

AUBURN CITY COUNCIL

93-105 Auburn Road & 18 Harrow Road, AUBURN

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 2 x 14 storey buildings containing a total of 229 residential units & 10 retail tenancies, 'Village Square' and through site link over part 3/part 4 levels of basement car parking with associated provision of landscaping & site services
Site Area	4,849sqm
Zoning	Zone B4 - Mixed Use
Disclosure of political donations and gifts	Nil disclosure
Issues	Exceedance of height limit 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 2 x 14 storey buildings containing a total of 229 residential units & 10 retail tenancies, 'Village Square' and through site link over part 3/part 4 levels of basement car parking with associated provision of landscaping & site services on land at 93-105 Auburn Road & 18 Harrow Road, AUBURN be refused subject to the following reasons:

- 1. The proposed development is not consistent with the aims of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development at Clause 2(3)(a)(ii) and (iii) and 2(3)(b) and the Design Quality Principles at Clause 9, 10 and 11 with respect to context, height, bulk and scale.***

(Environmental Planning and Assessment Act 1979 s79C(1)(a)(i))

- 2. The proposed development does not comply with Clause 30(2)(c) of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development with respect to the Residential Flat Design Code insofar as the height, bulk, scale, and massing of the development is not compatible with the desired scale and character of the street and local area.***

(Environmental Planning and Assessment Act 1979 s79C(1)(a)(i))

- 3. The proposed development is not consistent with the aims of Auburn Local Environmental Plan 2010 at Clause 1.2(c) with respect to the protection of areas from inappropriate development.***

(Environmental Planning and Assessment Act 1979 s79C(1)(a)(i))

4. *The proposed development is not consistent with the height of building objectives at clause 4.3(1)(b) of the Auburn Local Environmental Plan 2010 as the height of the buildings is not compatible with the character of the locality.*

(Environmental Planning and Assessment Act 1979 s79C(1)(a)(i))

5. *The proposed development does not comply with clause 4.3(2) of the Auburn Local Environmental Plan 2010 relating to maximum height of buildings.*

(Environmental Planning and Assessment Act 1979 s79C(1)(a)(i))

6. *The proposed development does not comply with Clause 4.6(3) of the Auburn Local Environmental Plan 2010 insofar as it has not adequately demonstrated that compliance with the development standard pertaining to maximum building height is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.*

(Environmental Planning and Assessment Act 1979 s79C(1)(a)(i))

7. *The proposed development does not comply with Clause 4.6(4)(a)(ii) of the Auburn Local Environmental Plan 2010 insofar as it would not be in the public interest because it is not consistent with the objectives for heights of buildings.*

(Environmental Planning and Assessment Act 1979 s79C(1)(a)(i))

8. *The proposed development is not consistent with the Local Centres part of Auburn Development Control Plan 2010 including Sections 2.0 Built Form, 3.0 Streetscape and Urban Form, and 4.0 Mixed Use Developments, insofar as the height, bulk and scale of the development is not compatible with the existing or desired future character of the area and would have an adverse impact on the streetscape.*

(Environmental Planning and Assessment Act 1979 s79C(1)(a)(iii))

9. *The proposed development is not consistent with the Residential Flat Buildings part of Auburn Development Control Plan 2010 including Section 2.0 Built Form insofar as the as the height, bulk and scale of the development does not respond or contribute to the character of the locality and streetscape.*

(Environmental Planning and Assessment Act 1979 s79C(1)(a)(iii))

10. *The proposed development will have an adverse environmental impact in the locality as it is excessive in terms of height and bulk and is not compatible with the character of the locality.*

(Environmental Planning and Assessment Act 1979 s79C(1)(b))

11. *Public submissions have been received objecting to the proposed development on the basis of height and bulk and inconsistency with the character of the area.*

(Environmental Planning and Assessment Act 1979 s79C(1)(d))

12. *In the circumstances of the case, approval of the development would not be in the public interest.*

(Environmental Planning and Assessment Act 1979 s79C(1)(e)).

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 an 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 a 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 was approved on 15 October 2014.

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.

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 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.

At its meeting held on 17 July 2014 the Joint Regional Planning Panel – Sydney West considered a report regarding the application and made the following decision:

1. *The **area** in which the site is located is generally suited to higher density residential and commercial development. The Panel notes that such higher density development will occur under the current planning controls and that neighbouring and surrounding areas must anticipate the changes associated with this higher density development.*
2. *The Panel notes the location of **this site**, particularly its higher elevation compared to its surrounds and its situation on the edge of the town centre near residential areas, a school and a church.*
3. *In the above context the panel finds that the height of the proposed building fails to satisfy the requirements of Clause 4.6 of the LEP in that it is not compatible with the character of its surrounds and broader locality nor does it provide adequate protection from over shadowing.*
4. *Notwithstanding, the panel is attracted to the development concept design advanced in this application being narrow towers above podiums of a scale that are compatible with their surrounds.*
5. *Therefore the panel defers determination of this application and invites resubmission of a revised application consistent with the current design approach (as outlined in 4 above) but which complies with the height standard or is acceptable under clause 4.6 of the LEP.*
6. *The panel notes that any revised application must consider all applicable development standards and criteria and that achievement of the maximum FSR (5:1) cannot be assumed.*
7. *If a revised application is not submitted within 3 months of today's date the panel will reconvene and determine the current application.*

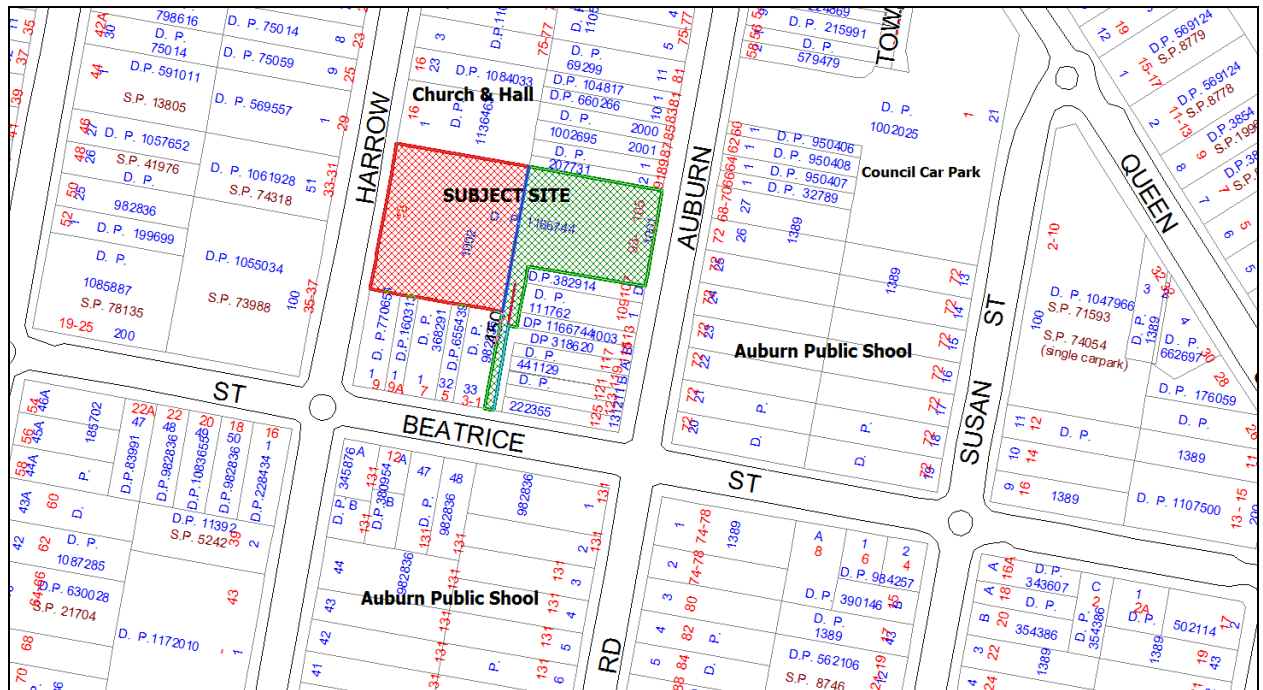
Amended plans were submitted on 12 September 2014 and form the basis of this report.

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 the 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 amended plans for the construction of a mixed use development comprising the following:

- A part 3, part 4 level basement car park with a total of 331 car parking spaces (250 resident, 54 visitor & 27 retail spaces), 64 bicycle parking spaces, 4 loading bays, 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 14 storeys (44.55m) to Auburn Road and the second also of 14 storeys (43.7m) to Harrow Road. Both buildings has a five (5) storey podium;
- A total of 229 residential units, of which 27 are adaptable units, comprising 90 x 1 bedroom units, 126 x 2 bedroom units and 13 x 3 bedroom units;
- Ten (10) retail/business tenancies on the ground floor of the Auburn Road building. Four (4) tenancies have frontage to Auburn Road and two (2), at the rear of the building, have frontage to the through site link and Village Square. The remaining four (4) tenancies have frontage to Harrow Road, with one of the tenancies also having frontage to the through site link and Village Square. The total floor area of the tenancies is 1,126sqm; 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 comparison of the key differences between the originally submitted plans and the amended plans is summarised below:

	ORIGINAL PROPOSAL	AMENDED PROPOSAL
NO. OF STOREYS	Auburn Rd – 19 storeys Harrow Rd – 17 storeys	Auburn Rd – 14 storeys Harrow Rd – 14 storeys
HEIGHT	Auburn Rd – 59.5m Harrow Rd – 53.1m	Auburn Rd – 44.55m Harrow Rd – 43.7m
VARIATION TO LEP MAX. 36M HEIGHT CONTROL	Auburn Rd – 8.55m Harrow Rd – 7.7m	Auburn Rd – 8.55m Harrow Rd – 7.7m
FSR (LEP Max. 5.0:1)	4.84:1	4.16:1
NO. OF RESIDENTIAL UNITS	246 units	229 units
NO. OF RETAIL/BUSINESS TENANCIES	7 tenancies	10 tenancies
NO. OF CAR PARKING SPACES	342 car parking spaces	331 car parking spaces

The original application also included the offer of a Voluntary Planning Agreement (VPA) for certain public domain works extending beyond the frontages of the site and conditions regarding Council’s role and public use of the Village Square and through site link. The VPA was independently assessed by a consultant town planner and found to have a public benefit and, as such, was positively viewed under S.79C *Matters for consideration - general* of the Environmental Planning and Assessment Act, 1979.

The amended proposal was submitted without the offer of a VPA. Public domain works were proposed to be undertaken adjacent to the site and the Village Square and through site link would remain publicly accessible spaces.

On 27 November 2014 the applicant requested the reinstatement of the VPA offer in the form originally lodged, exhibited and reported to Council. However, given that the amended

proposal was exhibited without the offer of a VPA, this aspect of the proposal would be required to be re-exhibited.

Referrals

Internal Referrals

Development Engineer

The development application was referred to Council's Development Engineer for comment who has raised no objections to the proposed development subject to conditions 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 should the application be approved.

The amended plans raise no further issues with respect to satisfying the requirements of the NSW Police and, as such, were not referred for additional comment.

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 AUSTRROADS. 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.*

The requirements of the RMS could be imposed as conditions of consent. The amended plans propose fewer dwellings and car parking spaces and, as such, were not referred for additional comment. No further issues arise with respect to satisfying the requirements of the 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In the development going to be used for a sensitive land use (eg: residential, educational, recreational, childcare or hospital)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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:	

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	It is proposed that both buildings exceed the maximum 36m height limit under ALEP 2010 by 8.55m (Auburn Rd building) and 7.7m (Harrow Rd building). Further, the width of the tower across the Harrow Rd frontage of the site has been increased adding significant bulk to the building as it presents to Harrow Rd. It is therefore, considered that the proposed development does not achieve the urban planning policies for the local context and the built form would have an adverse impact on the streetscape.
(ii) by being a long-term asset to its neighbourhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(ii) by achieving the urban planning policies for its regional and local contexts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(e) to minimise the consumption of energy from non-renewable resources to conserve the environment and to reduce greenhouse gas emissions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No formalised Design Review Panel exists in respect of the Auburn LGA.
(2) In determining a DA, the following is to be considered:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the advice of the design review panel (if any)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Refer to discussion of design quality principles below.
(b) the design quality of the residential flat development when evaluated in accordance with the design quality principles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Refer to discussion of Residential Flat Design Code below.
(c) the publication "Residential Flat Design Code" – DoP Sept. 2002				
Part 2 Design quality principles				
Principle 1: Context Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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, however, exceeds the 36.0m maximum height limit under ALEP 2010 by 8.55m (Auburn Rd building) and 7.7m (Harrow Rd building) and is, therefore, considered to be inconsistent with the desired future character of the Auburn Town Centre.

Requirement	Yes	No	N/A	Comment
<p>Principle 2: Scale</p> <p>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>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.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development is considered to be of an inappropriate scale having regard to the desired future character of the area. The buildings exceed the maximum LEP height limit of 36m by 8.55m (Auburn Rd building) and 7.7m (Harrow Rd building). Further, the width of the tower across the Harrow Road frontage of the site has been increased from 23m to 39.5m (including balconies) so as to accommodate an additional 2 units per floor. This has added significant bulk to the building as it would occupy 70% of the 55m street frontage as opposed to 42% as originally proposed. The additional height and bulk of the development is considered to be incompatible with the scale identified for the future character of the area. The originally and currently proposed Harrow Rd elevations appear below.</p>

Requirement	Yes	No	N/A	Comment
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ORIGINALLY PROPOSED HARROW ROAD ELEVATION



CURRENTLY PROPOSED HARROW ROAD ELEVATION



Requirement	Yes	No	N/A	Comment
Principle 3: Built form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As detailed above, the proposed development exceeds the maximum height limit under ALEP 2010 and the bulk of the Harrow Rd tower has been increased. This is considered to result in an inappropriate built form which would detract from the character of the existing and future 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is zoned for mixed use development and is located in the Auburn Town Centre. An amendment to Auburn LEP 2010 increased 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 4.16:1 and complies with the maximum FSR for the site. The proposed development is, therefore, of an appropriate density.
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 values. 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.

Requirement	Yes	No	N/A	Comment
<p><u>Principle 7: Amenity</u> 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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.</p>
<p><u>Principal 8: Safety and security</u> 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Passive surveillance of public and communal open space is maximised through orientation of units.</p> <p>The position and orientation of balconies and habitable rooms of apartments overlook the communal open space, through site link, 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.</p> <p>Lift foyers and basement car parking will have appropriate security access and intercom access for visitors.</p>
<p><u>Principal 9: Social dimensions</u> 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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.</p>
<p><u>Principle 10: Aesthetics</u> 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Despite the bulk and scale of the development, the buildings have an attractive, contemporary appearance and utilise elements that provide individuality to the development. The finishes and treatment to the buildings provide an appropriate response to the likely future character of the locality.</p>

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				
<i>Building Type</i>				
<ul style="list-style-type: none"> Residential Flat Building Terrace Townhouse Mixed-use development Hybrid (refer p8-17 of Design Code)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The proposed development can be categorised as a "tower" type residential flat building. The Code provides the following description of this building type:</p> <p><i>"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."</i></p>
<i>Subdivision and Amalgamation</i>				
Objectives <ul style="list-style-type: none"> Subdivision/amalgamation pattern arising from the development site suitable given surrounding local context and future desired context. Isolated or disadvantaged sites avoided. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>An appropriate condition of consent could be imposed requiring the sites to be amalgamated prior to issue of any Occupation Certificate.</p> <p>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.</p>
<i>Building Height</i>				
Objectives <ul style="list-style-type: none"> 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. 	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>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, however, exceeds the 36.0m maximum height limit under ALEP 2010 by 8.55m (Auburn Rd building) and 7.7m (Harrow Rd building) and is, therefore, considered to be inconsistent with the desired future character of the street and local area.</p>

Requirement	Yes	No	N/A	Comment
Building Depth				
Objectives				
<ul style="list-style-type: none">To ensure that the bulk of the development is in scale with the existing or desired future context.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The bulk of the development will not be compatible with the scale of existing and future development in the locality. This is not due, however, to the depth of the buildings but rather the width of the Harrow Road building as it presents to the street.
<ul style="list-style-type: none">To provide adequate amenity for building occupants in terms of sun access and natural ventilation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">To provide for dual aspect apartments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Controls				
<ul style="list-style-type: none">The maximum internal plan depth of a building should be 18 metres from glass line to glass line.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The depth of the buildings varies, however, the buildings generally have an internal width of 18m from glass line to glass line.
<ul style="list-style-type: none">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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">Slim buildings facilitate dual aspect apartments, daylight access and natural ventilation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none">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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Building Separation				
Objectives				
<ul style="list-style-type: none">To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The building scale is not appropriate in the context of the desired future character of the area. An inadequate setback has been provided between the new element of the Harrow Road tower and the northern boundary which increases the bulk of the building.
<ul style="list-style-type: none">To provide visual and acoustic privacy for existing and new residents.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">To control overshadowing of adjacent properties and private or shared open space.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
<p>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.</p> <p>○ 5-8 storeys/up to 25 metres:</p> <ul style="list-style-type: none"> ▪ 18m between habitable rooms/balconies <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> ▪ 13m between habitable rooms/balconies and non-habitable rooms <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> ▪ 9m between non-habitable rooms <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <p>○ 9 storeys and above/over 25 metres:</p> <ul style="list-style-type: none"> ▪ 24m between habitable rooms/balconies <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> ▪ 18m between habitable rooms/balconies and non-habitable rooms <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> ▪ 12m between non-habitable rooms <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 				<p>The fifth floor of the Harrow Road building has a northern side setback from the boundary of 1.352m (no windows). The upper floors are setback 7.4m to windows and 6.8m to balconies. This is not considered to be acceptable given the reduced setback contributes to the bulk of the building as viewed from Harrow Road. The southern setbacks vary from 8.825m to windows of habitable rooms to 7.0m to one of the balconies.</p> <p>The Auburn Road building has a northern side setback from the boundary of between 8.5m and 11m to windows of habitable room/balconies for all floors above the five (5) podium levels. The southern side setback varies from 5m to a south-facing balcony and 6.92m to windows of habitable rooms.</p> <p>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).</p>

Requirement	Yes	No	N/A	Comment
				<p>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.</p> <p>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.</p> <p>The Auburn Road properties will receive partial 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 start to receive solar access from 12 noon. 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.</p>

Requirement	Yes	No	N/A	Comment
Controls				
<ul style="list-style-type: none">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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development has been divided into two distinct buildings which limits the lengths of walls facing the side boundaries.
<ul style="list-style-type: none">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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Building setbacks have been discussed previously.
Floor Space Ratio				
Objectives				
<ul style="list-style-type: none">To ensure that development is in keeping with the optimum capacity of the site and the local area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none">To define allowable development density for generic building types.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">To provide opportunities for modulation and depth of external walls within the allowable FSR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The buildings are modulated and of an appropriate width to allow for adequate daylight access and natural ventilation as discussed later in the report.
<ul style="list-style-type: none">To promote thin cross section buildings, which maximise daylight access and natural ventilation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">To allow generous habitable balconies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suitably sized balconies are provided to all units.
Part 02 Site Design				
Site Analysis				
<ul style="list-style-type: none">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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none">A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Deep Soil Zones				
Objectives				
<ul style="list-style-type: none">To assist with management of the water table	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.
<ul style="list-style-type: none">To assist with management of water quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none">To improve the amenity of developments through the retention and/or planting of large and medium size trees	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
<u>Design Practice</u> <ul style="list-style-type: none"> 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. 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
Fences and Walls				
<u>Objectives</u> <ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<u>Design Practice</u> <ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>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 could be imposed requiring that the fence forward of the building line not exceed 1.2m in height.</p> <p>The proposed through site link is located on the northern boundary of the site and adjoins the Church hall. A 2.0m high solid wall is proposed to be constructed along the length of the northern boundary. This will protect the visual and acoustic privacy of adjoining properties.</p>
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The communal open space areas have been designed for both passive and active recreation.</p>

Requirement	Yes	No	N/A	Comment
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Both street frontages are provided with active ground floor uses.
<ul style="list-style-type: none"> Select durable materials which are easily cleaned and graffiti resistant 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suitable materials are proposed.
<i>Landscape Design</i>				
<u>Objectives</u>				
<ul style="list-style-type: none"> To add value to residents' quality of life within the development in the forms of privacy, outlook and views. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none"> To provide habitat for native indigenous plants and animals. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To improve stormwater quality and reduce quantity. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To improve the microclimate and solar performance within the development. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To improve urban air quality. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To contribute to biodiversity. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
Design Practice				
<ul style="list-style-type: none">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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none">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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">Design landscape which contributes to the site's particular and positive characteristics.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">Contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">Provide a sufficient depth of soil above paving slabs to enable growth of mature trees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">Minimise maintenance by using robust landscape elements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Open Space				
Objectives				
<ul style="list-style-type: none">To provide residents with passive and active recreational opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">To provide an area on site that enables soft landscaping and deep soil planting.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">To ensure that communal open space is consolidated, configured and designed to be useable and attractive.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">To provide a pleasant outlook.				

Requirement	Yes	No	N/A	Comment
Design Practice				
<ul style="list-style-type: none"> • Provide communal open space with is appropriate and relevant to the building's setting (refer to guidelines on p48 of Design Code) 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> • 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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. Part 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.
<ul style="list-style-type: none"> • 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All units are provided with private open space in the form of balconies or terraces.
<ul style="list-style-type: none"> • 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The buildings have been sited so as to allow for optimal solar access to the Village Square. Landscaping features will provide shade in summer.
<ul style="list-style-type: none"> • Provide environmental benefits including habitat for native fauna, native vegetation and mature trees, a pleasant microclimate, rainwater percolation and outdoor drying area. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none"> • 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%. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Communal open space to be accessed by residents only, equates to approximately 9.7% (475sqm) 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 670sqm.
<ul style="list-style-type: none"> • 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
<ul style="list-style-type: none"> Minimum recommended area of private open space for each apartment at ground level or similar space on structure is 25m² and the minimum preferred dimension is 4m. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The communal open space and Village Square together equate to approximately 23% of the site area. This represents a shortfall of approximately 78.5sqm 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, 1,300sqm of useable open space is provided which equates to over 26% of the site area.</p> <p>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.</p>
<i>Orientation</i>				
Objectives <ul style="list-style-type: none"> 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 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>The proposed bulk of the Harrow Rd tower is not considered to contribute positively to the desired streetscape character. The orientation of the buildings, however, allows for adequate solar access to the subject site and development in the vicinity.</p>
Design Practice <ul style="list-style-type: none"> Plan the site to optimise solar access by: positioning and orienting buildings to maximise north facing walls (within 30° east and 20° west of north) where possible; and providing adequate building separation within the development and to adjacent buildings. Select building types or layouts which respond to the streetscape while optimising solar access. Where streets are to be edged and defined by buildings: align buildings to the street on east-west streets; and use courtyards, L-shaped configurations and increased setbacks to northern side boundaries on north-south streets. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>The general layout is considered to be appropriate with regard to the general orientation and separation of buildings as previously discussed.</p> <p>The proposed building types and layouts responds appropriately to the street by providing podium levels which complement the scale and height of existing and future development. Buildings have been configured around a central courtyard (the Village Square) which has the benefit of optimizing solar access to units.</p>

Requirement	Yes	No	N/A	Comment
<ul style="list-style-type: none">Optimise solar access to living spaces and associated private open spaces by orienting them to the north.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none">Detail building elements to modify environmental conditions as required to maximise sun access in winter and sun shading in summer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Building elements such as screens, recesses and overhanging balconies will provide solar protection during summer whilst maintaining adequate solar access in winter.
<i>Planting on Structures</i>				
<u>Objectives</u>				
<ul style="list-style-type: none">To contribute to the quality and amenity of communal open space on roof tops, podiums and internal courtyards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none">To encourage the establishment and healthy growth of trees in urban areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<u>Design Practice</u>				
<ul style="list-style-type: none">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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none">Design planters to support the appropriate soil depth and plant selection by: ensuring planter proportions accommodate the largest volume of soil possible; and providing square or rectangular planting areas rather than long narrow linear areas. Minimum soil depths will vary depending on the size of the plant however soil depths greater than 1.5m are unlikely to have any benefits for tree growth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
Safety				
Objectives				
<ul style="list-style-type: none"> To ensure residential flat developments are safe and secure for residents and visitors. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none"> To contribute to the safety of the public domain. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Design Practice				
<ul style="list-style-type: none"> Reinforce the development boundary to strengthen the distinction between public and private space. This can be actual or symbolic and include: employing a level change at the site and/or building threshold; signage; entry awnings; fences; walls and gates; change of material in paving between the street and the development. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suitable landscaping and fencing is to be provided to boundaries between public and private areas.
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none"> Minimise opportunities for concealment by: avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor car parking, along corridors and walkways; providing well lit routes throughout the development; providing appropriate levels of illumination for all common areas; providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Opportunities for concealment have been minimised and appropriate lighting will be provided.
<ul style="list-style-type: none"> Control access to the development by: making apartments inaccessible from the balconies, roofs and windows of neighbouring buildings; separating the 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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

Requirement	Yes	No	N/A	Comment
<p>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.</p> <ul style="list-style-type: none"> Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>will prevent unauthorised entry to the buildings. Although entry to the car park 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.</p> <p>An assessment of the proposal in relation to Council's Policy on Crime Prevention Through Environmental Design 2006 was submitted with the original application. The amended proposal raises no further issues in this regard.</p>
Visual Privacy				
<p>Objectives</p> <ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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.</p>
<p>Design Practice</p> <ul style="list-style-type: none"> Locate and orient new development to maximise visual privacy between buildings on site and adjacent buildings by providing adequate building separation, employing appropriate rear and side setbacks, utilise the site layout to increase building separation. Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments by: balconies to screen other balconies and any ground level private open space; separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms; changing the level between ground floor apartments with their associated private open space, and the public domain or communal open space. Use detailed site and building design elements to increase privacy without compromising access to light and air (refer p58-59 of Design Code for detailing) 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
Building Entry				
Objectives				
<ul style="list-style-type: none">To create entrances which provide a desirable residential identity for the development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is considered to be consistent with the Building Entry Objectives as identifiable communal entries are proposed.
<ul style="list-style-type: none">To orient the visitor.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">To contribute positively to the streetscape and building facade design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Design Practice				
<ul style="list-style-type: none">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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none">Provide as direct a physical and visual connection as possible between the street and the entry.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none">Achieve clear lines of transition between the public street, the shared private circulation spaces and the apartment unit.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">Ensure equal access for all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">Provide safe and secure access (refer design solutions on p60 of the Design Code)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">Provide separate entries from the street for pedestrians and cars; different uses and ground floor apartments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mailboxes are to be provided at the recessed entrance to each building.
<ul style="list-style-type: none">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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Parking				
Objectives				
<ul style="list-style-type: none">To minimise car dependency for commuting and recreational transport use and to promote alternative means of transport – public transport, bicycling and walking.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none">To provide adequate car parking for the building’s users and visitors depending on building type and proximity to public transport.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none">To integrate the location and design of car parking with the design of the site and the building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
Design Practice				
• Utilise the site and its planning to optimise accessibility to the development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
• Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entrances, lobbies, communal open space, site facilities, parking areas, public streets and internal roads.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Maximise the number of accessible, visitable and adaptable apartments in a building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• Separate and clearly distinguish between pedestrian accessways and vehicle accessways.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• Consider the provision of public through site pedestrian accessways in large development sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• Identify the access requirements from the street or car parking area to the apartment entrance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• Follow the accessibility standard set out in AS1428 as a minimum.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are 27 adaptable units within the development, representing 11.8% of the total number of units proposed.
• Provide barrier free access to at least 20% of dwellings in the development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Vehicular and pedestrian entries are separated and well distinguished.				
A publicly accessible 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is considered to be consistent with the Vehicle Access objectives. The vehicular access point has been designed to minimise the streetscape impact.
• To encourage the active use of street frontages.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
Design Practice <ul style="list-style-type: none"> Ensure that pedestrian safety is maintained by minimising potential pedestrian/vehicle conflicts (refer design approaches on p65 of the Design Code) 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pedestrian/vehicle conflicts are minimised through the provision of a single vehicular access driveway to the site from Harrow Road.
<ul style="list-style-type: none"> Ensure adequate separation distances between vehicular entries and street intersections. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The driveway is approximately 38m from the intersection of Harrow Road and Beatrice Street providing adequate separation.
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The vehicle access point is as narrow as possible and is limited to the secondary street frontage.
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none"> Generally limit the width of driveways to a maximum of 6m. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The width of the vehicle access is in accordance with Australian Standards.
<ul style="list-style-type: none"> Locate vehicle entries away from main pedestrian entries and on secondary frontages. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Part 03 Building Design				
Apartment Layout				
Objectives <ul style="list-style-type: none"> To ensure the spatial arrangement of apartments is functional and well organised. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is considered to be consistent with the Apartment Layout objectives as units are suitably sized with acceptable levels of amenity.
<ul style="list-style-type: none"> To ensure that apartment layouts provide high standards of residential amenity. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To maximise the environmental performance of apartments. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To accommodate a variety of household activities and occupants' needs. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Design Practice <ul style="list-style-type: none"> Determine appropriate sizes in relation to: geographic location and market demands; the spatial configuration of an apartments; affordability. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Apartment layouts are generally considered satisfactory in terms of orientating living areas and private open spaces to optimise solar access where possible. Open plan
<ul style="list-style-type: none"> Ensure apartment layouts are resilient 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
over time by accommodating a variety of furniture arrangements; providing for a range of activities and privacy levels between different spaces within the apartment; utilising flexible room sizes and proportions or open plans; ensuring circulation by stairs, corridors and through rooms is planned as efficiently as possible thereby increasing the amount of floor space in rooms.				living/dining areas are provided which allows for flexibility of use over time.
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The living area of each unit is 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.
<ul style="list-style-type: none"> Avoid locating kitchen as part of the main circulation spaces of an apartment, such as a hallway or entry space. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Include adequate storage space in apartment 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All the units have storage space within their confines in addition to kitchen cupboards and wardrobes.
<ul style="list-style-type: none"> Ensure apartment layouts and dimensions facilitate furniture removal and placement. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Additional storage is also provided in the basement car parking levels.
<ul style="list-style-type: none"> Apartment dimensions on p67-68 of the Design Code achieved. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Apartment areas on p69 of the Design Code achieved. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Of the 229 units proposed in both buildings, 42 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.
<ul style="list-style-type: none"> Single aspect apartments should be limited in depth to 8m from a window. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> The back of a kitchen should be no more than 8m from a window. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> The width of cross-over/cross-through apartments over 15m deep should be 4m or greater. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Buildings not meeting the minimum standards must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly for habitable rooms. 				
<ul style="list-style-type: none"> Minimum apartment sizes: 1 bed = 50m², 2 bed = 70m², 3 bed = 95m² 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Unit sizes comply with the minimum requirements as follows: <ul style="list-style-type: none"> 1 bed – 52sqm-72sqm

Requirement	Yes	No	N/A	Comment
Ceiling Heights				
Objectives				
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	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.
Design Practice				
<ul style="list-style-type: none"> 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. 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. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	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.

Requirement	Yes	No	N/A	Comment
<u>Design Practice</u>				
<ul style="list-style-type: none"> 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. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no units proposed on the ground floor street frontages of either building.
<ul style="list-style-type: none"> 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. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Solar access and ambient natural light to ground floor units has been increased by providing floor to ceiling glazing to open plan living areas.
<ul style="list-style-type: none"> Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ground floor units at the rear of the Harrow Rd building are accessed via a common entry from Harrow Road and the Village Square. This is considered to be acceptable as none of the units have frontage to the street and common entry points will provide added security to those units directly adjoining the publicly accessible Village Square. Three of the five ground floor units have been designed as adaptable dwellings.
<ul style="list-style-type: none"> Provide ground floor apartments with access to private open space, preferably as a terrace or garden. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ground floor units have been provided with large balconies instead of terraces due to the level change between the finished floor level of the units and the outside ground level.

Requirement	Yes	No	N/A	Comment
<i>Mixed Use</i>				
<u>Objectives</u>				
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is consistent with the Mixed Use objectives as it provides for ground floor retail/business with residential units above which would reinforce the character, economy and function of the town centre.
<ul style="list-style-type: none"> Consider building depth and form in relation to each use's requirements for servicing and amenity (refer details on p80 of the Design Code). 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The depth of the buildings are appropriate for the intended uses.
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The circulation systems within the development are acceptable.
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none"> Recognising the ownership/lease patterns and separating requirements for purposes of BCA. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Storage</i>				
<u>Objectives</u>				
<ul style="list-style-type: none"> To provide adequate storage for everyday household items within easy access of the apartment. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To provide storage for sporting, leisure, fitness and hobby equipment. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
Design Practice				
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suitable building separation is provided to maximize acoustic privacy from neighbouring buildings.
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Where possible, noisier areas such as bathrooms and laundries are distanced from bedrooms.
<ul style="list-style-type: none"> 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. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no external noise sources in close proximity to the site, such as arterial roads or railways, which would require additional building treatment.
<ul style="list-style-type: none"> Reduce noise transmission from common corridors or outside the building by providing seals at entry doors. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent could be imposed requiring door seals to be provided to entry doors.
Daylight Access				
Objectives				
<ul style="list-style-type: none"> To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is considered to be generally consistent with the Daylight Access objectives as the orientation of living areas allows for solar access.
<ul style="list-style-type: none"> To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To provide residents with the ability to adjust the quantity of daylight to suit their needs. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
<u>Design Practice</u>				
<ul style="list-style-type: none"> Plan the site so that new residential flat development is oriented to optimise northern aspect. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed buildings have been located and designed so as to take advantage of the northerly aspect.
<ul style="list-style-type: none"> Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The communal open space is located between, and on the southern side, of the two buildings. The space between the buildings will receive partial 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-winter.
<ul style="list-style-type: none"> 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 facing apartments and increase their window area; use light shelves to reflect light into deeper apartments. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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.</p> <p>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. A condition of consent could be imposed to ensure that the use of energy efficiency glass has a maximum reflectance value so as to minimise glare to surrounding properties.</p>
<ul style="list-style-type: none"> 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). 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Limit the use of lightwells as a source of daylight by prohibiting their use as the 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Lightwells have not been relied upon as a primary source of

Requirement	Yes	No	N/A	Comment
<p>primary source of daylight in habitable rooms.</p> <ul style="list-style-type: none"> 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. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	daylight to habitable rooms.
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The applicant has provided plans which show that 71.2% 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.
<ul style="list-style-type: none"> Limit the number of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A total of 10.9% of the units (25 out of 229) 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 aspect units are limited to one per floor of each building. The non-compliance in this instance is, therefore, considered to be acceptable.
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Natural Ventilation				
<u>Objectives</u>				
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<ul style="list-style-type: none"> To provide natural ventilation in non-habitable rooms, where possible. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
<u>Design Practice</u>				
<u>Awnings</u>				
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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. The design of the awning is compatible with awnings on existing adjoining buildings and provides a suitable transition to the covered through site link.
<ul style="list-style-type: none"> Contribute to the legibility of the residential flat development and amenity of the public domain by locating local awnings over building entries. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Enhance safety for pedestrians by providing under-awning lighting. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<u>Signage</u>				
<ul style="list-style-type: none"> Councils should prepare guidelines for signage based on the desired character and scale of the local area (refer considerations on p88 of Design Code) 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No signage is proposed.
<ul style="list-style-type: none"> Integrate signage with the design of the development by responding to scale, proportions and architectural detailing. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> Provide clear and legible way finding for residents and visitors. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<u>Facades</u>				
<u>Objectives</u>				
<ul style="list-style-type: none"> To promote high architectural quality in residential flat buildings. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Although the height of the buildings and the bulk of the Harrow Road tower are not acceptable, 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.
<ul style="list-style-type: none"> To ensure that new developments have facades which define and enhance the public domain and desired street character. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To ensure that building elements are integrated into the overall building form and façade design. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment	
<u>Design Practice</u> <ul style="list-style-type: none">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.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Conditions of consent could be imposed in relation to use of high-quality materials and general maintenance of the site.	
<u>Waste Management</u>					
<u>Objectives</u> <ul style="list-style-type: none">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.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		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
<u>Design Practice</u> <ul style="list-style-type: none"> 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. 	<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>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.</p>
<u>Water Conservation</u>				
<u>Objectives</u> <ul style="list-style-type: none"> To reduce mains consumption of potable water. To reduce the quantity of urban stormwater runoff. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>The proposed development is considered to be consistent with the Water Conservation objectives as a large rainwater tank is proposed to be provided.</p>
<u>Design Practice</u> <ul style="list-style-type: none"> Requirements superseded by BASIX 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The design practice requirements are superseded by commitments listed in the accompanying BASIX Certificate.</p>

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. The proposed amendments to the development do not raise any further issues with respect to compliance with the recommendations of the RMS. Given the reduction in the scale of the development, and reduced number of car parking spaces, the amended plans were not referred to the RMS for additional comment.

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 <i>Auburn Local Environmental Plan 2010</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.1 AA Commencement This Plan commences on the day on which it is published on the NSW legislation website.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 <i>State Environmental Planning Policy (Major Development) 2005</i> 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".	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

Clause	Yes	No	N/A	Comment
<i>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.</i>				
1.9 Application of SEPPs and REPs				
(1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies: <i>State Environmental Planning Policy No 1—Development Standards</i> <i>State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development</i> (clause 6, clause 10 and Parts 3 and 4) <i>State Environmental Planning Policy No 60—Exempt and Complying Development</i> <i>Sydney Regional Environmental Plan No 24—Homebush Bay Area</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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 <i>Crown Lands Act 1989</i> , or (c) to any conservation agreement within the meaning of the <i>National Parks and Wildlife Act 1974</i> , or (d) to any Trust agreement within the meaning of the <i>Nature Conservation Trust Act 2001</i> , or (e) to any property vegetation plan within the meaning of the <i>Native Vegetation Act 2003</i> , or (f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995</i> , or (g) to any planning agreement within the meaning of Division 6 of Part	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
4 of the Act.				
(3) This clause does not affect the rights or interests of any public authority under any registered instrument.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A mixed use development is permitted with consent in the B4 Mixed Use Zone.
(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.				
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(3) In the Table at the end of this Part:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.4 Unzoned land				
(1) Development may be carried out on unzoned land only with consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The land is zoned B4 Mixed Use.
(2) Before granting consent, the consent authority:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) with consent, or				

Clause	Yes	No	N/A	Comment
<p>(b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.</p> <p>(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>2.6 Subdivision—consent requirements</p> <p>(1) Land to which this Plan applies may be subdivided, but only with consent.</p> <p><u>Notes:-</u></p> <p>1 <i>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.</i></p> <p>2 <i>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.</i></p> <p>(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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Subdivision is not proposed.
<p>2.7 Demolition requires consent</p> <p>The demolition of a building or work may be carried out only with consent.</p> <p>Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this plan or <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> as exempt development, the Act enables it to be carried out without development consent.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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.</p> <p>mixed use development means a building or place comprising 2 or more different land uses.</p> <p>business premises means a building or place at or on which:</p> <p>(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</p> <p>(b) a service is provided directly to members of the public on a regular basis,</p> <p>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.</p> <p>Note. Business premises are a type of <i>commercial premises</i>—see the definition of that term in this Dictionary.</p> <p>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:</p> <p>(a) bulky goods premises,</p> <p>(b) cellar door premises,</p> <p>(c) food and drink premises,</p> <p>(d) garden centres,</p> <p>(e) hardware and building supplies,</p> <p>(f) kiosks,</p> <p>(g) landscaping material supplies,</p> <p>(h) markets,</p> <p>(i) plant nurseries,</p> <p>(j) roadside stalls,</p> <p>(k) rural supplies,</p> <p>(l) shops,</p> <p>(m) timber yards,</p> <p>(n) vehicle sales or hire premises,</p> <p>but does not include highway service centres, service stations, industrial retail outlets or restricted premises.</p> <p>Note. Retail premises are a type of <i>commercial premises</i>—see the definition of that term in this Dictionary.</p>
• 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• To encourage high density residential development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• To encourage appropriate businesses which contribute to economic growth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• To achieve an accessible, attractive and safe public domain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2 Permitted without consent				
Nil	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p>of a site area to maximise floor space area in another building, and</p> <p>(iii) require community land and public places to be dealt with separately.</p> <p>(2) Definition of "floor space ratio" The <i>floor space ratio</i> of buildings on a site is the ratio of the gross floor area of all buildings within the site area.</p> <p>(3) Site area In determining the site area of proposed development for the purpose of applying a floor space ratio, the <i>site area</i> is taken to be:</p> <p>(a) if the proposed development is to be carried out on only one lot, the area of that lot, or</p> <p>(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.</p> <p>In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.</p> <p>(4) Exclusions from site area The following land must be excluded from the site area:</p> <p>(a) land on which the proposed development is prohibited, whether under this Plan or any other law,</p> <p>(b) community land or a public place (except as provided by subclause (7)).</p> <p>(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.</p> <p>(6) Only significant development to be included</p> <p>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.</p> <p>(7) Certain public land to be separately considered</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Only the lots upon which development is proposed are included in the site area.

Clause	Yes	No	N/A	Comment
<p>from development by allowing flexibility in particular circumstances.</p> <p>(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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>As discussed previously, the applicant is seeking to vary the development standards pertaining to building height as follows:</p> <ul style="list-style-type: none"> • Clause 4.3 – a maximum building height of 36.0m applies to the site. A maximum building height of 44.55m is proposed.
<p>(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:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>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.</p>
<p>(4) Consent must not be granted for development that contravenes a development standard unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p> <p>(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</p> <p>(b) the concurrence of the Director-General has been obtained.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>This matter is discussed in further detail at the end of the compliance table.</p>
<p>(5) In deciding whether to grant concurrence, the Director-General must consider:</p>				

Clause	Yes	No	N/A	Comment
<p>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</p> <p>(b) the public benefit of maintaining the development standard, and</p> <p>(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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 Management or Zone E4 Environmental Living if:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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).				
<p>(8) This clause does not allow consent to be granted for development that would contravene any of the following:</p> <p>(a) a development standard for complying development,</p> <p>(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 <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> applies or for the land on which such a building is situated,</p> <p>(c) clause 5.4.</p>				
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development is permissible in the zone.

Clause	Yes	No	N/A	Comment
class of building under the <i>Building Code of Australia</i> .				
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under 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.	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) a permit granted by the Council.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) that is or forms part of a heritage item, or that is within a heritage conservation area, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<u>Note.</u> 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(i) that is authorised by a development consent or property vegetation plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or				
(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) 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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Refer to comments below.
(5) Heritage impact assessment The consent authority may, before granting consent to any development on land:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Refer to comments below.
(a) on which a heritage item is				

Clause	Yes	No	N/A	Comment
<p>situated, or</p> <p>(b) within a heritage conservation area, or</p> <p>(c) within the vicinity of land referred to in paragraph (a) or (b),</p> <p>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.</p>				
<p>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:</p> <p><i>"How is the impact of the new development on the heritage significance of the item or area minimized?"</i></p> <p><i>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.</i></p> <p><i>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."</i></p> <p><i>"How does the new development affect views to, and from, the heritage item? What has been done to minimize negative effects?"</i></p> <p><i>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. 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.</i></p> <p><i>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.</i></p> <p><i>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."</i></p> <p><i>"Will the additions visually dominate the heritage item? How has this been minimized?"</i></p> <p><i>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.</i></p> <p><i>Building B [western building] will be seen as a background element in some views to the Auburn Baptist Church when approaching from the north.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>				

Clause	Yes	No	N/A	Comment
<p><i>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.</i></p> <p><i>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."</i></p> <p>The amended plans were not accompanied by a revised heritage impact statement. The Harrow Road tower has been increased in width to extend towards the northern side boundary. With setbacks from the boundary shared with the Church site of 5m for the podium and 6.6m for the tower, the building will be setback over 21m and 22.6m respectively from the Church building, thus reducing the visual impacts of the development. This separation will still afford views/glimpses of the Church along Harrow Road at certain intervals. The proposal is acceptable having regard to the effects on the heritage significance of the Church.</p>				
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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 <i>Heritage Act 1977</i> applies):				
(a) notify the Heritage Council of its intention to grant consent, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:				
(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause		Yes	No	N/A	Comment
(10)	(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	(b) the proposed development is in accordance with a heritage conservation management document that has been approved by the consent authority, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Part 6 Additional local provisions					
6.1 Acid sulfate soils					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.
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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				

Clause		Yes	No	N/A	Comment
4	lowered more than 1 metre below the natural ground surface. Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.				
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.				
(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Despite subclause (2) Development consent is not required under this clause for the carrying out of works if:		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and					
(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.					
(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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					

Clause	Yes	No	N/A	Comment
<p>of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),</p> <p>(c) minor work, being work that costs less than \$20,000 (other than drainage work).</p> <p>(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:</p> <p>(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</p> <p>(b) the works are likely to lower the watertable.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>6.2 Earthworks</p> <p>(1) The objectives of this clause are as follows:</p> <p>(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,</p> <p>(b) to allow earthworks of a minor nature without separate development consent.</p> <p>(2) Development consent is required for earthworks, unless:</p> <p>(a) (a) the work does not alter the ground level (existing) by more than 600 millimetres, or</p> <p>(b) (b) the work is exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(c) the work is ancillary to other development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any</p>	<p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>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.</p>

Clause	Yes	No	N/A	Comment
<p>detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or of the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p> <p>Note. The <i>National Parks and Wildlife Act 1974</i>, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.</p>				
<p>6.3 Flood planning</p> <p>(1) The objectives of this clause are:</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(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,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p> <p>(2) This clause applies to:</p> <p>(a) land that is shown as "Flood planning area" on the Flood Planning Map, and</p> <p>(b) other land at or below the flood planning level.</p> <p>(7) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(b) is not likely to significantly adversely affect flood behaviour</p>	<p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>The subject site is not in a flood planning area.</p>

Clause	Yes	No	N/A	Comment
<p>resulting in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(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</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p> <p>(8) A word or expression used in this clause has the same meaning as it has in the NSW Government's <i>Floodplain Development Manual</i> published in 2005, unless it is otherwise defined in this clause.</p> <p>(9) In this clause:</p> <p><i>flood planning level</i> means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.</p> <p><i>Flood Planning Map</i> means the Auburn Local Environmental Plan 2010 Flood Planning Map.</p>				
<p>6.4 Foreshore building line</p> <p>(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.</p> <p>(2) This clause applies to land identified as below the foreshore building line on the Foreshore Building Line Map.</p> <p>(3) Development consent must not be granted for development on land in the foreshore area except for the following purposes:</p> <p>(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,</p> <p>(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,</p> <p>(c) boat sheds, sea retaining walls, wharves, slipways, jetties,</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>The site is not situated adjacent to a watercourse or a water body. The clause will not apply to this application.</p>

Clause	Yes	No	N/A	Comment
<p>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:</p> <p>(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.</p> <p>(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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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 of 36m established under Clause 4.3 Height of Buildings. It is proposed that the building with frontage to Auburn Road have a height of 44.55m and the building to Harrow Road a height of 43.7m.

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. This has led to the amendment of the height controls on surrounding land being 38.0m, but did not lead to the implementation of heights recommended in the study.*

The urban design study did not recommend varied height controls for the land in the vicinity of the site. The difference in height controls between the subject site and adjoining sites is that the amendments to Auburn LEP increased height and FSR on these sites but only FSR on the subject site. A more appropriate benchmark for the emerging character for the locality is the LEP height limit of 38.0m for the adjoining B4

Mixed Use zoned land. It is again noted that the AECM report recently resolved to prepare a Planning Proposal to review the height controls in the LEP to more satisfactorily relate to the FSR controls and permit taller more slender building forms.

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 4.16:1 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,"*

It is considered that the applicant's written request to vary the development standard pertaining to the maximum height of buildings has not adequately demonstrated that there are sufficient planning grounds to justify contravening the development standard insofar as the scale of the development is not consistent with the scale of the surrounding development and streetscape.

It is also considered that the exceedance of the maximum building height limit is not in the public interest as the development is not consistent with the objective for the "Height of buildings" control under ALEP 2010 which states:

"4.3(1) The objectives of this clause are as follows:

- (b) To ensure that the height of buildings is compatible with the character of the locality."*

The height of the buildings are not compatible with the existing or future character of the locality due to the exceedance of the maximum height limit and the application is, therefore, not supported.

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 ADCP 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The architecture of the building is acceptable in terms of detailing, treatment of lower storeys and street facades.
b. To establish the scale, dimensions, form and separation of buildings appropriate for local centre locations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed development is not considered to be of an appropriate or compatible height, bulk or scale with the existing and desired future character of the town centre due to the exceedance of the maximum height limit and the bulk of the Harrow Road Tower as it presents to the street.
c. To encourage mixed use development with residential components that achieve active street fronts with good physical and visual connection between buildings and the street, and maintain residential amenity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Active street frontages are provided to both Auburn and Harrow Road with good physical and visual connections between the buildings and the street.
d. To achieve active street frontages with good physical and visual connections between buildings and the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e. To ensure consistency in the main street frontages of buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
f. To ensure building depth and bulk appropriate to the environmental setting and landform.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Discussed above.
g. To ensure building separation is adequate to protect amenity, daylight penetration and privacy between adjoining developments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adequate building separation is provided to protect amenity, solar access and privacy of adjoining developments.
h. To ensure that the form, scale, design and nature of development enhances the streetscape and visual quality of commercial areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Discussed above.
i. To ensure that the built form and density of a new development respects the scale, density and desired future character of the area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Discussed above.
j. To ensure development appropriately supports the centres hierarchy.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development Controls				
D1 To allow for their adaptive use, mixed use buildings are to incorporate the following flexible design requirements:				
• the number of internal apartment structural walls are to be minimised; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed layout and design of the units are considered to be flexible to allow reconfiguration at a later date.
• ceiling heights for the ground floor is to be a minimum of 3.6 metres.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suitable ceiling heights have been provided to facilitate the ground floor commercial and residential

				<p>uses. The ground floor commercial tenancies have a minimum height of 3.3m and the residential units have a minimum height of 2.7m. This is considered to be acceptable given that the majority of the ground floor of the buildings is designed for retail/business use.</p>
<p>D2 Residential components are to be provided with direct access to street level with entrances clearly distinguishable from entries to commercial premises.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposal incorporates two residential entries that are separate from the commercial entry.</p>
<p>D3 Secure entries are to be provided to all entrances to private areas, including car parks and internal courtyards.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposal is considered to provide suitable security to all entries within the development.</p>
<p>D4 Car parking provided for the residential component of the development is to be clearly delineated and provided separate to general customer parking.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Suitable allocation of car parking has been provided which demonstrates the separation of residential and commercial parking.</p>
<p>D5 Development shall be designed to locate loading bays, waste storage/collection areas and any other noise and odour generating aspects of buildings away from residential areas.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>All loading areas are suitably located and do not interfere with the residential areas.</p>
<p>D6 Vehicular circulation areas must be legible and must differentiate between the commercial service requirements, such as loading areas, and residential access.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>It is noted that the majority of the upper basement level is for commercial and loading uses whilst the lower basement levels are prioritised for residential parking.</p>
<p>D7 Mechanical plant is to be located on the roof or visually and acoustically isolated from residential uses.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Suitable plant has been proposed as part of the development and is not considered to impact on surrounding uses.</p>
<p>2.1 Number of storeys</p>				
<p>Performance criteria</p>				
<p>P1 To ensure an acceptable level of amenity and future flexibility is provided for new commercial and residential developments.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development is considered to provide an acceptable level of amenity for the intended occupants.</p>
<p>Development controls</p>				
<p>D1 The minimum finished floor level (FFL) to finished ceiling level (FCL) shall be as follows:</p>				
<ul style="list-style-type: none"> • 3300mm for ground level (regardless of the type of development); 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>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.</p>
<ul style="list-style-type: none"> • 3300 for all commercial/retail levels; and 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Floor to ceiling heights of 3.3m have been provided for the retail/business tenancies on the ground floor.</p>
<ul style="list-style-type: none"> • 2700mm for all residential levels above ground floor. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Floor to ceiling heights of 2.7m have been provided for the residential levels.</p>

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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This matter has been discussed previously. The bulk and scale of the development is considered inappropriate with regard to the existing and future desired character of the area.
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
P3 New facades complement the predominant horizontal and vertical proportions in the street and are compatible with surrounding buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.
P4 New facades complement the predominant horizontal and vertical proportions in the street and are compatible with surrounding buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The facades have balanced horizontal and vertical elements and well-spaced and proportional windows. The buildings are modulated with the provision of recesses in the building elevations.
P5 Ensure infill development is well articulated, makes a positive contribution to the streetscape and responds to local urban character.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Although the buildings are well articulated, the exceedance of the height limit and the bulk of the tower element of the Harrow Road building do not make a positive contribution to the streetscape or respond to the local urban character.
P6 Retain the use of awnings as visually dominant and coordinating townscape features.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Awnings are to be provided to both street frontages.
P7 Ensure new development maintains a pedestrian scale, and provides weather protection at street level	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The ground floor treatment is of an appropriate scale.
Development controls				
D1 Buildings shall incorporate:				
• balanced horizontal and vertical proportions and well spaced and proportioned windows;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The design of the buildings complies with these development controls.
• a clearly defined base, middle and top;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• modulation and texture; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• architectural features which give human scale at street level such as entrances and porticos.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>D5 Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>D6 Where development has two (2) street frontages the streetscape should be addressed by both facades.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>2.3 Materials</p> <p>Performance criteria</p> <p>PI Materials enhance the quality and character of the business precinct.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<p>Development controls</p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 and have been used to emphasise certain features of the building.
<p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The ground level facades of the retail/commercial tenancies and the building entries are largely comprised of glazing.
<p>D4 Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	An appropriate condition of consent could be imposed in this regard.
<p>2.4 Roofs</p> <p>Performance criteria</p> <p>PI Roof design is integrated into the overall building design.</p> <p>Development controls</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

D1 Design of the roof shall achieve the following: <ul style="list-style-type: none"> • concealment of lift overruns and service plants; • presentation of an interesting skyline; • enhancing views from adjoining developments and public places; and • complementing the scale of the building. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Plant rooms are to be located in the basement. The lift overruns are integrated into the design of the buildings.</p> <p>The roofs are comprised of various horizontal planes and will provide interest within the skyline.</p> <p>The roof design will not affect views from adjoining developments and/or public spaces.</p> <p>The roof design complements the scale of the buildings.</p>
D2 Roof forms shall not be designed to add to the perceived height and bulk of the building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The roof form does not add to the perceived height and bulk of the building.</p>
D3 Where outdoor recreation areas are proposed on flat roofs, shade structures and wind screens shall be provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There are no recreation areas proposed on the roofs of the buildings.</p>
2.5 Balconies				
Performance criteria				
P1 Balconies contribute positively to the amenity of residents and the visual quality of the local centre.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls				
D1 Balustrades and balconies shall be constructed from a balance of solid and transparent material to allow for views from the interior.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The facade and balconies present to the street in a coordinated balance of glass and masonry.</p>
D2 Balcony balustrades should be of a light open material.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Balustrades consist of partly transparent materials to allow for views into public spaces.</p>
D3 Verandahs and balconies shall not be enclosed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>None of the balconies are to be enclosed.</p>
D4 Balconies and terraces shall be oriented to overlook public spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Balconies have been oriented to overlook both street frontages and the Village Square.</p>
D5 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>A condition of consent could be imposed with respect to the treatment of the underside of balconies.</p>
D6 Screens, louvers or similar devices shall be provided to balconies so as to visually screen any drying of laundry.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Elements such as screens and solid balustrades are proposed to some of the balconies. A condition of consent could 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.</p>
2.6 Interface with schools, places of public worship, and public precincts				
Development controls				
D1 Where a site adjoins a school, place of				<p>The site adjoins the Auburn Baptist Church and Hall to the north and</p>

<p>public worship or public open space:</p> <ul style="list-style-type: none"> This interface shall be identified in the site analysis plan and reflected in building design; Building design incorporates an appropriate transition in scale and character along the site boundary(s); Building design presents an appropriately detailed facade and landscaping in the context of the adjoining land use. <p>D2 The potential for overlooking of playing areas of schools shall be minimised by siting, orientation or screening.</p> <p>D3 Fencing along boundaries shared with public open space shall have a minimum transparency of 50%.</p> <p>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.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>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.</p> <p>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 on the site, will obscure views into the playground.</p>
3.0 Streetscape and Urban form				
Objectives				
<p>a. To ensure development integrates well with the locality and respects the streetscape, built form and character of the area.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>As discussed previously, the proposed development is not considered to integrate well with the locality in terms of its impact on the streetscape and character of the area due to the exceedance of the maximum height limit and the bulk of the development as it presents to Harrow Road.</p>
<p>b. To encourage innovative development which is both functional and attractive in its context.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The architectural treatment of the building is functional and attractive.</p>
3.1 Streetscape				
Performance criteria				
<p>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.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development is not considered to integrate well with the locality in terms of its impact on the streetscape and character of the area due to the exceedance of the maximum height limit and the bulk of the development as it presents to Harrow Road.</p>
<p>P2 New development conserves and enhances the existing character of the street with particular reference to architectural themes.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The design concept and façade treatments of the development are compatible with the streetscape.</p>
<p>P3 To ensure that a diversity of active street frontages is provided which are compatible with the scale, character and architectural treatment of Auburn's local area.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Active frontages are proposed to be provided to both streets on the ground floors of the buildings. The treatment of the ground floor is compatible with the scape, character and architectural treatment of the Auburn Town Centre.</p>

P4 To maintain the surviving examples of original whole shop frontages where the shop frontages contribute to the local character.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
P5 To encourage new or replacement shop fronts to be compatible with the architectural style or period of the building to which they belong and the overall character of the local centre.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Development controls				
D1 Applicants shall demonstrate how new development addresses the streetscape and surrounding built environment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed building heights and bulk of the Harrow Road tower does not satisfactorily address the surrounding built environment.
D2 New shopfronts shall be constructed in materials which match or complement materials used in the existing building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The shopfronts are to be fully glazed which is compatible with the materials proposed to be used throughout the development.
D3 Development shall provide direct access between the footpath and the shop.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shops with frontage to Auburn and Harrow Road will have direct access from the footpath. Shops within the site have direct access from the through site link.
D4 Development shall avoid the excessive use of security bars.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent could be imposed with respect to appropriate forms of security grilles to shopfronts.
D5 Block-out roller shutters are not permitted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D6 Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signage is not proposed as part of this application.
3.2 Setbacks				
Performance criteria				
P1 The setback of new buildings is consistent with the setback of adjoining buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P2 The built edge of development at the street frontage contributes to a sense of enclosure and scale within the centre.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls				
D1 New development or additions to existing development shall adopt front setbacks, as shown in Figure 2 (refer to section 14.2 Setbacks for Auburn Town Centre) and Figure 8 (refer to section 15.2 Setbacks for Lidcombe Town Centre).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The DCP stipulates buildings be built to the boundary for the first 4 storeys on Auburn Road and for 8 storeys on Harrow Road. The ground floor of the Auburn Road frontage of the development has a nil setback. The upper podium levels are setback from nil to 5m. 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 tower element is setback 4m-4.8m in accordance with the requirement of the DCP that levels above street wall height be setback 4m.
D2 Levels above the street wall height are to be setback 4m.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

				<p>The Harrow Road building has a five storey podium with the ground floor setback between 1.2m and 1.875m. The upper levels of the podium and towers above are setback between 2.8m and 6m.</p> <p>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.</p>
4.0 Mixed Use Developments				
Objectives				
a. To encourage sustainable development by permitting services and employment-generating uses in conjunction with residential uses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development generally 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.
b. To provide affordable residential development within close proximity to transport, employment and services.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. To enhance the vitality and safety of commercial centres by encouraging further residential development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d. To achieve a lively and active street frontage by encouraging the integration of appropriate retail and commercial uses with urban housing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e. To manage the bulk, scale and traffic generation of mixed use developments.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As discussed throughout the report the bulk and scale of the development are unacceptable.
f. To ensure that mixed use developments are designed having adequate regard for the amenity of occupants and surrounding development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The ground floor retail/business tenancies and upper residential levels have a clearly defined appearance which integrates into the town centre streetscape in terms of the building treatment. The height of the buildings and bulk of the Harrow Road tower are, however, considered excessive.
P2 Ensure key landmark corner sites are developed to ensure distinctive and unique design of buildings that will form gateways and entrance statements to commercial centres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Development controls				
D1 The architecture of ground level uses shall reflect the commercial/retail function of the centre.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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
D2 Buildings shall achieve a quality living environment that sympathetically integrates into the character of the commercial precinct.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 Commercial and retail servicing, loading and parking facilities shall be separated from residential access and servicing and parking.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4 The design of buildings on corner sites or at the ends of a business/commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

zone shall emphasise the corner as a focal point.				to be a satisfactory arrangement.
4.2 Active street frontages Performance criteria P1 Active frontage uses are defined as one of a combination of the following at street level: <ul style="list-style-type: none"> ■ front entry to shopfront; ■ shop front; ■ café or restaurant if accompanied by an entry from the street; ■ active office uses, such as reception, if visible from the street; and ■ public building if accompanied by an entry. Development controls D1 Retail outlets and restaurants are located at the street frontage on the ground level. D2 A separate and defined entry shall be provided for each use within a mixed use development. D3 Only open grill or transparent security (at least 70% visually transparent) shutters are permitted to retail frontages.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>The development includes retail/commercial tenancies across the both street frontages and facing the through site link and Village Square.</p> <p>Both buildings have retail/business tenancies at the street frontage of the ground floor.</p> <p>Each tenancy has its own entry and a separate residential entry is provided to both buildings.</p> <p>Details of security measures to be shopfronts have not been provided. A condition of consent could be imposed to ensure compliance.</p>
4.3 Awnings Performance criteria P1 Street frontage awnings are to be provided in all areas with active frontage Development controls D1 Awning dimensions shall generally be: <ul style="list-style-type: none"> ■ horizontal in form; ■ minimum 2.4m deep (dependent on footpath width); ■ minimum soffit height of 3.2m and maximum of 4m; ■ steps for design articulation or to accommodate sloping streets are to be integral with the building design and should not exceed 700mm; ■ low profile, with slim vertical fascia or eaves (generally not to exceed 300mm height); ■ 1.2m setback from kerb to allow for clearance of street furniture, trees, and other public amenity elements; and ■ In consideration of growth pattern of mature trees. D2 Awning design must match building facades, be complementary to those of adjoining buildings and maintain continuity. D3 Awnings shall wrap around corners for a minimum 6m from where a building is sited on a street corner.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The proposal incorporates a street awning that traverses the commercial shop front.</p> <p>The proposed awning is considered appropriate in accordance with this part.</p>

visual and acoustic privacy, solar amenity and views.				the report.
Development controls 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development is not located in the near vicinity of railway lines or arterial roads.
4.6 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 ensure that new development achieves adequate visual and acoustic privacy levels for neighbours and residents. c. To create a balance of uses that are safe and easily accessible. d. To ensure there is adequate lighting and signage to provide a safe environment. e. To enhance the architectural character of buildings at night, improve safety and enliven the town centre at night.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal is considered to promote safety and security in the local area by increasing passive surveillance and providing active street frontages.
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Harrow Road provides adequate separation to protect the privacy of residential flat buildings on its western side.
Development controls D1 Views onto adjoining private open space shall be obscured by: <ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development's design, and incorporation of security features, will minimise the potential for crime, vandalism, and the perception of safety.
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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. 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 Shared pedestrian entries to buildings shall be lockable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent could be imposed to ensure that shared pedestrian entries are lockable.
D4 Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The buildings have been designed to overlook the street and the proposed Village Square and through site link.
D5 Pedestrian walkways and car parking shall be direct, clearly defined, visible and provided with adequate lighting, particularly those used at night.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pedestrian walkways and car parking areas are direct, clearly defined, visible and a condition of consent could be imposed regarding the provision of adequate lighting.
D6 Landscaping and site features shall not block sight lines and are to be minimised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Landscaping will not block sight lines.
D7 Seating provided in commercial areas of a development shall generally only be located in areas of active use where it will be regularly used.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Seating is to be provided in the Village Square and through site link which are active spaces that will be regularly used.
D8 Adequate lighting shall be provided to minimise shadows and concealment spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent could be imposed to ensure suitable lighting throughout the development.
D9 All entrances and exits shall be made clearly visible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All entrances and exits to the buildings and site will be visible.
D10 Buildings shall be arranged to overlook public areas and streets to maximise surveillance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The buildings have been designed to overlook the street, through site link and Village Square.
D11 Development shall be consistent with Council's Policy on Crime Prevention Through Environmental Design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
5.1 Lighting				
Performance criteria				
P1 Lighting is provided to highlight the architectural features of a building and enhance the identity and safety of the public domain but does not floodlight the facade.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conditions of consent could be imposed with regards to lighting.
P2 The use of integrated lighting systems in retail shops is both functional and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

decorative.				
P3 Lighting is sufficient for its purpose and used to make bold design statements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P4 Lighting does not interfere with amenity of residents or safety of motorists.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2 Lighting systems shall incorporate specific display lighting to reinforce merchandise and provide a contrast against the street lighting generally.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 Surface mounted fluorescent fixtures shall not be considered in any part of the retail areas of the premises.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D5 Lighting shall not interfere with the amenity of residents or affect the safety of motorists.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D6 Excessive lighting shall not be permitted. Light spill onto the street into the public domain shall be minimised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.2 Shutters and grilles				
Performance criteria				
P1 Security shutters, grilles and screens allow the viewing of shopfront windows and light to spill out onto the footpath.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Details have not been provided with the application of any shutters or grilles to the retail/commercial tenancy shopfronts. A condition of consent could be imposed to ensure compliance with these requirements.
P2 Shutters, grilles and screens are to be made from durable, graffiti-resistant materials and compatible with the building style.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls				
D1 Windows and doors of existing shopfronts shall not be filled in with solid materials.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2 Security shutters, grilles and screens shall:				
• be at least 70% visually permeable (transparent);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• not encroach or project over Council's footpaths; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<ul style="list-style-type: none"> be made from durable, graffiti-resistant materials. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 Solid, external roller shutters shall not be permitted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.3 Noise				
Performance criteria				
P1 New developments within major arterial roads or railway lines are designed to mitigate noise and vibration impacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The subject site is not located within close proximity of major arterial roads or railway lines.
P2 All 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development includes ground floor retail/commercial tenancies. A condition of consent could 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.
Development controls				
D1 New development 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:				
<ul style="list-style-type: none"> Development Near Rail Corridors and Busy Roads, NSW Department of Planning, December 2008 – Interim Guidelines. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> NSW Industrial Noise Policy; 				
<ul style="list-style-type: none"> Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> Environmental Criteria for Road and Traffic Noise. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.4 Wind Mitigation				
Performance Criteria				
P1 New developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	At the time of lodgement of the application this DCP amendment had not come into effect. A wind mitigation report has not been submitted.

and proportioned facade and incorporates windows, balconies, doorways and landscaping, where possible.				
D4 New public laneways created within large blocks shall maximise pedestrian and vehicle connections within local centres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D5 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D6 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7.0 Landscaping				
Objectives				
a. To create attractive buildings, public spaces and walkways.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 members of the public.
b. To improve visual quality and contribute to a more positive local centre experience.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. To reduce impacts on climate change at the local level and improve the natural environmental features and local ecology of the local centre.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d. To improve the amenity of business and commercial precincts through preserving and retaining existing mature trees where practical.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e. To support landscape design that incorporates the planting of endemic landscape species wherever possible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
f. To ensure that new street furniture is coordinated with existing street furniture and does not create clutter and obstacles in public spaces.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
g. To ensure that public areas respond to the needs of people with sensory and other disabilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Performance criteria				
P1 Landscaping forms an integral part of the overall design concept.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All car parking is to be provided in basement levels.
P2 Landscape reinforces the architectural character of the street and positively contributes to maintaining a consistent and memorable character.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P3 Landscaped areas are used to soften the impact of buildings and car parking areas as well as for screening purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
P4 Landscaped areas are provided for passive and recreational use of workers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P5 Enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P6 Encourage the planting of low water consumption plants and trees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls				
D1 Development shall incorporate landscaping in the form of planter boxes to soften the	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

upper level of buildings.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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 car parks.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3	In open parking areas, one (1) shade tree per ten (10) spaces shall be planted within the parking area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D4	Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to provide associated site security.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D5	Paving and other hard surfaces shall be consistent with architectural elements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are no trees on the site, nor are there any street trees along either the Auburn Road or Harrow Street frontages. A condition of consent could 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D5	Driveways and services shall be located to preserve significant trees.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8.0 Energy Efficiency and Water Conservation					
Objectives					
a.	To achieve energy efficient commercial and retail developments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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
b.	To encourage site planning and building design which optimises site conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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.				installed in common areas and this is considered an acceptable energy efficient measure.
8.2 Water conservation				
Performance criteria				
PI Water efficiency is increased by appropriate building design, site layout, internal design and water conserving appliances.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The submitted BASIX Certificate addresses water conservation.
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A rainwater tank is proposed.
D3 Development shall install all water using fixtures that meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The installation of water efficient fixtures is a BASIX requirement.
8.3 Stormwater drainage				
Applicants shall consult the Stormwater Drainage Part of this DCP for requirements for stormwater management.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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				
PI Adequate measures are incorporated into new development to encourage the collection and reuse of stormwater and reduce stormwater runoff.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conditions of consent could be imposed requiring that the proposed rainwater tank comply with these requirements, and Auburn DCP 2010 – Stormwater Drainage, where relevant.
Development controls				
D1 Rainwater tanks shall be installed as part of all new development in accordance with the following:				
<ul style="list-style-type: none"> The rainwater tank shall comply with the relevant Australian Standards; 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> 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 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>development;</p> <ul style="list-style-type: none"> • 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>8.5 Ventilation</p> <p>Performance criteria</p> <p>PI Natural ventilation is incorporated into the building design.</p> <p>Development controls</p> <p>DI 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development exceeds the minimum requirements for natural ventilation under SEPP 65.</p>
<p>8.6 Solar amenity</p> <p>Performance criteria</p> <p>PI New buildings are designed to protect solar amenity for the public domain and residents.</p> <p>Development controls</p> <p>DI 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:</p> <ul style="list-style-type: none"> • public places or open space; • 50% of private open space areas; • 40% of school playground areas; or • windows of adjoining residences. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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.</p> <p>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.</p> <p>There are no public places or open spaces within the vicinity of the site.</p>

D2 Lighter colours in building materials and exterior treatments shall be used on the western facades of buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed Village Square within the subject site will receive solar access to the majority of the space.</p> <p>The proposed development complies with the DCP requirements pertaining to solar access.</p> <p>The proposed external finishes and colour scheme of the western elevation are appropriate.</p>
9.0 Ancillary Site Facilities				
9.1 Provision for goods and mail deliveries Performance criteria PI New development incorporates adequate provision in its design for the delivery of goods and mail to both business and residential occupants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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.</p> <p>Mailboxes are to be provided adjacent to the ground floor foyer of each of the buildings.</p>
Development controls D1 Provision shall be made on-site for courier car parking spaces in a convenient and appropriately signposted location, preferably with access off the principal street frontage, for developments incorporating greater than 3,000m ² of gross leasable floor area devoted to commercial premises.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10.0 Other Relevant Controls				
10.1 Waste D1 Applicants shall consult the Waste Part of this DCP for requirements for disposal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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.</p> <p>The proposed development provides suitable access in accordance with the Access and Mobility part of this ADCP 2010.</p>
10.2 Access and amenity D1 Applicants shall consult the relevant provisions within the Access and Mobility Part of this DCP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development is consistent with the objectives and development controls relating to the public domain insofar as it will:</p> <ul style="list-style-type: none">Contribute to a safe, attractive and useable urban environment;Encourage both night and day pedestrian activity;
b. To ensure the public domain forms an integrated part of the urban fabric of commercial centres.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>c. To encourage both night and day pedestrian activity in the commercial centres.</p> <p>d. To ensure private development contributes to a positive pedestrian environment.</p> <p>e. To ensure that outdoor dining areas do not interfere with pedestrian amenity.</p> <p>f. To encourage public art in new development.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Contribute to a positive pedestrian environment; and Contribute positively to the public domain. <p>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.</p>
<p>Development controls</p> <p>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.</p> <p>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.</p> <p>D3 Outdoor dining on footpaths shall be limited. Refer to Council's relevant Public Domain Plan, Outdoor Dining Policy and Public Art Policy.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>As detailed above, the proposal complies with these development controls.</p>
12.0 Subdivision				
<p>Objectives</p> <p>a. To ensure development sites are of a reasonable size to efficiently accommodate architecturally proportioned buildings and adequate car parking, loading facilities, etc.</p> <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Subdivision of the site is not proposed. The two sites over which the development is proposed would be required to be amalgamated by condition of consent.</p>
<p>12.1 Size and dimensions</p> <p>Performance criteria</p> <p>PI The size and dimension of proposed lots contribute to the orderly development of the commercial centres.</p> <p>Development controls</p> <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>12.2 Utility services</p> <p>Performance criteria</p> <p>PI All essential public utility services are</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Conditions of consent can be imposed with respect to the provision of site services.</p>

provided to the development to the satisfaction of relevant authorities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2 Common trenching for gas, electricity and telecommunications shall be provided in accordance with agreements between the relevant servicing authorities in NSW.				
13.0 Residential Interface				
Objectives:				
a. To ensure that commercial development does not have adverse impacts on the amenity of adjoining and nearby residential zones.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development is located opposite the R4 High Density Residential zone on the western side of Harrow Road.
b. To ensure that commercial buildings are appropriately setback from nearby residential zones.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Only the ground floor of the development is to be used for commercial/retail purposes.
c. To ensure that heavy vehicles associated with commercial development do not adversely impact upon the residential amenity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suitable accommodation for loading/garbage removal is made within the basement levels.
Development controls				
D1 Buildings adjoining residential zones and/or open space shall be setback a minimum of 3 metres from that property boundary.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The subject site does not directly adjoin a residentially zoned site.
D2 Loading areas, driveways, rubbish, storage areas, and roof top equipment shall not be located directly adjacent to residential zones, or if unavoidable shall be suitably attenuated or screened.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The subject site is across the road from a residential zone on the western side of Harrow Road. Suitable accommodation for loading/garbage removal is made within the basement levels. Conditions of consent could be imposed with respect to maximum noise levels from any plant located on the roof.
D3 Any commercial buildings which may have the potential to accommodate the preparation of food from a commercial tenancy shall provide ventilation facilities to ensure that no odour is emitted in a manner that adversely impacts upon any residential zones.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The use of the retail/commercial tenancies will be subject to future applications.
D4 External lighting shall be positioned to avoid light spillage to adjoining residential zones.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent could be imposed to avoid light spillage to the adjoining residential zone.
D5 Where noise generating development is proposed adjacent to residential or other noise sensitive uses, such as	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposal is not a noise generating development, therefore, an acoustic

places of worship and child care centres, an acoustic report shall be submitted with a development application, outlining methods to minimise adverse noise impact.				report is not required.
14.0 Auburn Town Centre				
14.1 Development to which this section applies This section applies to the Auburn Town Centre which is zoned B4 Mixed Use under <i>Auburn LEP 2010</i> . Refer to Figure 1. 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The subject development site is located within the Auburn Town Centre.
14.2 Setbacks Development controls D1 Setbacks within the town centre shall be consistent with Figure 2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This matter has been discussed previously.
14.3 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 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 3.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	This matter has been discussed previously.
14.4 Active frontages Development controls D1 As a minimum, buildings shall provide active street frontages consistent with Figure 4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The DCP requires an active street frontage to Auburn Road. The development provides active street frontages to both Auburn and Harrow Roads
14.5 Laneways Development controls D1 Redevelopment within the Auburn Town Centre shall make provision for the creation of new laneways as shown in Figure 5.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The DCP has been amended to remove the previously required laneway on the southern side of the site adjacent to the rear of Beatrice Street properties.
14.6 Key Site –Five Ways The Five Ways site within the Auburn Town Centre has been identified as having potential for intensification of mixed use development, including commercial and residential uses. The site is bounded by Auburn Road to the east, Queen Street to the north, Harrow Road to the west and Mary Street to the south. The development controls for this site apply in				Not applicable to subject site.

addition to the development controls presented in previous sections of this Part.			
Objectives			
To ensure architectural design recognises:			
a. the strategic significance of the site within the Auburn Town Centre; and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. the visual prominence of the site from public areas including the future Five Ways open space and along Auburn Road.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. To reinforce Auburn Road as the main street of the southern section of the Auburn Town Centre.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. To ensure the new Five Ways open space will become a focal point of the town centre.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. To extend the active frontage along Queen Street, Harrow Road and Mary Street.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. To ensure development is sensitive in scale and character to the town centre.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. To improve pedestrian access and circulation within the town centre.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. To minimise overshadowing impact to the surrounding public domain.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Development controls			
D1 Development should be in accordance to Figure 6	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D2 An open space area shall be provided on the north-east corner of the site at the intersection of Auburn Road and Queen Street with a minimum width of 26m, including a 6m reservation as a pedestrian plaza to accommodate circulation and outdoor dining area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D3 Pedestrian through-site links shall be provided to improve circulation and access to the town centre. Where possible, these linkages shall align to existing or proposed crossing points.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D4 The preferred vehicular access to the site shall be via Harrow Road with secondary access via Mary Street and Queen Street.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D5 No street wall height controls apply to the corner of Harrow Road and Mary Street for the extent of 24m.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D6 Outdoor dining shall be encouraged within the Five Ways open space and along Auburn Road and Queen Street.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D7 For residential uses, the maximum building dimensions, inclusive of balconies and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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D1	The built upon area shall not exceed 50% of the total site area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	planter boxes, and used for communal and private open space. The proposal is acceptable in this regard.
D2	The non-built upon area shall be landscaped and consolidated into one communal open space and a series of courtyards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As discussed previously, the height, bulk, and scale of the development is not compatible with neighbouring development and locality.
	<ul style="list-style-type: none"> addresses both streets on corner sites; align with the existing street frontages and/or proposed new streets; form an L shape or a T shape where there is a wing at the rear. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Note: The development control diagrams in section 10.0 illustrate building envelope controls.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal aligns with the street and is not located on a corner allotment nor does it require a laneway to meet its service needs.
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Development controls				
D1	Council may consider a site specific building envelope for certain sites, including: double frontage sites;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The subject site does not have any of the listed characteristics.
	<ul style="list-style-type: none"> sites facing parks; sites adjoining higher density zones; and isolated sites. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D2	The maximum building footprint dimensions, inclusive of balconies and building articulation but excluding architectural features, is 24m x 45m for sites up to 3,000m ²	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site exceeds 3,000sqm and is therefore, not subject to maximum building footprint dimensions.
D3	The tower component of any building above the podium or street wall height is to have a maximum floor plate of 850m².	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The tower element of the Harrow Rd building has a floor plate of approximately 928.13sqm. This is an increase of approximately 250sqm from that originally proposed and is due to the increased width of the tower across the Harrow Rd frontage. As discussed previously the bulk of the Harrow Road tower is considered to have a detrimental impact on the streetscape.
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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The setback of the tower element from the northern boundary does not comply with the minimum requirements of the SEPP 65 Residential Flat

continuity and building pattern.					Design Code. This contributes to the bulk of this element of the buildings, reducing the sense of openness and adversely impacting on the streetscape. The area is undergoing transition.
P2	Integrate new development with the established setback character of the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P3	Ensure adequate separation between buildings, consistent with the established character and rhythm of built elements in the street.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
P4	Ensure adequate separation between buildings for visual and acoustic privacy.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P5	Maintain a reasonable level of amenity for neighbours with adequate access to sunlight.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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 and B2 zones) to provide a buffer zone from the street where residential use occupies the ground level.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The subject site is located within the B4 Mixed use zone and, therefore, the front setback requirements are not applicable.
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development site is not located on a corner.
D4	Front setbacks shall ensure that the distance between the front of a new building to the front of the building on the opposite side of the street is a minimum of 10m for buildings up to 3 storeys high. For example, a 2m front setback is required where a 6m wide laneway is a shareway between the front of 2 buildings. Where a footpath is to be incorporated a greater setback shall be required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 building facades 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 1m.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
D6	In all residential zones, levels above 4 storeys are to be setback for mid-block sites.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.4.2 Side setback					
D1	In all residential zones, buildings shall have a side setback of at least 3 metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The subject site is not in a residential zone, nor does it immediately adjoin a residentially

D2	Eaves may extend a distance of 700mm from the wall.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	zoned site.
2.4.3	Rear setback				
D1	Rear setbacks shall be a minimum of 10m from the rear property boundary.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The subject site is not located on Olympic Drive, Lidcombe
P2	East-west streets maintain view corridors to Wyatt Park.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Development controls				
D1	For sites with frontage to Olympic Drive, buildings shall be designed to address Olympic Drive and provide a setback of 6m.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D2	The setback area and verge shall be landscaped and planted with a double row of street trees.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3	The setback to east-west streets shall be generally 4 to 6m and ensure view corridors to Wyatt Park are maintained.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.5	Building depth				
	Performance criteria				
P1	A high level of amenity is provided for residents.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The buildings do not exceed 24m in depth inclusive of balconies and building articulation.
	Development controls				
D1	The maximum depth of a residential flat building shall be 24m (inclusive of balconies and building articulation but excluding architectural features).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>2.6 Floor to ceiling heights</p> <p>Performance criteria</p> <p>P1 Floor to ceiling heights provide well proportioned rooms and spaces to allow for light and ventilation into the built form.</p> <p>Development controls</p> <p>D1 The minimum floor to ceiling height shall be 2.7m. This does not apply to mezzanines.</p> <p>D2 Where there is a mezzanine configuration, the floor to ceiling height may be varied.</p> <p>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.</p> <p>D4 When located within business areas, a floor to ceiling height of 3.3m for the ground and first floor shall be provided.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>All residential units have a floor to ceiling height of 2.7m.</p> <p>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.</p>
<p>2.7 Head height of windows</p> <p>Performance criteria</p> <p>P1 Window heights allow for light penetration into rooms and well proportioned elevations.</p> <p>Development controls</p> <p>D1 The head height of windows and the proportion of windows shall relate to the floor to ceiling heights of the dwelling.</p> <p>D2 For storeys with a floor to ceiling height of 2.7 metres, the minimum head height of windows shall be 2.4 metres.</p> <p>D3 For storeys with a floor to ceiling height of 3 metres, the minimum head height of windows shall be 2.7 metres.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Windows have been designed to allow for light penetration into rooms and create well proportioned elevations.</p> <p>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.</p>
<p>2.8 Heritage</p> <p>Performance criteria</p> <p>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.</p> <p>Development controls</p> <p>D1 All development adjacent to and/or adjoining a heritage item shall be:</p> <ul style="list-style-type: none"> responsive in terms of the curtilage and design; 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>This matter has been discussed previously under the Auburn LEP 2010 compliance table.</p>

<ul style="list-style-type: none"> • 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. 		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.9 Building design					
Performance criteria					
P1	Building design, detailing and finishes provide an appropriate scale to the street and add visual interest.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P2	The use of sympathetic materials, colour schemes and details of new residential development and associated structures ensures that the character of Auburn's residential areas is not diminished.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls					
2.9.1 Materials					
D1	All developments shall be constructed from durable, high quality materials. As a guide, preference shall be given to bricks that are smooth faced and in mid to dark tones.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed materials and colour scheme are considered to be of high quality and will make a positive contribution to the streetscape.
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.9.2 Building articulation					
D1	Windows and doors in all facades shall be provided in a balanced manner and respond to the orientation and internal uses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The residential entrance lobbies are 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All elevations of the buildings have varied projections and recesses which create a sense of articulation and depth.
2.9.3 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The roof forms are typical of a multi-storey building, comprising a number of flat planes that do not add to the bulk and scale of the development.
2.9.4 Balustrades and balconies					
D1	Balustrades and balconies shall allow for views from the interior. Accordingly, balustrades shall be partly transparent and partly solid.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent could be imposed to ensure the appropriate treatment of the underside of balconies.

having exposed pipes and utilities.					
2.10 Dwelling size					
Performance criteria					
P1	Internal dwelling sizes and shapes are suitable for a range of household types.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
P2	All rooms are adequate in dimension and accommodate their intended use.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls					
D1	The size of the dwelling shall determine the maximum number of bedrooms permitted.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The unit sizes comply with the minimum sizes in the SEPP 65 – Residential Flat Design Code. No objection is, therefore, raised.
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All units have a spacious living area which directly adjoins private open space.
2.11 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The buildings offer a variety of unit types of differing sizes and bedrooms numbers.
P2	Housing designs meet the broadest range of the occupants' needs possible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development has the following acceptable unit mix:- 1 bedroom – 90 units (39.3%) 2 bedroom – 126 units (55.0%) 3 bedroom – 13 units (5.7%)
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	■ noting the apartment's location in relation to public transport, public	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	facilities, employment areas, schools and universities and retail centres.				
D3	A mix of one (1) and three (3) bedroom apartments shall be located on the ground level where accessibility is more easily achieved for disabled, elderly people or families with children.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D5	Robust building configurations which utilise multiple entries and circulation cores shall be provided especially in larger buildings over 15m long.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All units, where possible, have layouts which optimise northern sunlight access.
D6	Apartment layouts which accommodate the changing use of rooms shall be provided. Design solutions may include: <ul style="list-style-type: none"> ■ 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
D7	Structural systems that support a degree of future change in building use or configuration shall be used. Design solutions may include: <ul style="list-style-type: none"> ■ 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.0 Open space and landscaping					
Objectives					
a.	To provide sufficient and accessible open space for the recreation needs of the likely residents of the proposed dwelling.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is provided with sufficient open space in the form of private balconies and

b.	To provide private open areas that relate well to the living areas of dwellings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	terraces, communal open space, and the generously sized Village Square.
c.	To provide sufficient areas for deep soil planting.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d.	To provide a mix of hard and soft landscape treatments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e.	To help provide a visual and acoustic buffer from the street without preventing passive surveillance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
f.	To enhance the appearance and amenity of residential flat buildings through integrated landscape design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
g.	To provide for the preservation of existing trees and other natural features on the site, where appropriate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
h.	To provide low maintenance communal open space areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
i.	To provide adequate opportunities for water infiltration and tall trees to grow and to spread, so as to create a canopy effect.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
j.	To conserve and enhance street tree planting.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3.1	Development application requirements				
	A landscape plan shall be submitted with all development applications for residential flat buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	A landscape plan prepared by a professionally qualified landscape architect or designer shall be submitted with the development application which shows:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<ul style="list-style-type: none"> ■ 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;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The concept landscape plan shows paving in appropriate locations.
■ add visual interest and variety;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
■ differentiate the access driveway from the public street; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
■ encourage shared use of access driveways between pedestrians, cyclists and vehicles.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent could 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Development controls				
D1 A minimum of 30% of the site area shall be a deep soil zone.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3 Deep soil zones shall have minimum dimensions of 5m.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D4 Deep soil zones shall not include any impervious (hard) surfaces such as paving or concrete.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The bulk and scale of the development has been

the development.					discussed previously and is considered to be unacceptable.
P3	Landscaping assists with the integration of the site into the streetscape.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed landscaping will enhance the quality and amenity of the development and provide suitable shade and privacy in private and communal open space areas.
P4	Enhance the quality and amenity of the built form.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P5	Provide privacy and shade in communal and private open space areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls					
D1	Development on steeply sloping sites shall be stepped to minimise cut and fill.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no trees on the site.
D2	Existing significant trees shall be retained within the development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3	The minimum soil depth for terraces where tree planting is proposed is 800mm.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4	Applicants shall demonstrate that the development will not impact adversely upon any adjoining public reserve or bushland.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site does not adjoin public open space or bushland.
D5	Residential flat buildings shall address and align with any public open space and/or bushland on their boundary.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D6	All podium areas and communal open space areas, which are planted, shall be provided with a water efficient irrigation system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent could 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	■ reduces adverse impacts of adjacent buildings on privacy and overshadowing; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	■ resolves surveillance, privacy and security issues when private open space abuts public open space.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P3	Development should take advantage of opportunities to provide north facing private open space to achieve comfortable year round use.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

	a courtyard.				
D2	Dwellings on the ground floor shall be provided with private open space that has a minimum area of 9m ² and a minimum dimension of 2.5m.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All units have balconies with a minimum area of 8sqm and a minimum dimension of 2m.
D4	Balconies may be semi enclosed with louvres and screens.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D7	Additional small, screened service balconies may be provided for external clothes drying areas and storage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.6	Communal open space				
	Performance criteria				
P1	The site layout provides communal open spaces which:				
	<ul style="list-style-type: none"> contribute to the character of the development; provide for a range of uses and activities; allows cost-effective maintenance; and contributes to stormwater management. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Development controls				
D1	Communal open space shall be useable, and where possible have a northern aspect and contain a reasonable proportion of unbuilt upon (landscaped) area and paved recreation area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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 24m. 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 18m 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. D2 Existing trees are to be retained and integrated into a new landscaping scheme, wherever possible. Suitable replacement trees are to be provided if existing trees cannot be retained. Note: For additional requirements, applicants shall refer to the Tree Preservation Part of this DCP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no existing street trees along the frontages of the development site.

Development controls					
D1	Driveways and services shall be located to preserve existing significant trees.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The requirement to plant street trees could be imposed as a condition of consent.
D2	Additional street trees shall be planted at an average spacing of 1 per 10 lineal metres of street frontage. Note: Where a site has more than one street frontage, street tree planting shall be applied to all street frontages, excluding frontage to laneways.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.0 Access and car parking					
Objectives					
4.1 Access and car parking requirements					
Note: Applicants shall consult the Parking and Loading Part of this DCP.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This matter is discussed in greater detail later in the report.
4.2 Basements					
Performance criteria					
P1	Basements allow for areas of deep soil planting.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
Development controls					
D1	Where possible, basement walls shall be located directly under building walls.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent could be imposed requiring submission of a dilapidation report for adjacent sites.
D2	A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3	Basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This control is not relevant in the Town Centre.
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b.	To provide personal and property security for residents and visitors and enhance perceptions of community safety.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.1 Privacy					
Performance criteria					
P1	Private open spaces and living areas of				The proposed development is not currently adjacent to residential

adjacent dwellings are protected from overlooking.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	development.
Development controls				
D1 Buildings shall be designed to form large external courtyards with a minimum distance of 10 to 12m between opposite windows of habitable rooms.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The two buildings have been designed around a large Village Square with windows to habitable rooms separated by a distance of 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. Where it is impracticable to locate windows other than facing an adjoining building, the windows should be off-set to avoid a direct view of windows in adjacent buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.2 Noise				
Performance criteria				
P1 The transmission of noise between adjoining properties is minimised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
■ minimise transmission of sound through the building structure and in particular protect sleeping areas from noise intrusion; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
■ all shared floors and walls between dwellings to be constructed in accordance with noise	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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 <i>State Environmental Planning Policy (Infrastructure) 2007</i> and the NSW Department of Planning's Development Near Rail Corridors and Busy Roads – Interim Guidelines, 2008.					
5.3 Security					
Performance criteria					
P1	Provide personal and property security for residents and visitors.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
P2	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P3	Ensure a development is integrated with the public domain and contributes to an active pedestrian-orientated environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P4	Ensure effective use of fencing or other means to delineate private and public areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Note: Consideration shall also be given to Council's Policy on Crime Prevention Through Environmental Design (CPTED).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls					
D1	Shared pedestrian entries to buildings shall be lockable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These matters have been addressed on the ADCP 2010 – Local Centres DCP compliance table.
D2	Ensure lighting is provided to all pedestrian paths, shared areas, parking areas and building entries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3	High walls which obstruct surveillance are not permitted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4	The front door of a residential flat building shall be visible from the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D5	Buildings adjacent to public streets or public spaces should be designed so residents can observe the area and carry out visual surveillance. At least one window of a habitable room should face the street or public space.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D6	A council approved street number should be conspicuously displayed at the front of new development or the front fence of such development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D7	Fences higher than 900mm shall be of an open semitransparent design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D8	Balconies and windows shall be positioned to allow observation of entrances.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D9	Proposed planting must not obstruct the building entrance from the street or sightlines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	between the building and the street frontage.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D10	Blank walls facing a rear laneway should be avoided to discourage graffiti.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D11	Pedestrian and vehicular entrances must be designed so as to not be obstructed by existing or proposed plantings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D12	If seating is provided in communal areas of a development it should generally only be located in areas of active use where it will be regularly used.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D13	Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D14	Ground floor apartments may have individual entries from the street.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D15	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.4	Fences				
	Performance controls				
P1	Front fences and walls maintain the streetscape character and are consistent with the scale of development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fencing has been discussed in the ADCP 2010 – Local Centres compliance table.
P2	Ensure that views from streets are maintained and not obstructed by excessively high fences.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P3	Reduce the impact of front fencing on the streetscape and encourage fencing which is sympathetic to the existing streetscape, general topography and the architectural style of the existing dwelling or new development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
P4	Ensure that materials used in front fencing are of high quality and are sympathetic to the exiting streetscape character.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2	Materials of construction will be considered on their merit, with regard being given to materials that are similar to other contributory fences in the vicinity, with a general prohibition on the following materials:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<ul style="list-style-type: none"> ■ Cement block; ■ Metal sheeting, profiled, treated or pre-coated. ■ Fibro, flat or profile; ■ Brushwood; and ■ Barbed wire or other dangerous material. 				

D3 All fences forward of the building alignment shall be treated in a similar way.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4 Solid pre-coated metal fences shall be discouraged and shall not be located forward of the front building line.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D5 Front fences shall satisfy the acoustic abatement criteria and be provided with a landscaped area on the street side of the fence.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D6 Fences located on side or rear boundaries of the premises, behind the main building line shall not exceed a maximum height of 1.8m.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
D7 Fencing and associated walls must be positioned so as not to interfere with any existing trees.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D8 Gates and doors are to be of a type which does not encroach over the street alignment during operation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. To create comfortable living environments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. To provide greater protection to the natural environment by reducing the amount of greenhouse gas emissions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d. To reduce the consumption of non-renewable energy sources for the purposes heating water, lighting and temperature control.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e. To encourage installation of energy efficient appliances that minimise greenhouse gas generation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls				
D1 Solar collectors proposed as part of a new development shall have unimpeded solar	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Solar collectors are not proposed to be installed on the development.

	<p>access between 9:00am to 3:00pm on June 21.</p> <p>Solar collectors existing on the adjoining properties shall not have their solar access impeded between 9:00am to 3:00pm on June 21.</p> <p>Where adjoining properties do not have any solar collectors, a minimum of 3m² of north facing roof space of the adjoining dwelling shall retain unimpeded solar access between 9:00am to 3:00pm on June 21.</p> <p>Note: Where the proposed development is located on an adjacent northern boundary this may not be possible.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There are no solar collectors on adjoining buildings.</p> <p>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 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.</p>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 to the west and south-west will only be overshadowed between 9am and 10am. These properties will receive the required solar access to ground level private open space and north-facing windows of living rooms.
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4	New buildings and additions shall be designed to maximize direct sunlight to north-facing living areas and private open space areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Auburn Town Centre is an area undergoing transition with a large number of 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

<p>D7 Internal living areas and external recreation areas shall have a north orientation for the majority of units in the development, where possible.</p> <p>D8 The western walls of the residential flat building shall be appropriately shaded.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>boundary being affected.</p> <p>A large proportion of the units in the development have north-facing living rooms and private open space areas.</p> <p>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.</p>
<p>6.2 Ventilation</p> <p>Performance criteria</p> <p>P1 The design of development is to utilise natural breezes for cooling and fresh air during summer and to avoid unfavourable winter winds.</p> <p>Development controls</p> <p>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.</p> <p>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.</p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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.</p> <p>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.</p> <p>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.</p>
<p>6.3 Rainwater tanks</p> <p>Performance criteria</p> <p>P1 The development design reduces stormwater runoff.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Development controls					
D1	Developments may have rain water tanks for the collection and reuse of stormwater for car washing and watering of landscaped areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3	The suitability of rainwater tanks erected within the side setback areas of development will be assessed on an individual case by case basis.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D4	Rainwater tanks shall not be located within the front setback.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D6	The rain water tank shall comply with the applicable Australian Standards AS/NZ 2179 and AS 2180 for rainwater goods and installation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.4	Stormwater drainage				
	Applicants shall refer to the stormwater drainage requirements in the Stormwater Drainage Part of this DCP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.0 Ancillary site facilities					
Objectives					
a.	To ensure that site facilities are effectively integrated into the development and are unobtrusive.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b.	To maintain and enhance the character of the streetscapes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c.	To ensure site facilities are adequate, accessible to all residents and easy to maintain.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d.	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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

Development controls					screens or solid masonry components that will provide screening. In instances where the balustrades to balconies are comprised of only transparent glass a condition of consent could 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.
D1	Each dwelling shall be provided with individual laundry facilities located within the dwelling unit.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7.2 Storage					This matter has been discussed previously in the SEPP 65 - Residential Flat Design Code compliance table.
Performance criteria					
P1	Dwellings are provided with adequate storage areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D2	Storage space shall not impinge on the minimum area to be provided for parking spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.3 Utility services					Conditions of consent could be imposed with respect to connection of site services to the development.
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls					
D1	Where possible, services shall be underground.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.4 Other site facilities					An appropriate condition of consent could be imposed restricting the number of TV antennas. Each building is to be provided with letterboxes adjacent to the entry foyers.
Performance criteria					
P1	Dwellings are supported by necessary utilities and services.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls					
D1	A single TV/antenna shall be provided for each building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3	Individual letterboxes can be provided where ground floor residential flat building units	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

have direct access to the street.					
7.5	Waste disposal Applicants shall refer to the requirements held in the Waste Part of this DCP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8.1 Lot amalgamation					
Performance criteria					
P1	Lot amalgamations within development sites are undertaken to ensure better forms of housing development and design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development site comprises two (2) lots, being 93-105 Auburn Road and 18 Harrow Road. A condition of consent could be imposed requiring that the lots be consolidated prior to issue of any Occupation Certificate. 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.
Development controls					
D1	Development sites involving more than one lot shall be consolidated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3	Adjoining parcels of land not included in the development site shall be capable of being economically developed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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: <ul style="list-style-type: none"> ■ 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. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3	For larger self-contained new residential areas, specific road design requirements shall be considered for site specific development controls.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9.0 Adaptable housing					
Objectives					
a.	To ensure a sufficient proportion of dwellings include accessible layouts and features to accommodate changing requirements of residents.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development satisfies the objectives pertaining to adaptable housing insofar as an adequate number of adaptable dwellings would be provided and all areas of the development are accessible.
b.	To encourage flexibility in design to allow people to adapt their home as their needs change due to age or disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9.1 Development application requirements					
Note:	Evidence of compliance with the Adaptable	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The accessibility report submitted with the original application states that the proposed development

Number of dwellings Number of adaptable units		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	requirement for 23 adaptable dwellings.
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Each building has been provided with a lift which provides access to all floors of the buildings and to the adaptable units.
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9.4 Physical barriers					
Development controls					
D1	Physical barriers, obstacles, steps and steep gradients within the development site shall be avoided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 / Loading rate	Required no. of spaces (NB: part spaces to be rounded up)	Proposed no. of spaces
Retail/business tenancies	1,126sqm	1 space/40sqm GFA	28.15 (29)	27
Residential	90	1 space/1 bedroom unit	90	
	126	1 space/1 bedroom unit	126	

	13	2 space/2 bedroom unit	26	
			Total - 242	250
Visitor	229 units	0.2 space/unit	45.8 (46)	54
Loading	1,126sqm	Retail premises – 1 space per 400sqm GFA up to 2,000sqm plus 1 space per 1,000sqm thereafter	3	3
TOTAL			317	331

A total of 331 spaces are proposed, including accessible spaces. This is in excess of the DCP requirements and has been included in the gross floor area/floor space ratio as per the definition under ALEP 2010. The allocation of car parking spaces requires the provision of two (2) additional spaces to the retail/business tenancies. A condition of consent could be imposed in this regard.

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 applicant is not proposing to offset S.94 contributions in lieu of the provision of the publicly accessible Village Square and through site link. Conditions would be imposed on any consent with respect to the payment of S.94 contributions prior to the issue of any construction certificate for the development.

Disclosure of Political Donations and Gifts

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

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

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

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

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

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

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

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site can be said to be suitable to accommodate development. However, the proposed development has been assessed in regard to its environmental consequences, and having regard to this assessment, it is considered that the development is not 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 amended proposal was publicly exhibited for a period of 14 days between 1 October and 15 October 2014 and six (6) submissions were received. A public meeting was also held on 14 October 2014 attended by nine (9) people. The issues raised in the public submissions and meeting are summarised and commented on as follows:

- *The height and bulk of the buildings is excessive and out of character with the locality.*
- *The buildings are inappropriately located on a high point within the Town Centre.*
- *The proposed development fails to meet 'Height of buildings' objective 4.3(1)(b) of ALEP 2010 as the height of the buildings are not compatible with the character of the locality which comprises, for the most part, 3 storey buildings. There is no provision within this objective to speculate about the future character of the locality.*
- *The exceedance of the height limit is in breach of 'Height of buildings' objective 4.3(1)(a) which should 'establish a maximum height of buildings' for the site and enforce these limits. Approving the exceedance of the height limit would set an unsatisfactory precedent for other developers to seek exception to the height limit eroding the controls in place to protect the community for excessive developments.*

Comment:- This matter has been discussed in detail throughout the report and the exceedance of the height limit under ALEP 2010 is not supported.

- *A five (5) storey height limit would be more acceptable.*

Comment:- The maximum height limit under ALEP 2010 is 36m which allows for buildings greater than five (5) stories in height.

- *Children will need to be protected due to more cars and people in the area, reducing the building height will support this.*

Comment:- Reducing the building height, if the same footprint and unit configuration were retained, would result in less people and traffic associated with the development. Building height, however, is not a function of intensity and lower buildings with larger footprints/floor plates could accommodate the same number of units.

- *The building configuration could be changed, and height reduced, if there were less open space around the building.*
- *Private communal open space could be provided on podium roof tops.*

Comment:- The previously approved development included lower rise buildings with greater site coverage. The dwellings and open space did not achieve the levels of amenity proposed by the current application. The dwellings and open space in the current application have been designed and oriented to obtain maximum solar access which improves the liveability of the units and the useability of the Village Square as an alternative to the private communal open spaces.

- *The blank treatment of the northern wall of the podium of the Harrow Road building requires relief.*

Comment:- The proposal has been amended and the northern façade of the podium is to be treated with materials of varying colours and depths to add interest.

- *Increase in traffic flow and 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.*
- *Cumulative impacts of proposal on traffic have not been taken into consideration*

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.

- *At what point would traffic lights be required at the intersection of Harrow Road and Beatrice Street?*

Comment:- The Roads and Maritime Services (RMS) have a number of thresholds applicable to the provision of traffic lights. In this instance the following thresholds would be applicable to the Harrow Road/Beatrice St intersection:

- (a) For each four one-hour periods of an average day the pedestrian flow crossing the road exceeds 150 persons per hour and vehicle flow exceeds 600 per hour; or
- (ii) The intersection has been the site of an average of three or more reported tow-away or casualty traffic accidents per year over a three year period, where the traffic accidents could have been prevented by traffic signals and the traffic flows are at least 80% of the appropriate flow thresholds.

The intersection of Beatrice Street and Harrow Road will not reach these thresholds as a result of the subject development. Further, the number of reported accidents has not reached the minimum threshold over a 3 year period.

- *Car parking availability in the locality will be further exacerbated.*
- *Inadequate car parking spaces have been provided as people own more cars than the number of spaces stipulated in Council's DCP.*

Comment:- The development provides for 14 car parking spaces in excess of the requirements of Auburn DCP 2010 – Parking and Loading and the site is also in close proximity of public transport services. Given that parking in Auburn and Harrow Roads 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 and customer parking is inadequate.*

Comment:- The proposal provides for 54 visitor spaces in the basement in excess of the requirement for 46 spaces under Auburn DCP 2010 – Parking and Loading. Parking for staff and customers of the retail/commercial tenancies is also to be provided in accordance with the DCP.

- *There are inadequate Council parking facilities in the area.*

Comment:- A multi-storey Council car park is located directly opposite the site on Auburn Road providing an alternative to on-street parking in the immediate vicinity of the site.

- *Impact on safety and security of people in the area.*
- *Impact of increased pedestrian traffic.*

Comment:- The development proposes active frontages to both Harrow and Auburn Roads with upper residential floors also overlooking these streets. This will increase street activity and casual surveillance which are well acknowledged means of improving perceptions of safety and security. 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.

- *Publicly accessible Village Square and through site link will be subject to vandalism.*

Comment:- Security gates are proposed to be installed at either end of the through site link with access would be restricted to certain times. 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.

- *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. The reduction in the height of the building has not alleviated these concerns.*

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.

- *Developer/builders are to have regard for the infrastructure and buildings on adjoining sites.*
- *Will underpinning of the Church buildings be required?*

Comment:- Appropriate conditions of consent could 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. Geotechnical and structural engineers will assess ground conditions and any need for stabilisation of adjoining buildings as part of the Construction Certificate process.

- *Increase in allergies from dust and dirt associated with increased pedestrian and vehicular traffic.*

Comment:- The subject site is located in a town centre location and, as such, will experience higher volumes of pedestrian and vehicle traffic. Regular building maintenance and street cleansing operations will minimise pollutants.

- *The impact of additional people on the infrastructure, schools and hospitals.*

Comment:- The intensity of the development, with an FSR of 4.14:1, is below the maximum FSR of 5.0:1 stipulated in Auburn LEP 2010. The number of residents on the site will, therefore, be less than that anticipated. The amendment of the LEP to increase the FSR in the Auburn Town Centre was subject to a detailed Planning Proposal during which consultation with the relevant State Government Agencies, including those responsible for the provision of health and education services, was undertaken. Provision of these services is part of a wider planning process for the state to accommodate the needs of a growing population.

- *A wind report has not been submitted. This is a requirement for buildings over 35m.*

Comment:- The original application was lodged prior to the amendment to the ADCP 2010 – Local Centres coming into effect which requires submission of a wind report.

- *Community have lost confidence in planning for the town centre. An interactive process is required for changes to zoning, height, floor space ratio and so on.*

Comment:- Planning Proposals to amend the Local Environmental Plan are subject to a public exhibition and notification process. In the case of the amendments to the LEP to change the height and floor space ratio in the Auburn Town Centre two Community Information Stalls were also provided.

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

In view of the foregoing analysis it is considered that the development as proposed would not be consistent with the public interest.

Conclusion

Having regard to the relevant matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is unacceptable for the reasons outlined in this report. It is recommended that the development application be refused.

