policy.	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	The proposed development is consistent with the objectives and development controls relating to the public domain insofar as it will: • Contribute to a safe, attractive and useable urban environment; • Encourage both night and day pedestrian activity; • Contribute to a positive pedestrian environment; and • Contribute positively to the public domain. This will be achieved through appropriate building design, provision of ground floor retail/business uses and a Village Square with through site link, and completion of town centre upgrading works adjacent to the site frontages.
12.0 Subdivision				
Objectives a. To ensure development sites are of a reasonable size to efficiently accommodate architecturally proportioned buildings and adequate car parking, loading facilities, etc. b. To provide lots which are of sufficient size to satisfy user requirements and to facilitate development of the land while having regard to site opportunities and constraints.	☐ ☐	☐ ☐	☒ ☒	Subdivision of the site is not proposed. The two sites over which the development are proposed will be required to be amalgamated should consent be granted to the application.
12.1 Size and dimensions **Performance criteria** **P1** The size and dimension of proposed lots contribute to the orderly development of	☐	☐	☒	

the commercial centres. **Development controls** **D1** Proposed lots shall be of sufficient area and dimension to allow a high standard of architectural design, the appropriate siting of buildings and the provision of required car parking, loading facilities, access and landscaping.	☐	☐	☒	
12.2 Utility services **Performance criteria** **P1** All essential public utility services are provided to the development to the satisfaction of relevant authorities. **Development controls** **D1** The applicant shall demonstrate that each proposed allotment can be connected to appropriate utility services including water, sewerage, power and telecommunications and (where available) gas. This may include advice from the relevant service authority or a suitably qualified consultant as to the availability and capacity of services. **D2** Common trenching for gas, electricity and telecommunications shall be provided in accordance with agreements between the relevant servicing authorities in NSW.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Should the application be approved, conditions of consent will be imposed with respect to the provision of site services.
13.0 Auburn Town Centre				
13.1 Development to which this section applies This section applies to the Auburn Town Centre which is zoned B4 Mixed Use under *Auburn LEP 2010.* Refer to Figure 4. The development controls apply in addition to the development controls presented in previous sections of this Part. Where there are inconsistencies between the controls contained within this section and other controls within this DCP, these controls prevail to the extent of the inconsistency.	☒	☐	☐	The subject development site is located within the Auburn Town Centre.
13.2 Setbacks **Development controls** **D1** Setbacks within the town centre shall be consistent with Figure 5. **Note:** Landscape setback means the provision of soft landscaping in the area between the property boundary and building. Soft landscaping includes, but is not limited to, grasses, groundcover plants, shrubs and trees. Landscape setbacks shown in this figure have been identified to maintain predominant street setback character in these locations.	☒	☐	☐	The DCP stipulates development with frontage to Auburn Road be built to the boundary and the Harrow Road frontage follow the existing setbacks. The proposed development is built to the boundary at street level facing Auburn Road with the upper residential podium levels having varying setbacks. The Harrow Road frontage is setback between approximately 1.8 (ground floor shop) and 4m (residential units). This side of Harrow Road is characterised by varying setbacks, from properties built to the boundary to the more extensive setback of the Church on the adjacent site to the north. The front setbacks of the proposed buildings respond appropriately to the existing and likely future setbacks of development adjoining the site.
13.3 Street wall heights **Performance criteria** **P1** Development within Auburn Town Centre strengthens urban form by providing a strong street wall. **P2** The built edge of development fronting the street contributes to a sense of enclosure and scale within the town centre. **Development controls**	☒ ☒	☐ ☐	☐ ☐	**The DCP indicates a 4 storey wall/built edge to both the Auburn Road and Harrow Road frontages of the site. The proposed development includes a 3 storey podium to Auburn Road and a 5 storey podium to Harrow Road with the tower element occupying approximately**

D1 The height of the built edge to the street (street wall) formed by new or infill development within Auburn Town Centre shall be consistent with Fig 6.	☐	☒	☐	**50% of the building frontage. The applicant justifies the non-compliance by citing the Draft amendments to the DCP. The Draft DCP indicates a 4 storey street wall to Auburn Road and an 8 storey street wall to Harrow Road. The proposed development however, complies with the performance criteria relating to street wall heights insofar as the buildings provide a strong street wall edge which contributes to a sense of enclosure and scale within the town centre.**
13.4 Active frontages **Development controls** **D1** As a minimum, buildings shall provide active street frontages consistent with Figure 7.	☒	☐	☐	The Auburn Road frontage of the development is comprised of retail/business tenancies which will provide an active street frontage in accordance with the requirements of the DCP.
13.5 Laneways **Development controls** **D1 Redevelopment within the Auburn Town Centre shall make provision for the creation of new laneways as shown in Figure 8.**	☐	☒	☐	**The current DCP shows a proposed laneway on the southern side of the property extending from Harrow Road adjacent to the rear of the properties fronting Beatrice Street. The proposed development does not include a laneway in this location. The applicant has justified the non-provision by citing that the Draft Amendments to the DCP do not include a laneway in this location. The proposal is, therefore, considered acceptable in this regard.**

(b) Residential Flat Buildings

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

Requirement	Yes	No	N/A	Comments
1.0 Introduction				
1.1 Development to which this Part applies This part applies to residential flat building development. It does not apply to Newington and Wentworth Point (formerly Homebush Bay West) areas. Please refer to the Newington Parts of this DCP or the Wentworth Point DCPs listed in Section 1.6 of the Introduction Part of this DCP.				The development site is not located in the Wentworth Point or Newington.
1.2 Purpose of this Part The purpose of this Part is to ensure residential flat buildings: • are pleasant to live in and create enjoyable urban places; • maintain a high level of amenity; • contribute to the overall street locality; • minimise the impact on the environment; and • optimise use of the land.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The development is considered to be generally in compliance with this part.
2.0 Built Form				
• **Objectives**				

• To ensure that all development contributes to the improvement of the character of the locality in which it is located. • To ensure that development is sensitive to the landscape setting and environmental conditions of the locality. • To ensure that the appearance of development is of high visual quality and enhances and addresses the street. • To ensure that the proposed development protects the amenity of adjoining and adjacent properties. • To ensure that the form, scale and height of the proposed development responds appropriately to site characteristics and locality. • To ensure that development relates well to surrounding developments. • To ensure that development maximises sustainable living.	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	The proposed development is consistent with the built form objectives as it improves and addresses the existing streetscape and is compatible with likely future development in the locality.
2.1 Site area **Performance criteria** **P1** The site area of a proposed development is of sufficient size to accommodate residential flat buildings. **Development controls** **D1** A residential flat building development shall have a minimum site area of 1000m^2 and an average minimum width of 24m. **D2** Where lots are deep and have narrow street frontages the capacity for maximising residential development is limited. Two or more sites may need to be amalgamated to provide a combined site with sufficient width for good building design.	☒ ☒ ☐	☐ ☐ ☐	☐ ☐ ☒	The development site is of an acceptable size and dimensions with an area of 4, 849sqm and a frontage to Auburn Road of 36.62m and to Harrow Road of 54.94m
2.2 Site coverage **Performance criteria** **P1** Adequate areas for landscaping, open space and spatial separation is provided between buildings. **Development controls** **D1** **The built upon area shall not exceed 50% of the total site area.** **D2** The non-built upon area shall be landscaped and consolidated into one communal open space and a series of courtyards.	☒ ☐ ☒	☐ ☒ ☐	☐ ☐ ☐	**The built upon area includes not only the building footprint but all hardstand areas such as driveways, courtyards and pathways. The subject development, by virtue of the basement levels occupying the whole site, theoretically has a site coverage of 100% as the development at ground level will be constructed over a slab. The buildings are, however, setback from all boundaries and**

				a Village Square is centrally located on the northern boundary. All areas not occupied by the building footprint are to be landscaped, with a mix of paving and raised planter boxes, and used for communal and private open space. The proposal is acceptable in this regard.
2.3 Building envelope **Performance criteria** **P1** The height, bulk and scale of a residential flat building development is compatible with neighbouring development and the locality. Residential flat buildings: • addresses both streets on corner sites; • align with the street and/or proposed new streets; • are located across the site; and • form an L shape or a T shape where there is a wing at the rear. **Note:** The development control diagrams in section 10.0 illustrate building envelope controls**.**	☒ ☐ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☒ ☐ ☐ ☐	The proposal is consistent with the objectives of the zone and compatible with the desired future character of the area in accordance with the zone objectives. The proposal aligns with the street and is not located on a corner allotment nor requires a laneway to meet its service needs. The building with frontage to Harrow Road forms and 'L' shape and the building with frontage to Auburn Road forms a 'T' shape.
Development controls Council may consider a site specific building envelope for certain sites, including: ▪ corner sites; ▪ double frontage sites; ▪ sites facing parks; ▪ sites adjoining higher density zones; and ▪ isolated sites.	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	The subject site does not have any of the listed characteristics.
2.4 Setbacks **Performance criteria** **P1** Impact on the streetscape is minimised by creating a sense of openness, providing opportunities for landscaping and semi-private areas, and providing visual continuity and building pattern.	☒	☐	☐	The setbacks are considered to be appropriate in this instance.
Development controls **2.4.1 Front setback** **D1** The minimum front setback shall be between 4 to 6m (except for residential flat development in the B1, B2 and B4 zones). **D2** Where a site has frontage to a lane, the minimum setback shall be 2m, however, this will vary depending on the width of the lane.	☐ ☒	☐ ☐	☒ ☐	The subject site is located within the B4 Mixed use zone and, therefore, the front setback requirements are not applicable. The site includes a right-of way that provides access to the rear of properties on Auburn Road. The development is setback more than 2m from the right-of-way.

	D3	Where a new building is located on a corner, the main frontage shall be determined on the existing streetscape patterns. Where the elevation is determined as the 'secondary' frontage, the setback may be reduced to 3m except where it relates to a primary frontage on that street.	☐	☐	☒ The development site is not located on a corner.
	D4	Setbacks from the street shall ensure that the distance between the front of one building to the front of the building on the opposite side of the street is a minimum of 10m for three (3) storey buildings. For example, 2m front setbacks and a 6m wide laneway where that laneway is a shareway. Where a footpath is to be incorporated a greater setback shall be required.	☒	☐	☐ The distance between the front boundary of the development site and the front boundaries of the residential properties on the opposite side of Harrow Road is approximately 20m. The minimum building separation of 10m is, therefore, achieved.
	D5	All walls shall be articulated by bay windows, verandahs, balconies and/or blade walls. Such articulation elements may be forward of the required building line up to 600mm.	☒	☐	☐ The building elevations are considered to be well articulated with the incorporation of recesses, horizontal and vertical planes, contrasting materials, and fenestration treatments to create a varied facade.
2.4.2	**Side setback**				
	D1	Where the external walls have no windows or only windows to bathrooms/laundries, these shall be setback at least 3m from a side boundary. Where there are no windows in the wall to living rooms the setback from the side boundary shall be at least 3m.	☒	☐	☐ The side walls of both buildings are setback over 3m from the boundary, with the exception of the podium levels to Auburn Road which have a nil setback to the southern side boundary in accordance with the Local Centres part of Auburn DCP 2010. All setback areas have been suitably landscaped and treated with the northern side setback to accommodate the through site link and the southern side setback to accommodate private and communal open space. The side setbacks of the proposed development are, therefore, acceptable.
	D2	Eaves may extend a distance of 700mm from the wall.	☐	☐	☒
	D3	If the depth of the building is greater than 12m, a courtyard space that is at least 3m from the side boundary and a minimum 3m deep shall be included on the side wall, generally mid-way along the length of the wall.	☒	☐	☐
2.4.3	**Rear setback**				
	D1	Rear setbacks shall be a minimum of 10m.	☐	☐	☒ The site has frontages to Auburn Road and Harrow Road, therefore, the rear setback control is not applicable.
	D2	Where there is a frontage to a street and a rear laneway the setback to the rear laneway shall be a minimum of 2m.	☐	☐	☐ The site includes a right-of way that provides access to the rear of properties on Auburn Road. The development is setback more than 2m from the right-of-way.
	D3	Where a building is an L or T shape with the windows facing side courtyards the rear setback shall be a minimum of 2m.	☐	☐	☒ The site does not have a rear boundary.
2.4.4	**Haslam's creek setback**				

D1	A minimum 10m setback from the top of the creek bank of Haslam's Creek and its tributaries shall be required. Refer to the Stormwater Drainage Part of this DCP for additional controls.	☐	☐	☒	The subject site does not adjoin Haslam's Creek
2.4.5 Setbacks at Olympic Drive, Lidcombe					
Performance criteria					
P1	Sites with frontage to Olympic Drive, Lidcombe, address this road and provide an appropriately landscaped setback.	☐	☐	☒	The subject site is not located on Olympic Drive, Lidcombe
P2	East-west streets maintain view corridors to Wyatt Park.	☐	☐	☒	
Development controls					
D1	For sites with frontage to Olympic Drive, buildings shall be designed to address Olympic Drive and provide a setback of 6m.	☐	☐	☒	
D2	The setback area and verge shall be landscaped and planted with a double row of street trees.	☐	☐	☒	
D3	The setback to east-west streets shall be generally 4 to 6m and ensure view corridors to Wyatt Park are maintained.	☐	☐	☒	
2.5 Building depth					
Performance criteria					
P1	A high level of amenity is provided for residents.	☒	☐	☐	
Development controls					
D1	**The maximum depth of a residential flat building shall be 18m excluding balconies.**	☐	☒	☐	This matter has been discussed in the SEPP 65 - Residential Flat Design Code compliance table and the minor non-compliance considered to be acceptable on the grounds that units will have an achieve the required level of solar access and natural ventilation.
2.6 Number of storeys					
Performance criteria					
P1	**The number of storeys is achievable within the maximum building height in *Auburn LEP 2010.***	☐	☒	☐	**The exceedance of the maximum building height has been discussed in detail in the Auburn LEP 2010 compliance table.**
Development controls					
D1	Residential flat buildings shall be a maximum four (4) storeys above ground level (existing), except where basement car parking allows for natural ventilation up to less than 1m	☐	☐	☒	A four storey height restriction is not applicable to the Town Centre.

	above ground level.				
2.7 Floor to ceiling heights **Performance criteria**					
	P1 Floor to ceiling heights provide well proportioned rooms and spaces to allow for light and ventilation into the built form.	☒	☐	☐	
Development controls					
	D1 The minimum floor to ceiling height shall be 2.7m. This does not apply to mezzanines.	☒	☐	☐	All residential units have a floor to ceiling height of 2.7m.
	D2 Where there is a mezzanine configuration, the floor to ceiling height may be varied.	☐	☐	☒	
	D3 When located near business areas, a floor to ceiling height of 3 to 3.3m for the ground and first floor shall be provided.	☐	☐	☒	
	D4 **When located within business areas, a floor to ceiling height of 3.3m for the ground and first floor shall be provided.**	☐	☒	☐	**A floor to ceiling height of 3.3m has been provided to the ground floor retail/business tenancies. The first floors of the buildings have a floor to ceiling height of 2.7m. This is considered acceptable given the residential only use of the floors.**
2.8 Head height of windows **Performance criteria**					
	P1 Window heights allow for light penetration into rooms and well proportioned elevations.	☒	☐	☐	Windows have been designed to allow for light penetration into rooms and create well proportioned elevations.
Development controls					
	D1 The head height of windows and the proportion of windows shall relate to the floor to ceiling heights of the dwelling.	☒	☐	☐	The head heights of windows relate to the floor to ceiling heights of the units and comply with the minimum requirement of 2.4m. The top floor apartments in both buildings have an increased floor to ceiling height with windows to suit the proportions of the units.
	D2 For storeys with a floor to ceiling height of 2.7 metres, the minimum head height of windows shall be 2.4 metres.	☒	☐	☐	
	D3 For storeys with a floor to ceiling height of 3 metres, the minimum head height of windows shall be 2.7 metres.	☒	☐	☐	
2.9 Heritage **Performance criteria**					
	P1 Development does not adversely affect the heritage significance of heritage items and heritage groups and archaeological sites as well as their settings, distinctive streetscape, landscape and architectural styles.	☒	☐	☐	This matter has been discussed previously under the Auburn LEP 2010 compliance table.

Development controls **D1** All development adjacent to and/or adjoining a heritage item shall be: • responsive in terms of the curtilage and design; • accompanied by a Heritage Impact Statement; and • respectful of the building's heritage significance in terms of the form, massing, roof shapes, pitch, height and setbacks.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	
2.10 Building design **Performance criteria** **P1** Building design, detailing and finishes provide an appropriate scale to the street and add visual interest.	☒	☐	☐	
Development controls **2.10.1 Materials** **D1** All developments shall be constructed from durable, quality materials. As a guide, preference shall be given to bricks that are smooth faced and in mid to dark tones.	☒	☐	☐	The proposed materials and colour scheme are considered to be of high quality and will make a positive contribution to the streetscape.
2.10.2 Building articulation **D1** Windows and doors in all facades shall be provided in a balanced manner and respond to the orientation and internal uses.	☒	☐	☐	Windows and doors in all of the facades have been provided in a balanced manner and respond appropriately to orientation and internal uses.
D2 Dwelling entrances shall create a sense of individuality and act as a transitional space between private and communal spaces.	☒	☐	☐	The residential entrance lobbies are and integrated into the building design with appropriate transition from the public domain. The development is considered acceptable in this regard.
D3 Elevations shall provide for variation and depth rather than relying on front façade treatment only. Varied massing projections and recesses shall be used to create a sense of articulation and depth.	☒	☐	☐	All elevations of the buildings have varied projections and recesses which create a sense of articulation and depth.
2.10.3 Roof form **D1** Roof forms shall be designed in a way that the total form does not add to height and bulk of the building.	☒	☐	☐	The roof forms are typical of a multi-storey buildings comprising a number of flat planes that do not add to the bulk and scale of the development.
2.10.4 Balustrades and balconies **D1** Balustrades and balconies shall allow for views from the interior. Accordingly, balustrades shall be partly transparent and partly solid.	☒	☐	☐	The balcony and balustrade design allows for views from the interior of the units.
D2 The design of the underside of the balcony shall take into consideration the view of the underside from the street and shall avoid having	☒	☐	☐	Should the application be approved an appropriate condition will be included in any consent to ensure compliance with this

exposed pipes and utilities.					control.
2.11 Dwelling size **Performance criteria** **P1** Internal dwelling sizes and shapes are suitable for a range of household types. **P2** All rooms are adequate in dimension and accommodate their intended use. **Development controls** **D1** **The size of the dwelling shall determine the maximum number of bedrooms permitted.** **Number of bedrooms** **Dwelling size** Studio $50m^2$ 1 bedroom (cross through) $50m^2$ 1 bedroom (masionette) $62m^2$ 1 bedroom (single aspect) $63m^2$ 2 bedrooms (corner) $80m^2$ 2 bedrooms (cross through or over) $90m^2$ 3 bedrooms $115m^2$ 4 bedrooms $130m^2$ **D2** At least one living area shall be spacious and connect to private outdoor areas.	☒ ☒ ☐ ☒	☐ ☐ ☒ ☐	☐ ☐ ☐ ☐	All units within the development meet the minimum dwelling size requirements of the SEPP 65 - Residential Flat Design Code. Unit layouts are capable of accommodating a range of household types and rooms are of adequate dimensions for their intended use. **The unit sizes comply with the minimum sizes in the SEPP 65 – Residential Flat Design Code. No objection is, therefore, raised.** All units have a spacious living area which directly adjoins private open space.
2.12 Apartment mix and flexibility **Performance criteria** **P1** A diversity of apartment types are provided, which cater for different household requirements now and in the future. **P2** Housing designs meet the broadest range of the occupants' needs possible. **Development controls** **D1** A variety of apartment types between studio, one, two, three and three plus-bedroom apartments shall be provided, particularly in large apartment buildings. Variety may not be possible in smaller buildings, for example, up to six units. **D2** The appropriate apartment mix for a location shall be refined by: ▪ considering population trends in the future as well as present market demands; and ▪ noting the apartment's location in relation to public transport, public facilities, employment areas, schools and universities and retail centres.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The buildings will offer a variety of unit types of differing sizes and bedrooms numbers. The development has the following unit mix:- 1 bedroom – 60 units (24.4%) 2 bedroom – 158 units (64.2%) 3 bedroom – 28 units (11.4%) The development is considered to offer an appropriate unit mix. The development has the benefit of a Town Centre location.

D3	**A mix of one (1) and three (3) bedroom apartments shall be located on the ground level where accessibility is more easily achieved for disabled, elderly people or families with children.**	☐	☒	☐	**The residential component of the ground floor of the development is comprised of one (1) and (2) bedrooms units, including three (3) adaptable units. A centrally located lift in the main lobbies of the buildings enables direct access to adaptable dwellings on upper floors. The development is acceptable in this regard.**
D4	The number of accessible and adaptable apartments to cater for a wider range of occupants shall be optimised.	☒	☐	☐	
D5	The possibility of flexible apartment configurations, which support future change to optimise the building layout and to provide northern sunlight access for all apartments, shall be considered.	☐	☐	☒	All units, where possible, have layouts which optimise northern sunlight access.
D6	Robust building configurations which utilise multiple entries and circulation cores shall be provided especially in larger buildings over 15m long.	☒	☐	☐	
D7	Apartment layouts which accommodate the changing use of rooms shall be provided.	☒	☐	☐	
	Design solutions may include: ■ windows in all habitable rooms and to the maximum number of non-habitable rooms; ■ adequate room sizes or open-plan apartments, which provide a variety of furniture layout opportunities; and ■ dual master bedroom apartments, which can support two independent adults living together or a live/work situation.	☒	☐	☐	All units within the development have been designed to maximise windows to habitable rooms; living/dining areas, and cases kitchens. All bedrooms have been designed to accommodate double beds.
D8	Structural systems that support a degree of future change in building use or configuration shall be used. Design solutions may include: ■ a structural grid, which accommodates car parking dimensions, retail, commercial and residential uses vertically throughout the building; ■ the alignment of structural walls, columns and services cores between floor levels; ■ the minimisation of internal structural walls; ■ higher floor to ceiling dimensions on the ground floor and possibly the first floor; and ■ knock-out panels between apartments to allow two adjacent apartments to be amalgamated.	☒	☐	☐	
3.0 Open space and landscaping					
Objectives					
a.	To provide sufficient and accessible	☒	☐	☐	The proposed development is

	open space for the recreation needs of the likely residents of the proposed dwelling.				provided with sufficient open space in the form of private balconies and terraces, communal open space, and the generously sized Village Square.
b.	To provide private open areas that relate well to the living areas of dwellings.	☒	☐	☐	
c.	To enhance the appearance and amenity of residential flat buildings through integrated landscape design.	☒	☐	☐	
d.	To provide for the preservation of existing trees and other natural features on the site, where appropriate.	☐	☐	☒	
e.	To provide low maintenance communal open space areas.	☒	☐	☐	
f.	To provide adequate opportunities for water infiltration and tall trees to grow and to spread, so as to create a canopy effect.	☐	☐	☒	
g.	To conserve and enhance street tree planting.	☒	☐	☐	
3.1	**Development application requirements**				
	A landscape plan shall be submitted with all development applications for residential flat buildings.	☒	☐	☐	**The applicant has submitted a concept landscape plan which shows the general arrangement of planting and paved areas. Should the application be approved, a condition of consent will be imposed requiring the submission of a detailed landscape plan.**
	The landscape plan should specify landscape themes, vegetation (location and species), paving and lighting that provide a safe, attractive and functional environment for residents, integrates the development with the neighbourhood and contributes to energy efficiency and water management.	☐	☒	☐	
	A landscape plan prepared by a professionally qualified landscape architect or designer shall be submitted with the development application which shows: ■ proposed site contours and reduced levels at embankments, retaining walls and other critical locations; ■ existing vegetation and the proposed planting and landscaping (including proposed species); ■ general arrangement of hard landscaping elements on and adjoining the site; ■ location of communal facilities; ■ proposed lighting arrangements; ■ proposed maintenance and irrigation systems; and ■ proposed street tree planting.	☐	☒	☐	
3.2	**Landscaping**				
Performance criteria					
P1	Paving may be used to: ■ ensure access for people with limited mobility; ■ add visual interest and variety; ■ differentiate the access driveway from the public street;	☒ ☒	☐ ☐	☐ ☐	The concept landscape plan shows paving in appropriate locations.

	and ▪ encourage shared use of access driveways between pedestrians, cyclists and vehicles.	☒ ☒	☐ ☐	☐ ☐	
Development controls					
D1	If an area is to be paved, consideration shall be given to selecting materials that will reduce glare and minimise surface run-off.	☒	☐	☐	Should the application be approved, a condition of consent will be imposed with respect to the selection of paving that addresses glare.
D2	All landscaped podium areas shall maintain a minimum soil planting depth of 600mm for tree provision and 300mm for turf provision.	☒	☐	☐	
3.3 Deep soil zone					
Performance criteria					
P1	A deep soil zone allows adequate opportunities for tall trees to grow and spread. **Note:** Refer to the development control diagrams in section 10.0.	☐	☐	☒	
Development controls					
D1	A minimum of 30% of the site area shall be a deep soil zone.	☐	☒	☐	As discussed previously, the basement car park is proposed to occupy the entirety of the site, hence, there is no opportunity to provide a deep soil zone. This is considered acceptable in this instance given the town centre location of the site and the use of planter boxes to provide opportunities for landscaping.
D2	The majority of the deep soil zone shall be provided as a consolidated area at the rear of the building.	☐	☐	☒	
D3	Deep soil zones shall have minimum dimensions of 5m.	☐	☐	☒	
D4	Deep soil zones shall not include any impervious (hard) surfaces such as paving or concrete.	☐	☐	☒	
3.4 Landscape setting					
Performance criteria					
P1	Development does not unreasonably intrude upon the natural landscape, particularly on visually prominent sites or sites which contribute to the public domain.	☒	☐	☒	The site is located within the town centre which is surrounded by development. There are no areas of natural landscape or visually prominent sites which contribute to the public domain.
P2	Residential flat buildings are adequately designed to reduce the bulk and scale of the development.	☒	☐	☐	The bulk and scale of the development has been discussed previously and is considered to be acceptable.
P3	Landscaping assists with the integration of the site into the streetscape.	☐	☐	☒	The subject site, being located with the town centre, does not require a landscaped front setback that is typical of residential flat buildings in residential streets.
Development controls					
D1	Development on steeply sloping sites shall be stepped to minimise cut and fill.	☐	☐	☒	
D2	Existing significant trees shall be retained within the development.	☐	☐	☒	There are no trees on the site.

D3	Applicants shall demonstrate that the development will not impact adversely upon any adjoining public reserve or bushland.	☐	☐	☒	The site does not adjoin a public reserve or bushland.
D4	Residential flat buildings shall address and align with any public open space and/or bushland on their boundary.	☒	☐	☐	The development has been designed to address the proposed Village Square.
D5	All podium areas and communal open space areas, which are planted, shall be provided with a water efficient irrigation system.	☒	☐	☐	Should the application be approved, a condition of consent can be imposed with respect to the installation of a water efficient irrigation system to service all planter boxes.
3.5 Private open space					
Performance criteria					
P1	Private open space is clearly defined and screened for private use.	☒	☐	☐	All units have been provided with private open space in the form of terraces and balconies which take advantage of views, do not compromise the privacy of adjoining sites, and provide surveillance of public spaces. All private open space areas are directly accessible from living areas and largely comply with the minimum development standards for dimensions and area.
P2	Private open space: ▪ takes advantage of available outlooks or views and natural features of the site; ▪ reduces adverse impacts of adjacent buildings on privacy and overshadowing; and ▪ resolves surveillance, privacy and security issues when private open space abuts public open space.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	
Development controls					
D1	Private open space shall be provided for each dwelling in the form of a balcony, roof terrace or, for dwellings on the ground floor, a courtyard.	☒	☐	☐	
D2	**Dwellings on the ground floor shall be provided with a courtyard that has a minimum area of 9m^2 and a minimum dimension of 2.5m.**	☐	☒	☐	**All ground floor units have been provided with private open space areas in excess of 9sqm. The depth varies with the minimum being 2m. This is considered acceptable as the areas are useable.**
D3	**Dwellings located above ground level shall be provided with a balcony or roof terrace that has a minimum area of 8m^2 and a minimum dimension of 2m.**	☐	☒	☐	**All units, with the exception of those located on the south-eastern corner of the tower element of the Harrow Road building, are provided with balconies to comply with the minimum requirements. The non-compliant balconies have an area of 7.5sqm to service a 2 bedroom unit with an area of 80sqm. Should the application be approved, it is recommended that a condition be imposed requiring that the balconies be increased in area to 8sqm by reducing the size of the unit. This requirement will not**

					compromise the size of the dwellings which will still meet the minimum area required under SEPP 65 – Residential Flat Design Code.
D4	Balconies may be semi enclosed with louvres and screens.	☒	☐	☐	Some of the balconies are semi-enclosed with screens which provide adequate privacy as well as architectural interest to the elevations of the buildings. All private open space areas are directly accessible from the living areas of the units.
D5	Private open space shall have convenient access from the main living area.	☒	☐	☐	
D6	Part of the private open space shall be capable of serving as an extension of the dwelling for relaxation, dining, recreation, entertainment and children's play.	☒	☐	☐	
D7	Additional small, screened service balconies may be provided for external clothes drying areas and storage.	☐	☐	☒	Service balconies are not proposed.
D8	Private open space and balconies shall take advantage of mid to long distance views where privacy impacts will not arise.	☒	☐	☐	
3.6	**Communal open space**				
Performance criteria					
P1	The site layout provides communal open spaces which: ▪ contribute to the character of the development; ▪ provide for a range of uses and activities; ▪ allows cost-effective maintenance; and ▪ contributes to stormwater management.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	
Development controls					
D1	Communal open space shall be useable, have a northern aspect and contain a reasonable proportion of unbuilt upon (landscaped) area and paved recreation area.	☒	☐	☐	The communal open space, accessed only by residents, is divided into areas for passive and active recreation, including a vegetable garden, and exercise and play equipment. Located between, and at the rear of the two buildings, part of the communal open space has a northerly aspect. The areas behind the buildings are, however, south-facing. The communal open space is however, greatly enhanced by the large north facing Village Square which is directly accessible to all residents.
D2	**The communal open space area shall have minimum dimensions of 10m.**	☐	☒	☐	**The communal open space is comprised of a number of different areas utilising the area between, and at the rear, of the buildings. The areas are of various dimensions from 4m up**

				to 20m. The areas are, however, of suitable dimensions to accommodate their intended function. The Village Square, on the northern side of the site, has dimensions of approximately 38m in length and 22m in width (excluding the through site link) and offers an alternative outdoor area for residents.
3.7 Protection of existing trees **Performance criteria** **P1** Major existing trees are retained where practicable through appropriate siting of buildings, access driveways and parking areas and appropriate landscaping. **Development controls** **D1** Building structures or disturbance to existing ground levels shall not be within the drip line of existing significant trees to be retained. **Note:** For additional requirements, applicants shall refer to the Tree Preservation Part of this DCP.	☐ ☐	☐ ☐	☒ ☒	There are no existing trees on the site.
3.8 Biodiversity **Performance criteria** **P1** Existing and native flora at canopy and understorey levels is preserved and protected. **P2** Plantings are a mix of native and exotic water-wise plant species. **Development controls** **D1** The planting of indigenous species shall be encouraged.	☐ ☒ ☒	☐ ☐ ☐	☒ ☐ ☐	There is no vegetation on the site. The applicant has submitted a concept landscape plan, however, species details have not been included. Should the application be approved a condition of consent is recommended to be imposed with respect to the submission of a fully detailed landscape plan.
3.9 Street trees **Performance criteria** **P1** Existing street landscaping is maintained and where possible enhanced. **Development controls** **D1** Driveways and services shall be located to preserve existing significant trees. **D2** Additional street trees shall be planted at an average spacing of 1 per 10 lineal metres of street frontage. **Note:** Where a site has more than one street frontage, street tree planting shall be applied to all street frontages, excluding frontage to	☐ ☐ ☒	☐ ☐ ☐	☒ ☒ ☐	There are no existing street trees along the frontages of the development site. Works to the public domain adjacent to the site are proposed as part of the Voluntary Planning Agreement.

laneways.				
4.0 Access and car parking				
Objectives **a. Access and car parking requirements** **Note:** Applicants shall consult the Parking and Loading Part of this DCP. **b. Basements** **Performance criteria** **P1 Basements allow for areas of deep soil planting.** **Development controls** **D1** Where possible, basement walls shall be located directly under building walls. **D2** A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary. **D3** Basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting. **D4** Basement walls visible above ground level shall be appropriately finished (such as face brickwork and/or render) and appear as part of the building.	☒ ☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐	☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☒ ☐ ☒ ☒	This matter is discussed in greater detail later in the report. A discussed previously the basement is to occupy the full extent of the site. Substantial planting will, however, be accommodated in planter boxes at ground level. This is considered acceptable in a Town Centre location. Should the application be approved, a condition of consent will be imposed requiring submission of a dilapidation report for adjacent sites. This control is not relevant in the Town Centre. The basement is not visible above ground level.
5.0 Privacy and security				
Objectives a. To ensure the siting and design of buildings provide visual and acoustic privacy for residents and neighbours in their dwellings and private open spaces. *b.* To provide personal and property security for residents and visitors and enhance perceptions of community safety.	☒ ☒	☐ ☐	☐ ☐	
5.1 Privacy **Performance criteria** **P1** Private open spaces and living areas of adjacent dwellings are protected from overlooking. **Development controls** **D1** Buildings shall be designed to form large external courtyards with a minimum distance of 10 to 12m between opposite windows of	☒ ☒	☐ ☐	☐ ☐	The proposed development is not currently adjacent to residential development. The two buildings have been designed around a large Village Square with windows to habitable rooms separated by a distance of

	habitable rooms.				more than 12m.
D2	Windows to living rooms and main bedrooms shall be oriented to the street and to the rear, or to the side when buildings form an 'L' or 'T' shape.	☒	☐	☐	Windows to living rooms and main bedrooms for the majority of units have been orientated to the street and within the site. Units on the southern side of the building have bedroom and kitchen windows facing the boundary which are likely to be opposite windows of any future development on the adjoining sites. The windows, however, are setback 8.825m from the boundary and, given that any future development will also be required to be setback from the boundary, adequate separation between the windows will be provided.
D3	Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings.	☒	☐	☐	
D4	Views onto adjoining private open space shall be obscured by: ▪ Screening that has a maximum area of 25% openings, shall be permanently fixed and made of durable materials; or ▪ Existing dense vegetation or new planting.	☐	☐	☒	
5.2 Noise					
Performance criteria					
P1	The transmission of noise between adjoining properties is minimised.	☒	☐	☐	The subject site is not in close proximity to any major noise sources. The unit layouts have been designed having regard to the placement of rooms so as to minimise noise disturbance between dwellings. Should the application be approved, an appropriate condition of consent is to be imposed requiring compliance with the BCA which stipulates certain measures be implemented in the building construction to minimise noise within the building.
P2	New dwellings are protected from existing and likely future noise sources from adjoining residential properties and other high noise sources (such as busy roads, railway corridors and industries) and the transmission of intrusive noise to adjoining residential properties is minimised.	☒	☐	☐	
Development controls					
D1	For acoustic privacy, buildings shall: ▪ be designed to locate noise sensitive rooms and private open space away from the noise source or by use of solid barriers where dwellings are close to high noise sources;	☒	☐	☐	
	▪ minimise transmission of sound through the building structure and in particular protect sleeping areas from noise intrusion; and	☒	☐	☐	
	▪ all shared floors and walls between dwellings to be constructed in accordance with noise transmission and insulation requirements of the BCA.	☒	☐	☐	
Note: For development within or adjacent to a rail corridor, or major road corridor with an annual average daily traffic volume of more than 40,000 vehicles, applicants must consult *State Environmental Planning Policy (Infrastructure) 2007* and the NSW Department of Planning's Development Near Rail Corridors and					

Busy Roads – Interim Guidelines, 2008.				
5.3 Security **Performance criteria** **P1** Site layout and design of the dwellings, including height of front fences and use of security lighting, minimises the potential for crime, vandalism and fear.	☒	☐	☐	
Note: Consideration shall also be given to Council's Policy on Crime Prevention Through Environmental Design (CPTED).	☒	☐	☐	A satisfactory CPTED assessment has been submitted with the application. The development has been designed with units and retail/business tenancies which overlook the proposed Village Square/through site link and thus provide casual surveillance of the space.
Development controls **D1** Shared pedestrian entries to buildings shall be lockable.	☒	☐	☐	
D2 Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	☒	☐	☐	
D3 Ground floor apartments may have individual entries from the street.	☐	☐	☒	
D4 Residential flat buildings adjoining a park or public open space shall be treated like a front entrance/garden for the length of the park. Refer to Figure 4 - Park frontage in section 10.0.	☒	☐	☐	
5.4 Fences **Performance controls** **P1** Front fences and walls maintain the streetscape character and are consistent with the scale of development.	☒	☐	☐	
Development controls **D1** The front and side dividing fences, where located within the front yard area, shall not exceed 1.2m as measured above existing ground level and shall be a minimum of 50% transparent. Front and side dividing fences where located within the front yard area shall not be constructed of solid pre-coated metal type materials such as Colorbond™ or similar.	☒	☐	☐	**It is proposed to provide a 2m high batten fence along the southern boundary adjacent to the vehicle access and communal open space areas. This fence height is considered to be acceptable given the town centre location of the site and the desire for improved site security. A condition of consent is to be imposed requiring that the fence forward of the building line not exceed 1.2m in height.** **The proposed through site link is located on the northern boundary of the site and adjoins the Church hall. In consultation with the Church it has been requested that a 1.8m solid wall be constructed adjacent to the hall so as to protect visual and acoustic privacy. This part of**
D2 All fences forward of the building alignment shall be treated in a similar way.	☒	☐	☐	
D3 Solid pre-coated metal fences shall be discouraged and shall not be located forward of the front building line.	☐	☐	☒	
D4 Front fences shall satisfy the acoustic abatement criteria and be provided with a landscaped area on	☐	☐	☒	

	the street side of the fence. **D5** **Fences located on side or rear boundaries of the premises, behind the main building line shall not exceed a maximum height of 1.8m.**	☐	☒	☐	**the through site link is adjacent to the Village Square. Planter boxes, with fencing above to a height of 2m, are proposed for the remainder of the northern boundary, either side of the Village Square. Should the application be approved, appropriate conditions will be imposed with respect to fencing.**
6.0 Solar amenity and stormwater reuse					
Objectives					
a.	To minimise overshadowing of adjoining residences and to achieve energy efficient housing in a passive solar design that provides residents with year round comfort and reduces energy consumption.	☒	☐	☐	
b.	To create comfortable living environments.	☒	☐	☐	
c.	To provide greater protection to the natural environment by reducing the amount of greenhouse gas emissions.	☒	☐	☐	
d.	To reduce the consumption of non-renewable energy sources for the purposes heating water, lighting and temperature control.	☒	☐	☐	
e.	To encourage installation of energy efficient appliances that minimise greenhouse gas generation.	☒	☐	☐	
6.1 Solar amenity					
Performance criteria					
P1	Buildings are sited and designed to ensure daylight to living rooms in adjacent dwellings and neighbouring open space is not significantly decreased.	☒	☐	☐	
P2	Buildings and private open space allow for the penetration of winter sun to ensure reasonable access to sunlight or daylight for living spaces within buildings and open space around buildings.	☒	☐	☐	
Development controls					
D1	Solar collectors proposed as part of a new development shall have unimpeded solar access between 9:00am to 3:00pm on June 21.	☐	☐	☒	Solar collectors are not proposed to be installed on the development.
	Solar collectors existing on the adjoining properties shall not have their solar access impeded between 9:00am to 3:00pm on June 21.	☐	☐	☒	The roofs of the residential flat buildings on the western side of Harrow Road are not affected by shadow from the proposed development after 9am in mid-winter. Adjoining properties to the south and east are used for commercial purposes. Given that the subject site is located on a northern boundary to the existing
	Where adjoining properties do not have any solar collectors, a minimum of $3m^2$ of north facing roof space of the adjoining dwelling shall	☐	☐	☒	

	retain unimpeded solar access between 9:00am to 3:00pm on June 21. **Note:** Where the proposed development is located on an adjacent northern boundary this may not be possible.	☒	☐	☐	single and two storey commercial development, it is not possible that all of the properties have unimpeded access to 3sqm of roof during mid-winter.
D2	Buildings shall be designed to ensure sunlight to at least 50% of the principal area of ground level private open space of adjoining properties for at least 3 hours between 9:00am and 3:00pm on June 21.	☒	☐	☐	Although there are no residential properties directly adjoining the site, the height of the buildings results in shadows being cast beyond the street block on which it is to be located. The submitted shadow diagrams indicate that a small number of residential properties in the vicinity of the site will only be overshadowed between 9am and 10am for properties to the south-west, and 2pm and 3pm for properties to the south-east.
D3	If the principal area of ground level private open space of adjoining properties does not currently receive at least this amount of sunlight, then the new building shall not further reduce solar access.	☒	☐	☐	
D4	Habitable living room windows shall be located to face an outdoor space.	☒	☐	☐	The development has been designed with the living rooms of all units facing private open space.
D5	North-facing windows to living areas of neighbouring dwellings shall not have sunlight reduced to less than 3 hours between 9:00am and 3:00pm on June 21 over a portion of their surface.	☒	☐	☐	Discussed above.
D6	Where the proposed residential flat building is on an adjacent northern boundary or located within an area undergoing transition, compliance with D1, D2, D3 and D4 development controls may not be achievable.	☒	☐	☐	The Auburn Town Centre is an area undergoing transition with a large number or properties yet to realise their development potential. Even with a reduced building height to comply with the ALEP 2010 height limit of 36m the subject development would still extensively, and unavoidably, overshadow the adjoining properties directly adjoining the southern boundary during the worst case scenario of the winter solstice. During the height of summer, however, the overshadowing is dramatically reduced with only a small portion of sites adjacent to the southern boundary being affected.
D7	Internal living areas and external recreation areas shall have a north orientation for the majority of units in the development, where possible.	☒	☐	☐	A large proportion of the units in the development have north-facing living rooms and private open space areas.
D8	The western walls of the residential flat building shall be appropriately shaded.	☒	☐	☐	The western elevation of the building is comprised of vertical screens and horizontal elements to provide sun shading. Should the application be approved, a condition of consent is recommended to be imposed with respect to the use of energy efficient glass where glazing is not protected by building elements.
6.2	**Ventilation**				

Performance criteria					
P1	The design of development is to utilise natural breezes for cooling and fresh air during summer and to avoid unfavourable winter winds.	☒	☐	☐	**As discussed previously in the SEPP 65 - Residential Flat Design Code compliance table the development achieves the minimum requirements for the number of units achieving natural ventilation.**
Development controls					
D1	Rooms with high fixed ventilation openings such as bathrooms and laundries shall be situated on the southern side to act as buffers to insulate the building from winter winds.	☐	☐	☒	
D2	**Apartments shall be designed to consider ventilation and dual aspect. This can be achieved with cross over apartments, cross through apartments, corner apartments and two (2) storey apartments. Single aspect apartments shall be kept to a minimum except for those that are north facing. Single aspect apartments shall be limited in depth to 8m from a window.**	☐	☒	☐	**This matter has been discussed previously in the SEPP 65 – Residential Flat Design Code compliance table. A number of units exceed the minimum depth requirement by between 0.4m and 1.2m. It is considered, however, that this does not affect the amenity of the units as all have a north, east or west aspect, have wide frontages, and floor to ceiling glazing to open plan living areas, thus, providing adequate light and ventilation.**
D3	**Where possible residential flat buildings shall be designed with bathrooms, laundries, and kitchens positioned on an external wall with a window to allow for natural ventilation of the room.**	☒	☐	☐	**All bathrooms and laundries are located adjacent to an internal wall within the core of the building. This has been done so as to maximise solar access and ventilation to habitable rooms within the units. No objection is, therefore, raised.**
6.3	**Rainwater tanks**				
Performance criteria					
P1	The development design reduces stormwater runoff.				
Development controls					
D1	Developments may have rain water tanks for the collection and reuse of stormwater for car washing and watering of landscaped areas.	☒	☐	☐	An underground rainwater tank is proposed to be provided. Should the application be approved a condition of consent will be imposed to ensure compliance with the DCP requirements where relevant.
D2	Rainwater tanks shall be constructed, treated or finished in a non-reflective material which blends in with the overall tones and colours of the building and the surrounding developments.	☐	☐	☒	
D3	The suitability of rainwater tanks erected within the side setback areas of development will be assessed on an individual case by case basis.	☐	☐	☒	

D4	Rainwater tanks shall not be located within the front setback.	☐	☐	☒	
D5	The overflow from the domestic rain water tank shall discharge to the site stormwater disposal system. For additional details refer to the Stormwater Drainage Part of this DCP.	☒	☐	☐	
D6	The rain water tank shall comply with the applicable Australian Standards AS/NZ 2179 and AS 2180 for rainwater goods and installation.	☒	☐	☐	
6.4	**Stormwater drainage**				
	Applicants shall refer to the stormwater drainage requirements in the Stormwater Drainage Part of this DCP.	☒	☐	☐	
7.0 Ancillary site facilities					
Objectives					
a.	To ensure that site facilities are effectively integrated into the development and are unobtrusive.	☒	☐	☐	
b.	To ensure site facilities are adequate, accessible to all residents and easy to maintain.	☒	☐	☐	
c.	To cater for the efficient use of public utilities including water supply, sewerage, power, telecommunications and gas services and for the delivery of postal and other services.	☒	☐	☐	
7.1	**Clothes washing and drying**				
Performance criteria					
P1	Adequate open-air clothes drying facilities which are easily accessible to all residents and screened, are provided.	☒	☐	☐	Each unit is provided with an area of private open space, whether in the form of a balcony or courtyard, that is adequate for clothes drying. A number of balconies include screens or solid masonry components that will provide screening. In instances where the balustrades to balconies are comprised of only transparent glass, however, it is recommended that a condition of consent be imposed requiring that a minimum of 50% of the balustrade be translucent glass, masonry, or be fitted with a screen so as clothes drying is not visible from the public domain.
Development controls					
D1	Each dwelling shall be provided with individual laundry facilities located within the dwelling unit.	☒	☐	☐	
D2	Open air clothes drying facilities shall be provided in a sunny, ventilated and convenient location which is adequately screened from streets and other public places, where possible.	☐	☐	☒	
7.2	**Storage**				
Performance criteria					
P1	Dwellings are provided with adequate storage areas.	☒	☐	☐	This matter has been discussed previously in the SEPP 65 - Residential Flat Design Code compliance table.
Development controls					
D1	Storage space of $8m^3$ per dwelling	☐	☐	☒	

	shall be provided. This space may form part of a garage or be a lockable unit at the side of the garage.				
D2	Storage space shall not impinge on the minimum area to be provided for parking spaces.	☒	☐	☐	
7.3 Utility services					
Performance criteria					
P1	All proposed allotments are connected to appropriate public utility services including water, sewerage, power and telecommunications, in an orderly, efficient and economic manner.	☒	☐	☐	Should the application be approved, appropriate conditions of consent will be imposed with respect to connection of site services to the development.
Development controls					
D1	Where possible, services shall be underground.	☒	☐	☐	
7.4 Other site facilities					
Performance criteria					
P1	Dwellings are supported by necessary utilities and services.	☒	☐	☐	
Development controls					
D1	A single TV/antenna shall be provided for each building.	☒	☐	☐	Should the application be approved, an appropriate condition of consent will be restricting the number of TV antennas.
D2	A mailbox structure that meets the relevant Australia Postal Service requirements shall be provided, located centrally and close to the major street entry to the site. All letterboxes shall be lockable.	☒	☐	☐	Each building is to be provided with letterboxes adjacent to the entry foyers.
D3	Individual letterboxes can be provided where ground floor residential flat building units have direct access to the street.	☐	☐	☒	
7.5 Waste disposal					
Applicants shall refer to the requirements held in the Waste Part of this DCP.		☒	☐	☐	A satisfactory Waste Management Plan (WMP) has been submitted with the application addressing construction and on-going waste management. Should the application be approved, a condition of consent is recommended to be imposed requiring compliance with the WMP.
8.0 Subdivision					
Objectives					
a.	To ensure that subdivision and new development is sympathetic to the landscape setting and established character of the locality.	☐	☐	☒	The subject application does not include subdivision of the sites or of the future development.
b.	To provide allotments of sufficient size to satisfy user requirements and to facilitate development of the land	☐	☐	☒	

	at a density permissible within the zoning of the land having regard to site opportunities and constraints.				
8.1	**Lot amalgamation**				
Performance criteria					
P1	Lot amalgamations within development sites are undertaken to ensure better forms of housing development and design.	☒	☐	☐	
Development controls					
D1	Development sites involving more than one lot shall be consolidated.	☒	☐	☐	The development site comprises two (2) lots, being 93-105 Auburn Road and 18 Harrow Road.
D2	Plans of Consolidation shall be submitted to, and registered with, the office of the NSW Land and Property Management Authority. Proof of registration shall be produced prior to release of the Occupation Certificate.	☒	☐	☐	Should the application be approved, a condition of consent will be imposed requiring that the lots be consolidated prior to issue of any Occupation Certificate.
D3	Adjoining parcels of land not included in the development site shall be capable of being economically developed.	☒	☐	☐	The remaining sites on the southern side of the subject site with frontage to Auburn Road (no.s 107-125) and Beatrice Street (no.s 1-9) are capable of being economically developed and would be best amalgamated to achieve desired urban design outcomes as they are relatively small sites.
8.2	**Subdivision**				
Development controls					
D1	The community title or strata title subdivision of a residential flat building shall be in accordance with the approved development application plans, particularly in regard to the allocation of private open space, communal open space and car parking spaces.	☐	☐	☒	The subdivision of the development has not been included in the subject application. Should the application be approved a condition of consent will be imposed requiring that a separate development application be submitted for subdivision of the development.
D2	Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part.	☐	☐	☒	
8.3	**Creation of new streets**				
Performance criteria					
P1	On some sites, where appropriate, new streets are introduced.	☐	☐	☒	No new streets are proposed as part of this application.
P2	New proposed roads are designed to convey the primary residential functions of the street including: ■ safe and efficient movement of vehicles and pedestrians; ■ provision for parked vehicles; ■ provision of landscaping; ■ location, construction and maintenance of public utilities;	☐	☐	☒	

	and ▪ movement of service and delivery vehicles. **Development controls**				
D1	Where a new street is to be created, the street shall be built to Council's standards and quality assurance requirements having regard to the circumstances of each proposal. Consideration shall be given to maintaining consistency and compatibility with the design of existing roads in the locality.	☐	☐	☒	
D2	A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side. For specific information detailing Council's road design specifications, refer to Table 1 – Development Standards for Road Widths in section 10.2.	☐	☐	☒	
D3	For larger self-contained new residential areas, specific road design requirements shall be considered for site specific development controls.	☐	☐	☒	
9.0 Adaptable housing					
Objectives					
a.	To ensure a sufficient proportion of dwellings include accessible layouts and features to accommodate changing requirements of residents.	☒	☐	☐	
b.	To encourage flexibility in design to allow people to adapt their home as their needs change due to age or disability.	☒	☐	☐	
9.1 Development application requirements **Note:** Evidence of compliance with the Adaptable Housing Class C requirements of Australian Standard (AS) 4299 shall be submitted when lodging a development application to Council and certified by an experienced and qualified building professional.		☒	☐	☐	The accessibility report submitted with the application states that the proposed development complies with the relevant Australian Standards pertaining to accessibility.
9.2 Design guidelines **Performance criteria**					
P1	Residential flat building developments allow for dwelling adaptation that meets the changing needs of people.	☒	☐	☐	The proposed development includes the required number of adaptable dwellings designed in accordance with relevant Australian Standards.
Development controls					
D1	The required standard for Adaptable Housing is AS 4299. Wherever the site permits, developments shall include adaptive housing features into the design.	☒	☐	☐	
	External and internal considerations shall include:	☒	☐	☐	

- access from an adjoining road and footpath for people who use a wheel chair;
- doorways wide enough to provide unhindered access to a wheelchair;
- adequate circulation space in corridors and approaches to internal doorways;
- wheelchair access to bathroom and toilet;
- electrical circuits and lighting systems capable of producing adequate lighting for people with poor vision;
- avoiding physical barriers and obstacles;
- avoiding steps and steep end gradients;
- visual and tactile warning techniques;
- level or ramped well lit uncluttered approaches from pavement and parking areas;
- providing scope for ramp to AS 1428.1 at later stage, if necessary;
- providing easy to reach controls, taps, basins, sinks, cupboards, shelves, windows, fixtures and doors;
- internal staircase designs for adaptable housing units that ensure a staircase inclinator can be installed at any time in the future; and
- providing a disabled car space for each dwelling designated as adaptable.

Note: In the design of residential flat buildings, applicants shall consider the Access and Mobility Part of this DCP.

D2 All development proposals with five or more housing units shall be capable of being adapted (Class C) under AS 4299. The minimum number of adaptable housing units is set out below.

☒ ☐ ☐ The proposed development is comprised of 246 units of which 25 have been designed as adaptable units in accordance with the DCP requirement.

Number of dwellings Number of adaptable units

☒ ☐ ☐

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

(Plus 10% of additional dwellings beyond 60, rounded up to the nearest whole number)

Note: Adaptable Housing Class C incorporates all essential features listed in Appendix A – Schedule of Features for Adaptable Housing in AS 4299.					
9.3 Lifts **Development controls** **D1** Lifts are encouraged to be installed in four (4) storey residential flat buildings where adaptable housing units shall be required. **D2** Where the development does not provide any lifts and includes adaptable housing units, the adaptable housing units shall be located within the ground floor of the development.		☒ ☐	☐ ☐	☐ ☒	Each building has been provided with a lift which provides access to all floors of the buildings and to the adaptable units.
9.4 Physical barriers **Development controls** **D1** Physical barriers, obstacles, steps and steep gradients within the development site shall be avoided.		☒	☐	☐	The development has been suitably designed to allow for equitable access.

(c) **Parking and Loading**

The relevant requirements and objectives of ADCP 2010 - Parking and Loading have been considered in the assessment of the development application. Council's Development Engineer has raised no objection subject to the imposition of conditions. In term of car parking provision the following is required:

Use	GFA / No. of units	Car parking rate	Required no. of spaces (NB: part spaces to be rounded up)	Proposed no. of spaces
Retail/business tenancies	605sqm	1 space/40sqm GFA	15.3 (16)	15
Residential	60	1 space/1 bedroom unit	60	278
	158	1 space/2 bedroom unit	158	
	28	2 space/2 bedroom unit	56	
			Total - 274	
Visitor	246 units	0.2 space/unit	49.2 (50)	49
TOTAL				**342**

A total of 342 spaces are proposed, including 26 accessible spaces. The applicant has rounded down the no. of required spaces for retail/business and visitors and allocated the additional spaces to the residential use. This is contrary to the DCP which requires parts spaces to be rounded up. It is, therefore, recommended that a condition of consent be imposed requiring that car parking spaces be allocated as follows should the application be approved:

- Retail/business – 16 spaces
- Residential – 276 spaces
- Visitor – 50 spaces

The proposal also provides 64 bicycle parking spaces. The proposed development is satisfactory having regard to the requirements of the DCP.

(d) **Stormwater**

The relevant requirements and objectives of ADCP 2010 – Stormwater have been considered in the assessment of the development application. Council's Development Engineer has raised no objections subject to the imposition of conditions.

(e) **Access and Mobility**

The relevant requirements and objectives of ADCP 2010 - Access and Mobility have been considered in the assessment of the development application and are detailed in the report. A satisfactory number of adaptable units are to be provided and the development provides equitable access. Should the application be approved, standard conditions of consent will be imposed with respect to compliance with the relevant provisions of the Building Code of Australia and Australian Standards.

(f) **Waste**

The relevant requirements and objectives of ADCP 2010 - Waste have been considered in the assessment of the development application and are detailed in the report. A satisfactory waste management plan has been submitted for the construction phase and on-going occupation of the development. Should the application be approved, a condition of consent will be imposed requiring compliance with the submitted WMP.

Section 94 Contributions Plan

The development would require the payment of contributions in accordance with Council Section 94 Contributions Plans. The matter of S.94 contributions has been discussed in detail in the report regarding the Voluntary Planning Agreement (VPA). In summary, it is not considered appropriate, in accordance with the Contributions Plan, to offset S.94 contributions in lieu of the provision of the publicly accessible Village Square and through site link as these areas will not be dedicated to Council. It is, therefore, recommended that conditions be imposed on any consent requiring the payment of these contributions prior to the issue of any construction certificate for the development.

The calculation is based on the following:

- 60 x 1 bedroom units;
- 158 x 2 bedroom units;
- 28 x 3 bedroom units (NB: Enclosed studies have been included as bedrooms in accordance with this Plan) and;
- 605sqm GFA retail/commercial space with a Capital Investment Value of $2,490,841.22.

Disclosure of Political Donations and Gifts

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

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

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

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

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

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

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

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

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

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

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited for a period of 32 days between 17 December 2013 and 16 January 2014. The required 14 day notification period was extended due to Christmas and New Year. The notification generated 25 submissions, including a petition containing 45 signatures, in respect of the proposal with none disclosing a political donation or gift. The issues raised in the public submissions are summarised and commented on as follows:

- *The height of the buildings is excessive, out of context with existing development being the tallest buildings in the Town Centre, inappropriately located on the periphery of the Town Centre, and inconsistent with SEPP 65 principles and Council's urban design objectives for the Auburn Town Centre.*

Comment:- This matter has been discussed in detail throughout the report. The character of the Town Centre is undergoing transition from older style, low-scale retail/business buildings to high density mixed use developments. The proposal is compatible with the desired future character of the Auburn Town Centre and satisfies the objectives of the zone and those pertaining to building height under Auburn LEP 2010. The development is of an appropriate density (complying with the maximum FSR under ALEP 2010) and, although the maximum building height is exceeded, the scale of the development is compatible with existing low-scale development through the inclusion of podium levels. Low-scale commercial properties in the vicinity of the site are yet to reach their development potential and will likely be developed in the future to a similar density.

- *Auburn is only a small suburb and not a comparable CBD to Sydney City, North Sydney, Chatswood or Parramatta.*

Comment:- The planning controls for the aforementioned regional CBD's permit a much greater intensity of development than that permitted in the local Auburn Town Centre.

- *The use of Clause 4.6 Exceptions to Development Standards of Auburn LEP 2010 to greatly increase the allowable height limit is an attempt to bypass the gateway process of amending the LEP.*

Comment:- The applicant has provided an appropriate response to the matters required to be addressed under Clause 4.6 Exceptions to development standards and the NSW Department of Planning & Infrastructure's *Varying Development Standards: A Guide, August 2011*. This matter is discussed in detail under Clause 4.6 of the Auburn LEP 2010 compliance table above.

- *Overshadowing does not comply with SEPP 65 and compromises the amenity of surrounding properties.*

Comment:- The overshadowing implications to all properties in the vicinity of the site have been discussed in detail throughout the report. In summary, it was found that the properties adjoining the southern side of the subject site (in the remainder of the street block bounded by Harrow Road, Beatrice Street and Auburn Road) were unavoidably overshadowed during the mid-winter. Shadow diagrams submitted by the applicant did show, however, that the shadows cast by buildings complying with the 36m height limit under Auburn LEP 2010 would not decrease the shadows cast over these properties. In fact, the larger building footprints, and decrease in separation of the proposed buildings, would result in an increase in the extent of overshadowing of these properties.

- *The southern side setback of the tower element from Auburn Road properties is inadequate and will result in overshadowing for 12 months of the year, causing health concerns such as damp and mould, and will disadvantage future development on these sites. The through site link should be relocated to the southern boundary, the setback of the Auburn Road tower increased and the height decreased to the height of the previous approval.*

- *Future development outcomes for the Beatrice Street properties have not been considered which will compromise development outcomes and impact on land value.*

Comment:- The overshadowing implications to these properties has been discussed above and in detail throughout the report. Shadow diagrams have also been provided for the summer solstice showing that the site directly adjoining the southern boundary on Auburn Road, will receive solar access at various times throughout the day, thus demonstrating that the site will not be overshadowed for the entire year. The previous approval referenced in the submission (DA-389/2011), although only 9 storeys in height, also completely overshadowed the adjoining property to the south on Auburn Road during mid-winter.

The impacts of the proposed development on properties to the south of the site has been discussed in detail throughout the report and found to be acceptable having regard to the various state and local planning policies. These sites are comparatively small in area and in fragmented ownership. For these properties to achieve their development potential, and provide positive design outcomes, site amalgamation would be required. Property values are not a matter for consideration when assessing development applications under s.79C of the Environmental Planning and Assessment Act, 1979.

- *The proposed height of the buildings is not sympathetic to existing heritage buildings. Facades should be limited to 3 storeys in Auburn Road and 5 storeys in Harrow Road.*

Comment:- The building design incorporates podium levels presenting 3 storeys to Auburn Road and 5 storeys to Harrow Road which are compatible with existing development in the locality. As discussed in detail in the Auburn LEP 2010 compliance table the proposed development was not found to have any adverse impacts on the significance of the heritage listed buildings in the vicinity of the site. The tower element to Auburn Road is setback from

the frontage and, although the tower element of the Harrow Road building sits directly over the southern part of the podium levels, it occupies only 38% of the site frontage.

- *The visual impact of such a large structure on the heritage listed Baptist Church adjoining the site to the north, and potential damage caused to the building during construction.*

Comment:- The matter of the potential impact on the heritage significance of the Church has been discussed in detail at *Clause 5.10 Heritage Conservation* in the ALEP 2010 compliance table. It was concluded that views from within the grounds of the Church have not been identified as a contributing factor to its significance. The buildings are also substantially setback from the Church and separated by the Church Hall and will not, therefore, impact on views of the Church. Should the application be approved, a condition of consent will be imposed with respect to the suitable shoring of the site during excavation and the preparation of dilapidation reports for adjoining buildings so as to ensure a record is created of the state of existing buildings prior to commencement of excavation on the site.

- *Loss of city views and effect on property value.*

Comment:- This objection was raised from a resident on the western side of Harrow Road. It is not stated whether city views to the property are afforded by virtue of the fact that the subject site is vacant. The residential flat buildings in this location are 3-4 storeys in height so a building of similar height would block views, as would a building which is compliant with the 36m height limit under ALEP 2010. The impact of a proposed development on property values are not a matter for consideration when assessing development applications under s.79C of the Environmental Planning and Assessment Act, 1979.

- *Traffic congestion during peak periods associated with the Auburn Public School, Al-Faisal College, the yet to be constructed mosque and the existing child care centre in Harrow Road and car parking availability in the locality will be further exacerbated by the proposal.*

Comment:- The applicant's traffic report conducted a survey of vehicles in Harrow Road, Beatrice Street and Auburn Road during the peak periods of 6.30a.m. to 9.30a.m. and 3.30p.m. to 6.30p.m on a weekday, which are the times during which most vehicle trips are likely to be generated by the proposed development. It was found that the local road network would not be adversely affected by the additional vehicles and would achieve an acceptable level of service. Council's Engineers have raised no objection in this regard. Further, the traffic study undertaken for the recent amendment to the LEP to increase the floor space ratios within the Auburn Town Centre did not identify the intersection of Harrow Road and Beatrice Street as requiring upgrading to cope with additional traffic.

The traffic report submitted for the development application for the Mosque at 43-47 Harrow Road (DA-398/2008) identifies that the Mosque will have a peak operation time of between 11.00am and 2.00 pm on a Friday. This is outside of the peak hours of traffic generation associated with schools in the vicinity and the proposed development.

- *Sight lines for cars exiting the development will be compromised by vehicles parked on the street increasing the potential for accidents.*

Comment:- Should the application be approved, a condition of consent is to be imposed requiring that no stopping (or similar) signs be installed either side of the driveway to ensure that adequate sight lines are maintained for vehicles exiting the site.

- *Inadequate car parking spaces have been provided as, in reality, people own more cars than the number of spaces stipulated in Council's DCP.*

Comment:- The development provides for parking in accordance with Auburn DCP 2010 – Parking and Loading and the site is in close proximity of public transport services. Given that parking in Harrow Road is limited this is likely to deter residents from having more vehicles than the car space/s allocated to their unit.

- *On-site visitor car parking has not been provided.*

Comment:- The proposal provides for 47 visitor spaces in the basement in accordance with Auburn DCP 2010 – Parking and Loading.

- *Will on-site car parking be allocated for customer use?*

Comment:- The proposal provides for customer and staff car parking for the retail/business tenancies in accordance with Auburn DCP 2010 – Parking and Loading.

- *Access from the Ambulance Station located at the northern end of Harrow Road may be impeded during periods of heavy traffic congestion.*

Comment:- Should there be an instance where both sides of Harrow Road are blocked with traffic, ambulances can go south-east along Queen Street and exit either direction along Auburn Road or continue along Civic Road. Mary Street to the south also offers an exit from Harrow Road.

- *Delivery vehicles will block traffic.*
- *A designated loading bay has not been provided.*

Comment:- A dedicated loading bay is provided for use by delivery vehicles. Should the application be approved, conditions of consent will be imposed requiring that all deliveries be conducted from the designated loading bay and that the intercom/access system allow for couriers and delivery drivers to access the lift and ground floor of the buildings.

- *Increase in exhaust fumes will become a health hazard.*

Comment:- The proposed development does not exceed the allowable density. Traffic in a town centre is inevitable and pollution levels vary depending on proximity to vehicles, vegetation and weather.

- *Research shows that children attending schools near busy roads have their learning capacity reduced.*

Comment:- Schools in the vicinity of the site are located on single lane local roads with much lower traffic volumes than major arterial roads. Further, the schools themselves generate the majority of traffic during morning drop-off and afternoon pick-up times. Traffic volumes in the locality are also at their peak in the morning and afternoon periods which is generally outside of the core hours of operation of the schools.

- *The laneway at the rear of shops with frontage to Auburn Road is proposed to be blocked and used for communal open space. The owners of the subject site do not own this lane.*

Comment:- The application has since been amended to remove the communal open space and pedestrian access over the right-of way extending from the southern boundary of the site through to Beatrice Street. It appears, however, that the amended plans still incorporate the northern portion of the right-of-way. Should the application be approved, a condition of consent is to be imposed requiring that the communal open space be deleted in this location so as to maintain vehicular access to the properties who have the benefit of the use of this right-of-way.

- *A laneway is not proposed to be provided to the rear of Beatrice Street properties in accordance with Auburn DCP 2010 which was to solve unloading issues for these businesses.*

Comment:- As discussed in detail in the report, the proposed development has relied on the provisions of the Draft ADCP 2010 - Local Centres which does not include a laneway in this location. Further, the previously approved application for the subject site did not include a laneway.

- *More residents and traffic will increase noise experienced by residents in Harrow Road and Beatrice Street.*

Comment:- The subject site has been vacant for a number of years. Any development on the site will result in increased noise associated with the coming and going of people and vehicles. The intensity of the development is, however, within the maximum specified floor space ratio for the site and is acceptable give its town centre location.

- *Noise associated with use of the "Village Square" would impact on the use of the adjoining Church hall and the new residents would, likewise, be affected by noise associated with the use of the hall.*

Comment:- The use of the Village Square, for anything other than the recreation of residents and passive use by members of the public, will be subject to a separate development application/s. Any application will be required to be accompanied by an acoustic report and will be subject to restriction on the hours of operation. Should the subject application be approved a condition of consent is to be imposed requiring a masonry wall to be constructed adjacent to the Hall to aid in the provision of acoustic privacy.

- *The use of the Village Square may result in anti-social behaviour such as loitering, drinking alcohol, drug dealing, vandalism and graffiti. The service of alcohol in the retail/business tenancies adjoining the Village Square would exacerbate these behaviours. What measures will be put in place to prevent this?*

- *Crime is a consequence of high rise buildings and Police will have to respond to incidents of petty and serious crime. Residents may become more fearful for their security and safety.*

Comment:- Should the application be approved, a condition of consent is to be imposed restricting the hours of access to the through site link and Village Square. This will prevent the typical anti-social behaviour that can occur in unsupervised spaces during the evenings. The application was also referred to the NSW Police who raised no objection to the proposal subject to recommendations regarding the imposition of conditions of consent as detailed earlier in the report.

- *It is debatable whether the Village Square will be used effectively, if at all, by residents of the buildings or the general public.*

Comment:- The Village Square and through site link are proposed on the northern side of the site. With good connectivity to the adjacent streets providing mid-street block pedestrian access, retail/business premises to attract people into the site, and optimal solar access, this large useable area will provide an alternative outdoor space for residents and an attractive area for members of the public.

- *The voluntary planning agreement should not be entered into as the Village Square and through site link are essentially for private use by residents of the building and should be the responsibility of the strata plan proprietors and not involve Council.*

Comment:- This matter has been addressed in the separate report regarding the Voluntary Planning Agreement. Council will extend its existing cleaning services in the Town Centre to provide cleaning of the through site link and Village Square (e.g. litter collection), however, maintenance of these areas will be the responsibility of the building owners (e.g. replacement of cracked pavers).

- *Future residents of certain levels of the building will have views of children in the play areas of Auburn Public School, the roof top play area of Al-Faisal College and the child care centre on the opposite side of Harrow Road compromising the safety of the children.*

Comment:- Auburn Public School is divided over two sites, being located on the north-east and south-west intersections of Auburn Road and Beatrice Street (no.s 72 and 131 Auburn Road). Both parts of the school grounds are surrounded by an open style palisade fence allowing views into the school from the footpath and surrounding development. The main playground to that part of the school on the eastern side of Auburn Road/northern side of Beatrice Street is located on the eastern side of the site behind one and two storey school buildings. Similarly, the main play ground to that part of the school on the western side of Auburn Road/southern side of Beatrice Street, is located on the southern part of the site behind one and two storey school buildings. The proposed development is directly opposite the northern portion of the school (the open area along the northern boundary of the school is used for car parking) and is separated from the site by Auburn Road. It is separated from the southern part of the school by properties on Beatrice Street and the road itself. This separation, combined with the main playgrounds being located behind the one (1) and two (2) storey school buildings and the location of large trees on the sites, will obscure views into the playgrounds.

The child care centre, at 21 Harrow Road, is located to the north-west of the subject site on the opposite side of Harrow Road. A distance of 45m separates the boundaries of the two sites, and from the closet balcony in the tower element of the Harrow Road building is separated by approximately 70m. The drop-off and pick-up area of the child care centre is able to be viewed from the street. The play areas are screened by the child care centre buildings on the southern side of the site and are largely covered with shade sails, thus preventing views from above.

Al-Faisal College, at 149 Auburn Road, is approximately 240m south of the subject site and has a rooftop play area on top of the third floor. It is separated from the subject site by Auburn Public School and 3 storey residential flat buildings. Given the play areas are elevated above all intervening buildings, views to the school would be available from any building of similar height, or one compliant with the established 36m height limit under ALEP 2010. The proposed buildings do not afford a view of the rooftop play area simply because of non-compliance with the height limit control.

- *The main buyers of the units are likely to be single people and investors. Residents will be transient and not interested in community issues or values or have links to the Auburn community.*

Comment:- The development provides a mix of 1 bedroom (24.4%), 2 bedroom (64.2%), and 3 bedroom (11.4%) units, thus appealing to a variety of people. The type of occupation of the units, whether it be an owner or renter, is not a matter for consideration when assessing development applications under s.79C of the Environmental Planning & Assessment Act, 1979.

- *The buildings may be referred to as the "Twin Towers" and could envoke fear, unfounded as it may be, into many residents in the area.*

Comment:- The development is comprised of two buildings. Similarly, single buildings could be built on two adjoining lots by different owners and have the same appearance. A colloquial name given to a development is not a matter for consideration when assessing development applications under s.79C of the Environmental Planning & Assessment Act, 1979.

- *Literature suggests that high rise residential buildings are a less satisfactory form of housing, are not optimal for children, social relations are more impersonal, and that they may independently account for some suicides.*

Comment:- The introduction of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, and the accompanying Residential Flat Design Code, establishes design principles and standards so as to improve the amenity of residential flat buildings for occupants, such as minimising the number of units per floor, requiring minimum units sizes, solar access and natural ventilation. All of these factors contribute to the liveability of a development for a range of people.

- *High-rise residential buildings consume more energy due to the need for lighting in common areas, lifts, security and the lifestyle of residents. A report by Willoughby Council found that four times as much carbon dioxide is generated by these building types. The report concluded that the key to successful high density living was ensuring properties were well constructed, designed and managed to encourage positive social interactions.*

Comment:- The buildings are subject to compliance with BASIX Certificates (as required by State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004) which ensures that the development meets energy and water use targets through such features as building insulation and energy efficient lighting, fixtures, fittings and appliances. The development has also been designed to comprise two separate buildings with a relatively small number of units located on each floor. The residents will have communal open space, the Village Square, and retail/business tenancies within which to interact.

- *Clothes drying will be visible from balconies and people may be forced to use dryers which will impact on electricity consumption.*

Comment:- As discussed in the report, balcony balustrades are proposed to be comprised of a mix of masonry and glazing. For those balconies comprised of only transparent glass, a condition of consent is recommended to be imposed with respect to the provision of screening, translucent glass, or masonry to 50% of the balcony so as to provide screening for clothes drying. A condition of consent will also be imposed requiring the installation of energy efficient dryers.

- *The adverse effects of noise (from machinery and vehicles) and dust during the long excavation and construction period.*

Comment:- Should the application be approved, appropriate conditions of consent will be imposed restricting construction noise and hours, including delivery of materials to the site, and employing an appropriate method of dust suppression so as to minimise impacts on surrounding properties.

- *Developer/builders are to have regard for the infrastructure and buildings on adjoining sites.*

Comment:- Should the application be approved, appropriate conditions of consent will be imposed requiring the preparation of dilapidation reports for properties adjacent to the site. Any damage to adjoining sites caused during construction is a matter for the developer to resolve.

- *Incidents of litter and garbage thrown onto the streets for Council collection will increase.*

- *Health hazards such as flies, cockroaches and rats may increase should the Body Corporate not be vigilant about keeping the site clean.*

Comment:- Satisfactory and conveniently located waste facilities are to be provided to the development. The submitted Waste Management Plan recommends a full-time caretaker for site who will be responsible for the management of the waste room. A private contractor will also be required for garbage collection. Should the application be approved, conditions of consent will be imposed regarding compliance with the submitted Waste Management Plan and the clearing of litter from around the site.

- *Litter will be blown into the Church grounds if there is no solid barrier along the northern boundary of the subject site.*

Comment:- A solid barrier is proposed along the northern boundary in the form a masonry wall adjacent to the Church Hall and planter boxes for the remainder of the through site link.

- *There is a high prevalence of illegal subdivision of units in the Auburn LGA and the construction of more large scale units will increase fire hazards and overpopulation of the area.*

- *The infrastructure of Auburn Town Centre will not cope with a large influx of residents.*

Comment:- The intensity of the development, with an FSR of 4.84:1, is below the maximum FSR of 5.0:1 stipulated in Auburn LEP 2010. The amendment of the LEP to increase the FSR in the Auburn Town Centre was subject to a detailed Planning Proposal approved by the Department of Planning and Infrastructure. The construction of the building will be required to comply with the current provisions of the Building Code of Australia. Any unauthorised works to units which come to the attention of Council will require rectification.

- *The developer lodged the application late in the year to coincide with the Christmas season so as take advantage of Council's closure during this period and the absence of senior staff to manage the application.*

- *The notification period coincides with many residents being on holidays, who would be unaware of the development proposal and would not have an opportunity to lodge and objection.*

Comment:- The application was lodged prior to the commencement of the Christmas period on 26 November 2013. The draft Voluntary Planning Agreement, which forms an integral part of the proposal, was subsequently submitted and the application placed on exhibition at the first available date. The exhibition period commenced on 17 December 2013 and ceased 16 January 2014. It was extended from the 14 days, required under Auburn DCP 2010, to 32 days to account for the Christmas/New Year period. Viewing of the application, and receipt of submissions, has also been accommodated subsequent to the exhibition period. Further, significant time has elapsed since the Christmas/New Year period and the referral of the assessment report to the Joint Regional Planning Panel for determination.

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

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

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

Conclusion

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

The proposed development is appropriate for a locality zoned for mixed use development and undergoing transition, however, some variations (as detailed above) in relation to Auburn Local Environmental Plan 2010, State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development; and Auburn Development Control Plan 2010 - Local Centres and Residential Flat Buildings are sought.

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

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