CUMBERLAND COUNCIL

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To JRPP

Director's Report
Planning and Environment
Department

1 13 - 21 John Street, LIDCOMBE

DA-24/2014 KO: **

SUMMARY

Applicant	Sydney Project Group Pty Ltd
Owner	Sydney Project Group Pty Ltd and Cumberland Council
Application No.	DA-24/2014
Description of Land	Lot 1 DP 233926, Lots 1, 2 & 3 DP 608751, 13 - 21 John Street, LIDCOMBE
Proposed Development	**Demolition of existing structures and construction of 2 buildings, one 11 storeys and the other 10 storeys including a 2,300 m^2 supermarket located at the ground floor 103 residential apartments and basement car parking for 240 cars, including replacement public car parking.**
Site Area	3,188.77 m^2
Zoning	**Zone B4 - Mixed Use Zone B4** - Mixed UseZone B4 - Mixed UseZone B4 - Mixed Use
Disclosure of political donations and gifts	Nil disclosure
Issues	• State Environmental Planning Policy No. 55 – Remediation of Land (**SEPP 55**) • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (**SEPP 65**) • State Environmental Planning Policy "Infrastructure" 2007 (**SEPP – Infrastructure**) • Auburn Local Environmental Plan 2010 (**Auburn LEP 2010**) • Request under clause 4.6 of Auburn LEP 2010, to vary the height standard under clause 4.3 of Auburn LEP 2010 • Auburn Development Control Plan 2010 (**Auburn DCP 2010**) • Auburn Development Control Plan 2010 - Residential Flat Buildings (**ADCP 2010 - RFB**) • Contract of land sale from Auburn Council, provision of public car parking, provision of commercial floor space minimum 2,500 m^2 • Rear setback • Privacy • Overshadowing

	• Located within the vicinity of heritage listed item.

Recommendation

1. ***That Development Application No. DA-24/2014 for Demolition of existing structures and construction of 2 buildings, one 11 storeys and the other 10 storey including a 2,300 m^2 supermarket located at the ground floor 103 residential apartments and basement car parking for 240 cars, including replacement public car parking, landscaping and associated stormwater works on land at 13 - 21 John Street, LIDCOMBE be approved subject to deferred commencement***

A The consent shall not operate until the following have been satisfied

1. **Survey Plan**

   An amended survey plan prepared to Australian Height Datum shall be submitted and all the plans shall be amended with the updated survey information.

   Reason-: to building height is constructed to Australian Height Datum

2. **Stormwater Disposal**

   Amended stormwater drainage plans shall be submitted to comply with Council's stormwater DCP and the following requirements to the satisfaction of Council. The plans shall address the general conditions of this consent and any architectural modifications required by this consent.

   a) On site detention facility and property drainage.

   The proposed onsite stormwater detention facility (OSD) shall be located to be clear of the residential building footprint.

   - OSD shall be provided with grated openings of 900x900 with twin 2/900x450 double hinged grates) at 5 meters spacing and minimum 900mm clear headroom shall be provided within the storage area.
   - OSD submission check list and the calculations sheets shall be submitted.
   - Property drainage system (pipes) shall not compromise the aisle, ramp, parking space widths. All critical dimensions to ensure the width, headroom clearance shall be annotated.
   - All general conditions of consent outlined in this determination are to be addressed and implemented in the amended stormwater drainage plans;
   - Any approved amendments to the architectural plan shall be incorporated in the amended storm water drainage plans;
   - Minimum 10,000L rainwater tank shall be provided and adequate roof areas shall be directed towards the rainwater tank

   b) Extension of Council System.

   The existing Council's underground drainage system in John Street shall be extended up to the property to the satisfaction of Council, In this regard,

   - The minimum pipe size shall be 375mm and the pipe shall be placed under the kerb,

- A minimum 1200mm extended kerb inlet pit (EKIP) shall be constructed at the street frontage at the proposed connection. The pit shall be located minimum 1200mm clear of any driveways, trees and services.

c) Basement pump out system

Separate pump out systems shall be provided for the Loading area via Mary Street and for the Parking facility via John Street, In this regard, pump out system shall address the requirements of section 3.6 of Council's stormwater DCP.

d) Water quality

Primary, secondary and tertiary water quality measures shall be provided with in the subject development. All stormwater runoff generated from the Loading area ramp and access way from Mary street shall be directed towards a suitably sized treatment device which is capable of removing hydrocarbons prior to discharge to the Council's stormwater system. Details shall be shown and specifications shall be incorporated in the stormwater plans.

Reason-: to ensure stormwater is managed in accordance with Council's DCP.

3. **Submission of street drainage system extension works design and approval**

Detailed street drainage system design for the extension of street drainage system in John Street shall be submitted and approved by Auburn City Council

- The street drainage system shall be extended towards the site.
- All pipes shall be minimum 375mm diameter class 4 reinforced concrete pipe and shall be laid under the kerb and gutter
- Connection to the street drainage system in John Street (and Mary Street where proposed) shall be via a Kerb inlet pit with minimum 1200mm lintel
- A minimum 1200mm clearance shall be provided between the end of laybacks and end of lintel of the kerb inlet pit
- Standard drawings and specification shall be obtained from Council and appropriate notes shall be placed on the stormwater plans.
- A long section of the street drainage system (extension) showing all details of existing services shall be submitted to Council for assessment
- Invert levels of pits, pipe grades and hydraulic grade-line shall be shown on the plans
- All fees and costs involved in design and construction shall be borne by the applicant

Reason-: to prevent localised flooding

4. **Access *ramp from John Street to the First basement***

The proposed basement ramp shall be designed in accordance with the Australian standards AS2890.1-2004. In this regard,

- Minimum 600mm wide median shall be provided on the access ramp to separate the entry and exit. The ramp shall be provided from the street level to the first basement level.
- Width, Grades, Headroom clearance and ground clearance shall be ensured to comply with the Australian Standards.
- The 300mm wide clearance on both sides of the ramps (along the wall) shall be paved with 100mm high concrete paving/kerb.

- A detailed long section along the shortest-length of ramp showing the beam, slab thickness services through the basement shall be submitted to Council to ensure that minimum 2200mm headroom is available.
- Boundary line level shall be 100mm above and parallel to the adjacent top of kerb.
- Accessible parking spaces shall have minimum 2500mm headroom to comply with AS 2890.6-2009. Long section of the adoptable parking area to comply with this requirement shall be submitted.

Reason-: to ensure access to basement is in accordance with Australian Standards

5. ***Mary* Street *access driveway and ramp for loading area***

Minimum one waiting bay for the nominated service vehicle shall be provided within the site shall be provided. In this regard

- Waiting bay shall have a minimum dimension of 3000mm X 12500mm and shall be clear of the path of travel of the other service vehicle. In this regard the building set back (eastern side) shall be increased and the loading lift shall be relocated to suit.
- A detailed long section along the shortest-length of ramp showing the beam, slab thickness services through the basement shall be submitted to Council to ensure that minimum 4500mm headroom is available.
- Appropriate traffic signal mechanism shall be provided at Mary Street to prevent any service vehicles reversing to Mary Street. details shall be incorporated with the Construction Certificate

Reason-: to ensure safe access to loading area

B Upon compliance with the conditions of deferred commecement Council will issue an operative consent (including stamped plans) that is subject to the following conditions

1 **Approved Plans**

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

Plan Number	**All plans are prepared by Architectural Plans by Architecture Design Studio Pty Ltd** **Document Description**	**Revision No.**	**Date**
0000	Apartment Schedule	C	15/12/2015
0301	Demolition Plan	A	15/12/2015
0302	Construction Management Plan	A	15/12/2015
0401	Basix Plan	A	15/12/2015
1001	Site Plan	B	15/12/2015
1002	Site Analysis Plan	C	15/12/2015
1101	Basement 04 Plan	C	15/12/2015
1102	Basement 03 Plan	C	15/12/2015
1102	Basement 02 Plan	C	15/12/2015
1102	Basement 02 Plan	C	15/12/2015

1201	Ground Floor Plan	C	15/12/2015
1301	First Floor Plan	C	15/12/2015
1302	Second Floor Plan	C	15/12/2015
1303	Third Floor Plan	C	15/12/2015
1304	Furth Floor Plan	C	15/12/2015
1305	Fifth Floor Plan	C	15/12/2015
1306	Sixth Floor Plan	C	15/12/2015
1307	Seventh Floor Plan	C	15/12/2015
1308	Eight Floor Plan	C	15/12/2015
1309	Ninth Floor Plan	C	15/12/2015
1310	Ten Floor Plan	C	15/12/2015
1311	Eleven Floor Plan	C	15/12/2015
1401	Roof Plan	C	15/12/2015
1501	North Elevation	A	15/12/2015
1502	East Elevation	A	15/12/2015
1503	South Elevation	A	15/12/2015
1504	West Elevation	A	15/12/2015
1601	Section 1	C	15/12/2015
1602	Section 2	C	15/12/2015
2501	Driveway Ramp Profile 1/3	B	15/12/2015
2502	Driveway Ramp Profile 2/3	B	15/12/2015
2503	Driveway Ramp Profile 3/3	B	15/12/2015
3101	TYP Accessible Unit Configuration	A	15/12/2015
8001	Building Amenity Diagram – Ground Floor	C	15/12/2015
8002	Building Amenity Diagram – First Floor	C	15/12/2015
8003	Building Amenity Diagram – Second Floor	C	15/12/2015
8004	Building Amenity Diagram – Third Floor	C	15/12/2015
8005	Building Amenity Diagram – Fourth Floor	C	15/12/2015
8006	Building Amenity Diagram – Fifth Floor	C	15/12/2015
8007	Building Amenity Diagram – Sixth Floor	C	15/12/2015
8008	Building Amenity Diagram – Seventh Floor	C	15/12/2015
8009	Building Amenity Diagram – Eight Floor	C	15/12/2015
8010	Building Amenity Diagram – Ninth Floor	C	15/12/2015
8011	Building Amenity Diagram – Tenth Floor	C	15/12/2015
8101	Winter Solstice Shadow June 21st - 9 am	B	15/12/2015
8102	Winter Solstice Shadow June 21st - 10 am	B	15/12/2015
8103	Winter Solstice Shadow June 21st - 11 am	B	15/12/2015
8104	Winter Solstice Shadow June 21st - 12 pm	B	15/12/2015
8105	Winter Solstice Shadow June 21st - 1 pm	B	15/12/2015
8106	Winter Solstice Shadow June 21st - 2 pm	B	15/12/2015
8107	Winter Solstice Shadow June 21st - 3 pm	B	15/12/2015
8108	Summer Solstice Shadow June 21st - 9 am	B	15/12/2015
8109	Summer Solstice Shadow June 21st - 10am	B	15/12/2015
8110	Summer Solstice Shadow June 21st - 11am	B	15/12/2015
8111	Summer Solstice Shadow June 21st - 12pm	B	15/12/2015
8112	Summer Solstice Shadow June 21st - 1 pm	B	15/12/2015
8113	Summer Solstice Shadow June 21st - 2 pm	B	15/12/2015
8114	Summer Solstice Shadow June 21st - 3 pm	B	15/12/2015

8201	Elevation Shadow – 21st June 1/2	A	15/12/2015
8202	Elevation Shadow – 21st June 2/2	A	15/12/2015
8203	Elevation Shadow – 22nd December 1/2	A	15/12/2015
8204	Elevation Shadow – 22nd December 1/2	A	15/12/2015
8301	External Perspective 1	C	15/12/2015
8302	External Perspective 2	C	15/12/2015
BASIX	Certificate Number 52681M Prepared by Eco Certificates Pty Ltd		15/12/2015

Supporting Documentation

Author	Title	Date
The Planning Group NSW Pty Limited (TPG)	Updated Statement of Environmental Effects 13-21 John Street Lidcombe NSW	15/12/2015
David Doroch Director Architecture Design Studio Pty Ltd	SEPP 65 Design Verification Report 13-21 John Street Lidcombe NSW	Dec 2015
The Planning Group NSW Pty Limited (TPG)	Crime Prevention Through Environmental Design Assessment and Analysis 13-21 John Street Lidcombe NSW	15/12/2015
The Planning Group NSW Pty Limited (TPG)	Request under clause 4.6 Exemption to Development Standards to vary the Height standard under clause 4.3 of the Auburn Local Environmental Plan 2010	Dec 2015
The Planning Group NSW Pty Limited (TPG)	Auburn Development Control Plan 2010 – Compliance Table	Dec 2015
Architecture Design Studio Pty Ltd	Waste Management Plan 13-21 John Street Lidcombe NSW	6/12/2015
MYD Consulting Engineers Pty Ltd	Proposed Commercial & Residential 13-21 John Street Lidcombe NSW • Basement 4 Stormwater Concept Plan • Ground Floor Stormwater Concept Plan • Level 1 Stormwater Concept Plan – Sheet 1 • Level 1 Stormwater Concept Plan – Sheet 2 • OSD Tank Details • Typical Details	14/12/2015
Architecture Design Studio Pty Ltd	Schedule of Finishes 13-21 John Street Lidcombe NSW	Dec 2015
Vara Traffic Planning Pty Ltd	Proposed Mixed-Use Development 13-15,19-21 John Street, Lidcombe Traffic and Parking Assessment Repot	15/12/2015
Helen Deegan Director	Letter clarifying Floor Space Ratio for development at 13-21 John Street Lidcombe	16/12/2015

Architecture Design Studio Pty Ltd	NSW	
Edwards Planning	Heritage Impact Statement for Demolition of the existing buildings construction of residential flat building 40 - 44 John Street, Lidcombe	April 2016

except as otherwise provided by the conditions of this determination

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

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

2 **Time period of consent**

This consent shall lapse five (5) years from the date of determination unless the approved building, engineering or construction work has been physically commenced in accordance with this consent.

Development consent for the use of land does not lapse if the approved use of any land, building or work is actually commenced prior to the date on which the consent would otherwise lapse.

Reason:- to satisfy the requirements of Section 95 of the Environmental Planning and Assessment Act.

3 Submission of Construction Certificate

Construction works are not to commence until such time that a construction certificate for the proposed works has been issued by Council or an Accredited Certifier.

Where an Accredited Certifier issues a construction certificate, a copy of the following documents must be forwarded to Council within 2 days of issue, together with payment of the Council's adopted registration fee: determination; application to which it relates; construction certificate issued; plans and specifications; any fire safety schedule; and any other documents lodged with the certificate.

Any modification involving building works to the approved development made under Section 96 of the Environmental Planning and Assessment Act 1979 requires the submission of an amended construction certificate.

Reason:- to comply with the requirements of Section 81A of the Environmental Planning and Assessment Act and clause 142 of the Environmental Planning and Assessment Regulation 2000.

4 **Consolidation of lots**

The individual lots are to be consolidated into a single parcel. Written evidence of registration of consolidation by the Land and Property Information Office is to be submitted to Council prior to the granting of the occupation certificate.

Reason:- to ensure the whole of the land essential to the proper operation of the development is preserved.

5 **No alteration without prior Council approval**

The completed building is not to be altered externally in character or colour without the prior consent of Council.

Reason:- to ensure the external appearance of the development is not obtrusive or offensive and does not degrade the visual quality of the surrounding area.

6 **Appointment of Principal Certifying Authority/Notice of Commencement of Work**

Site works are not to commence until:-

a) a construction certificate for the building work has been issued by the consent authority, and

b) the person having the benefit of the development consent has:-

i) appointed a principal certifying authority for the building work, and
ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

b1) the principal certifying authority has, no later than 2 days before the building work commences:-

i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:-

i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
ii) notified the principal certifying authority of any such appointment, and
iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

Reason:- to comply with the requirements of Section 81A of the Environmental Planning and Assessment Act.

7 Principal Certifying Authority

1) The person having the benefit of a development consent or complying development certificate for development involving building work or subdivision work may appoint the consent authority, the council or an accredited certifier as the principal certifying authority for the development.

1A) Despite subsection (1), such an appointment may not be made by any contractor or other person who will carry out the building work or

subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out.

2) Despite subsection (1), an accredited certifier must not be appointed as the principal certifying authority for development involving subdivision work unless the subdivision to which the work relates is of a kind identified by an environmental planning instrument as one in respect of which an accredited certifier may be a certifying authority.

3) A principal certifying authority for building work or subdivision work to be carried out on a site is required to be satisfied:-

   a) that a construction certificate or complying development certificate has been issued for such of the building work or subdivision work as requires development consent and over which the principal certifying authority has control, before the work commences on the site, and
   b) that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the *Home Building Act 1989*, before any residential building work over which the principal certifying authority has control commences on the site, unless the work is to be carried out by an owner-builder, and
   c) that the owner-builder is the holder of any owner-builder permit required under the *Home Building Act 1989*, before an owner-builder commences on the site any residential building work over which the principal certifying authority has control, and
   d) that building work or subdivision work on the site has been inspected by the principal certifying authority or another certifying authority on such occasions (if any) as are prescribed by the regulations and on such other occasions as may be required by the principal certifying authority, before the principal certifying authority issues an occupation certificate or subdivision certificate for the building or work, and
   e) that any preconditions required by a development consent or complying development certificate to be met for the work before the issue of an occupation certificate or subdivision certificate have been met, before the principal certifying authority issues the occupation certificate or subdivision certificate.

4) A principal certifying authority must also comply with such other requirements of a like or different nature as may be imposed on principal certifying authorities by the regulations.

Note. Section 81A prohibits the commencement of building work or subdivision work unless the consent authority has been notified of the appointment of a principal certifying authority for the work. Section 109D (2) prohibits the issue of an occupation certificate authorising the occupation and use of a new building except by the principal certifying authority appointed for the erection of the building. Section 109D (3) prohibits the issue of a subdivision certificate for a subdivision involving subdivision work except by the principal certifying authority appointed for the carrying out of the subdivision.

Reason:- to comply with the requirements of Section 109E of the Environmental Planning and Assessment Act.

8 **Provision of Street Numbers**

A street number is to be displayed in a prominent position at the entrance to the premises. Numbers are to be of a colour contrasting with the wall to which they are affixed.

Reason:- to clearly identify the street number of the property.

9 Compliance with the Building Code of Australia

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Reason:- to ensure compliance with the requirements of the Building Code of Australia and to comply with Clause 98 of the Environmental Planning and Assessment Regulation 2000.

10 **Insurance requirements under the Home Building Act 1989**

A contract of insurance for residential building work must be in force before any building works commence, where the works are being undertaken by a builder and tradesperson and the works have a market value of greater than $20,000 *(or as varied from time to time by the Home Building Act 1989)*.

Where the contract price or the reasonable market cost of the labour and materials involved does not exceed $20,000, there is no legal requirement for home warranty insurance to be obtained.

Contractors who carry out residential building work must still hold an appropriate licence with Fair Trading where the labour and materials involved are valued at over $1,000.

Home owners should be wary of any builder or tradesperson who says they do not need insurance if the value of work exceeds $20,000, or who suggests you obtain an owner-builder permit while they carry out the work for you.

NOTE: Evidence of the contract of insurance or owner builder permit, if required, must be submitted with the application for construction certificate. The construction certificate will not be released by Council unless this evidence is provided.

Reason:- to comply with Clause 98 of the Environmental Planning and Assessment Regulation 2000.

11 Disabled Access & Facilities

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises - Building) Standards 2010' (including for existing buildings, whether or not any works are proposed). Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for the **construction certificate**.

Reason:- to ensure compliance with the requirements of the Building Code of Australia.

12 Commonwealth Disability Discrimination Act

The Commonwealth Disability Discrimination Act 1992 commenced the 'Disability (Access for Premises - Buildings) Standards 2010' on 1 May 2011 and now applies to all new buildings and affected parts of existing buildings. Submission and/or approval of this application does not imply or confer compliance with either the Act or the new Access Standard. Applicants should satisfy themselves and make their own inquiries to the Human Rights and Equal Opportunity Commission.

Reason:- to provide advice on the requirements of the Commonwealth Disability Discrimination Act 1992.

13 **Replacement of Principal Certifying Authorities**

Unless the relevant authority so approves in writing, a person may not be appointed to replace another person as the principal certifying authority for development.

A principal certifying authority appointed to replace another principal certifying authority must ensure that notice of the appointment and of the approval of that appointment is given to the consent authority (and, if the consent authority is not the council, to the council) within 2 days of the appointment.

Reason:- to comply with the requirements of Section 109EA of the Environmental Planning and Assessment Act and clause 162 of the Environmental Planning and Assessment Regulation.

14 **Notice to Allow Inspections**

To allow a principal certifying authority or another certifying authority time to carry out critical stage inspections or any other inspections required by the principal certifying authority, the principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before building work is commenced at the site if a critical stage inspection is required before the commencement of the work.

Reason:- to comply with the requirements of Clause 163 of the Environmental Planning and Assessment Regulation.

15 **Erection of Signs**

A rigid and durable sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:-

a) showing the name, address and telephone number of the principal certifying authority for the work, and
b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of $1,100.

Reason:- to comply with the requirements of Clause 98A and 136B of the Environmental Planning and Assessment Regulations.

16 BASIX Requirements

Under Clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. In this condition:-

a) Relevant BASIX Certification means:-

i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified) or;

ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and

b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

Reason:- to comply with the Environmental Planning and Assessment Regulations.

17 **Construction/Demolition Hours**

Site works, building works and demolition works, including the delivery of materials or equipment to and from the property are to be carried out between the hours of 7.00 am and 6.00 p.m. only from Mondays to Fridays and between 8.00 am and 4.00 p.m. only on Saturdays. No construction works or deliveries for the construction are to take place on Sundays or public holidays.

Prior to commencement of any demolition or construction work the applicant is to erect signs on the site, which are clearly visible from the footpaths adjoining the site boundaries, which state the permitted construction/demolition hours. These signs must also state “Any instances of site works, building works, demolition works or deliveries outside the permitted hours can be reported to Auburn Council on 9735-1222 during office hours or 0417-287-113 outside office hours”.

Reason:- to reduce nuisance to the surrounding properties during the construction period.

18 **Access to public car parking**

Pursuant to the provisions of Section 88B & 88E of the *Conveyancing Act 1919,* the consolidated allotment register with, the office of the NSW Land and Property Management Authority, shall contain a public positive covenant. The public positive covenant shall stipulate:

a. That in any development undertaken upon the land that there is to be the provision of a minimum of 50 public car parking spaces made available for the use of the general public 24 hours per day 7 days per week.

b. The construction, maintenance and lighting of the public car parking area is to be undertaken by the land owner at no cost to Cumberland Council.

c. That Cumberland Council is authorised to install and erect directional signs to the area of public car parking and erect any signs adjacent to the designated car parking spaces to identify hours of usage.

d. That Cumberland Council is authorised to install, monitor and control any device to regulate the hours of usage of the public car parking spaces.

e. That designated officers of Cumberland Council are permitted to enter the premises to inspect, monitor and police the usage of the designated public car parking spaces.

Reason-: ensure access to public car parking

19 **Department of Planning – Apartment Design Guide**

a. In accordance with design guidance 3D-3 of the Department of Planning – Apartment Design Guide and clause 13.0-D4, adequate lighting should be proved to all communal open space areas and external lightings shall be positioned to avoid light spillage to any residential area. The requirements for external lighting to communal open space areas shall be submitted with the Construction Certificate.

b. In accordance with design guidance 3G-2 of the Department of Planning - Apartment Design Guide, the installation of an electronic access and audio/video intercom in the residential lobby and secure basement car parking to manage and control access to both the residential towers and the residential car parking. The requirements for installation of electronic access shall be submitted with the Construction Certificate.

c. In accordance with design guidance 3J-4 of the Department of Planning - Apartment Design Guide, the installation of ventilation grills for the basement car parking should be integrated into the facade and landscape design. The requirements for installation of ventilation grills shall be submitted with the Construction Certificate.

d. In accordance with design guidance 3J-6 of the Department of Planning - Apartment Design Guide, the installation of a positive street address at ground level. The requirements for positive street address shall be submitted with the Construction Certificate.

e. In accordance with design guidance 4E-3 and 4U-2 of the Department of Planning - Apartment Design Guide, provision of any heating or air conditioning units should be located on roofs, in basements or fully integrated into the building design. Any outside cloths drying area should be screed or integrated into the building design. The requirements for cloths shall be submitted with the Construction Certificate.

f. In accordance with design guidance 4P-2 of the Department of Planning - Apartment Design Guide, the applicant is to prepare and submit for approval a landscape maintenance management plan along with detailed plans on the irrigation and drainage system required. The requirements for landscape maintenance shall be submitted with the Construction Certificate.

g. In accordance with design guidance 4Q-1 of the Department of Planning - Apartment Design Guide, the applicant shall provide a minimum of 20% of the total apartments as incorporating the Liveable Housing Guideline's

silver level universal design features. The requirements for Liveable Housing shall be submitted with the Construction Certificate.

h. In accordance with design guidance 4T-2 of the Department of Planning - Apartment Design Guide, the applicant shall provide legible and discrete way of finding apartment locations in building A and B which shall be provided with the Construction Certificate.

Reason:- compliance with Department of Planning – Apartment Design Guide

20 **Acoustic**

In accordance with Acoustic Logic DA Acoustic Assessment Report for 13-21 John Street, Lidcombe the following minimum glazing requirements to address acoustic requirements shall be implement in accordance with the glazing thickness and acoustic seals as presented in the following tables. It should be noted that additional considerations may require the glazing thickness to be increased to take into consideration structural, safety or other considerations beyond acoustic requirements. Confirmation of glazing requirement shall be provided with the Construction Certificate.

Glazing Requirements (Residential)

Space	Facade	Glazing Thickness	Acoustic Seals
Bedroom	West	10.38 mm laminated	Yes
	South	6.38 mm laminated	Yes
	North/East	6 mm float	Yes
Living Area	West	6.38 mm laminated	Yes
	South	6 mm float	Yes
	North/East	4 mm float	Yes

Glazing Requirements (Commercial)

Space	Glazing Thickness	Acoustic Seals
Commercial	6 mm toughened	Yes

Reason:- to ensure compliance with acoustic requirements

21 Aboriginal and Archaelogocial

a. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Environmental

Protection and Regulatory Group of the Office of Environment and Heritage is to be informed in accordance with Section 89 A of the *National Parks and Wildlife Act 1974* (as amended). Aboriginal 'objects' must be managed in accordance with an approved Aboriginal heritage impact permit under Section 90 of the *National Parks and Wildlife Act 1974* (as amended).

Note: It is an offence to disturb Aboriginal archaeological sites or artefacts. Section 86 of the *National Parks and Wildlife Act 1974*, imposes substantial penalties for any person who harms or desecrates an object that the person knows is an Aboriginal object.

b. Should any substantial intact archaeological deposits whether artefacts, relics or occupation deposits be discovered or uncovered excavation and/or disturbance of the site is to immediately cease and the Consent Authority notified. Additional archaeological assessment may be required prior to works continuing in the affected area/s based on the nature of the discovery.

Reason:- protection of any aboriginal or archaeological material.

22 Provision of Auburn DCP

a. In accordance with clause 5.1 D1 Lighting of Auburn DCP 2010, the lighting design needs to be integrated into the building design and in accordance with and clause 5.3 D2 Security of ADCP 2010 - Residential Flat Buildings, the lighting shall comply with the minimum requirements of security as specified in ADCP 2010, Residential Flat Buildings. The requirements for both lighting design and security shall be submitted with the Construction Certificate.

b. In accordance with clause 7.0 D4 Landscaping of Auburn DCP 2010 and in accordance with clauses 5.4 D1, D2, D3, D4, D5, D6, D7 and D8 Fences of ADCP 2010, Residential Flat Buildings fencing details are to be provided with the Construction Certificate. Fencing requirements shall comply with the minimum requirement specified in ADCP 2010, Residential Flat Buildings. The requirements for fencing design and security shall be submitted with the Construction Certificate.

c. In accordance with clause 13.0 D3 Residential Interface of Auburn DCP 2010, details of the ventilation to the supermarket shall be provided with the Construction Certificate which ensures that no odour is emitted in a manner that adversely impacts upon residential amenity.

d. In accordance with clause 4.2 D2 Basements of ADCP 2010, Residential Flat Buildings a dilapidation report shall be submitted and approved by Auburn City Council prior to the lodgement a Construction Certificate.

e. To assist in the movement of vehicles into and out of the loading dock a mirror be installed within the loading dock to alert vehicles entering the access lane.

Reason:- compliance with Auburn Development Control Plan 2010

23 **Stormwater disposal**

All stormwater runoff generated from the proposed development shall be directed to the On Site Detention system prior to being discharged to Council's systems in accordance with the approved plans.

Reason:- to prevent localised flooding

24 **Submission of full stormwater disposal details**

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

The details shall be prepared by a suitably qualified person and must be in accordance "Auburn Development Control Plans 2010 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987". In this regard,

- The proposed stormwater system shall be in accordance with the stormwater plan to be approved in the deferred commencement condition, including any amendments marked in red on the plans.

Reason:- to ensure the stormwater is suitably discharged.

25 **Submission of detailed design for street drainage system - extension**

Prior issue any construction certificate approval for the street drainage works shall be obtained from Council. In this regard

- A detailed plan shall be prepared by a suitably qualified person in accordance "Auburn Development Control Plans 2010 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987".
- Detailed service plan showing all the services within the work area. These services shall be verified by a licences service locater.
- All clearances of the existing services to the proposed stormwater extension work shall be clearly annotated on the plan.
- Work methodology and a programme schedule shall be submitted.
- All associated cost shall be borne by the applicant.

Reason:- to ensure the stormwater is suitably discharged.

26 **Construction of street drainage system - extension**

Prior commence any work within the site the proposed street drainage system extension in John Street from the downstream street pit to the subject property shall be constructed to comply with the Council approved plans and conditions.

In this regard

- All construction shall be in accordance with Council's standards and specifications and as per the approved street drainage works plan and conditions
- All Construction supervision shall be carried out by Council.
- All associated costs shall be borne by the applicant
- On completion a closed circuit TV inspection report shall be submitted to Council.

Reason:- to ensure the street drainage works comply with Council's standards and requirements.

27 **Stormwater disposal – on-site detention**

On-site stormwater detention storage is to be provided in conjunction with the stormwater disposal. The storage is to comply with "Auburn Development Control Plans 2000 - Stormwater Drainage". Where multiple detention basins with differing top water levels are used, the basins must be routed to the outlet pit independent of each other.

A positive covenant under Section 88E of the Conveyancing Act is to be created on the title of the property detailing the on-site stormwater detention system incorporated in the development. The wording of the instrument is to be submitted and approved by Council prior to lodgement at the Land Titles Office. Evidence confirming the positive covenant has been registered shall be submitted to Council prior to occupation of the building or issue of the occupation certificate.

Note:

1. Positive covenant wording shall be obtained from Council prior to lodgement.

2. Work as executed plan shall be accompanied by relevant checklists.

Reason:- to prevent localised flooding by ensuring the detention system is maintained as designed.

28 **Works-as-Executed Plan**

Prior to occupation of the building or issue of the occupation certificate, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Council. The W.A.E. plan shall show (where applicable):

i) Whether all works have been completed generally with the approved drainage plans.
ii) Any departure from the approved plan and conditions.
iii) Any additional work that has been undertaken.
iv) Location, levels and sizes of pipes and pits.
v) Finished floor and finished surface levels. The location of finished levels should in general correspond with those shown on Council's approved drainage plan.
vi) Basement pump out volumes.

NOTE: The WAE surface level shall be taken after all landscaping has been completed.

In this regard

- The above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.
- Checklists A3, A4 & A5 shall be completed and shall be certified by the practicing hydraulic engineer and the registered surveyor.

Reason:- to account for minor variations and to ensure Council has the final details.

29 **Maintenance schedule - OSD**

Prior to the issue of the occupation certificate, a maintenance schedule of the proposed on-site detention facility shall be submitted to Council for approval

with the stormwater work-as executed plan. This maintenance schedule shall be registered as part of the positive covenant.

Reason:- to ensure the onsite detention facility is in good working order.

30 **Basement drainage system**

Basement drainage is to comply with "Auburn Development Control Plans 2010 Stormwater Drainage". In this regard,

i. Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, one pump acting in reserve capacity.
ii. The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
iii. A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of twelve hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in electrical supply.
iv. The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.
v. Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
vi. The contributing catchment area to the pump out system is to be limited to the access ramp area and subsoil drainage only.

Reason:- to prevent localised flooding

31 **Engineer Certificate: Pump out drainage system (basement)**

A certificate from a practising hydraulic engineer verifying that the basement stormwater pump installation and the design with the executed levels shall be submitted to the Council with the works as executed plan.

Reason:- to ensure the system has been constructed Council's standards and specifications

32 **Internal Ramp**

The proposed basement ramp shall be designed in accordance with the Australian standards AS2890.1-2004
In this regard,

- Width, Grades, Headroom clearance and ground clearance shall be ensured to comply with the Australian Standards.
- The 300mm wide clearance on both sides of the ramp shall be paved with 100mm high concrete paving.
- Property boundary line level obtained from Council shall be incorporated in the ramp design

Reason:- to ensure that the ramp complies with Australian Standards

33 **Vehicles Driven in Forward Direction**

All vehicles must be driven in a forward direction at all times when entering or leaving the site.

Reason:- to preserve and enhance the safe operation of the car parking area

34 **Minimum Headroom- adoptable parking spaces**

Head room clearance within accessible parking shall be minimum 2500mm to comply with AS2890 requirements. Headroom shall be measured clear of any beams and service ducts.

Sectional plans to comply with these headroom requirements showing all **beams and service ducts** shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Reason:- to ensure headroom complies with AS2890.

35 **Submission of Design for new footpath works to Council**

The existing footpath along the John Street frontage shall be re-constructed to Council's new boundary line level. In this regard:

- **Prior to the issue of any Construction Certificate**, a detailed footpath design submitted to Council in consultation with Manager Development Assessment.
- Street boundary levels shall be obtained from Council and shall be incorporated in the design
- Where required necessary end transitions shall be included beyond the street frontage on either side of the property or adjacent to the other property driveways.
- Details of the proposed new driveway location shall be shown on the plans.
- All associated cost shall be borne by the applicant

Reason:- to provide a footpath to comply with Council's standards

36 **Footpath Construction and kerb and gutter reinstatement – John Street**

Existing footpath shall be removed and a new footpath shall be constructed for the full street frontage. In this regard,

- Footpath construction, kerb & gutter reinstatement works shall be carried out as per the footpath design approved by Council and to Council's standards and specifications
- All works shall be carried out in consultation with Council's Indirect Services section and direction
- Formwork inspection and footpath inspection shall be carried out by Council.
- Formwork inspection and footpath inspection shall be carried out by Council.
- All associated cost shall be borne by the applicant

Reason-: to provide a safe footpath.

37 **Traffic Management – demolition and excavation**

A traffic management plan shall be submitted to and approved by Council for the demolition and basement excavation works associated with the development.
Prior to issue any construction certificate a Traffic Management Plan (TMP) shall be approved by Council.

The approved TMP shall be implemented at all times during the demolition and excavation works

Reason:- to minimise the disruption to the through traffic

38 Works within Council controlled lands

All drainage works within Council controlled lands and connections to Council's stormwater drainage system shall be inspected and approved by the Council. Inspections will be required at the following stages:

a) After the excavation of pipeline trenches.
b) After the laying of all pipes prior to backfilling.
c) After the completion of all pits and connection points.

- Standard drawings for pit construction, pipe laying and restoration works shall be obtained from Auburn City Council
- A minimum of 48 hours notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Works and Services Section during office hours.
- Work is not to proceed until the works are inspected and approved by Council.

Reason:- to ensure works on public/Council controlled lands are carried out as per Council's requirements

39 Power pole relocation – Mary Street

The power pole adjacent to the driveway on Mary Street shall be relocated to have a minimum 1200mm clearance to the driveway and any other adjacent driveways. Adequate notes shall be provided on the plans.

Reason:- to minimise the obstructions to the heavy vehicles accessing the site

40 Fencing of Construction Sites (During Demolition) – Rental details to be provided to the PCA

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

A plan showing the hoarding fence location related to Council's footpath and the property boundary shall be prepared and approved by the PCA. These plans shall be incorporated as part of the Construction certificate. If Council is not the PCA then a copy of the plans shall be forwarded to Council.

NOTE: Should ANY part of the fence or hoarding encroach beyond the boundaries of the site, it will be necessary to:-

- Make payment to Council for the rental of the road reserve area in accordance with Council's adopted charges (per metre per month – minimum 3 months) BEFORE the fence/hoarding is erected.
- Supply evidence that the road reserve rental fee has been paid to the PCA and to any authorised Council officer.
- Comply with Council's specifications for the erection of Class A Hoardings.

Reason:- to provide *protection to public places and to prevent unauthorised access to the site.*

41 Information required prior to the issue of Construction Certificate

The following documentation (where applicable) is to be submitted to Council or the accredited certifier, **prior to the granting of the construction certificate**:

a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.
b) A list of any existing fire safety measures provided in relation to the land or any existing building on the land *(not applicable to dwellings or outbuildings).*
c) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land *(not applicable to dwellings or outbuildings).*
d) A report prepared by a *professional engineer* detailing the proposed methods of excavation, shoring or pile construction, and what measures are to be implemented to prevent damage from occurring to adjoining or nearby premises as a result of the proposed excavation works. (NOTE: Any practices or procedures specified to avoid damage to adjoining or nearby premises are to be incorporated into the plans and specifications for the construction certificate).
e) Method of ventilating the basement car park. (Note: If mechanical ventilation is required, mechanical ventilation plans shall be submitted that also confirm the minimum height clearances specified by AS 2890.1 - Car parking, will be achieved).
f) Details of specification and information regarding the fire hydrant system, smoke hazard management, fire sprinkler system, construction of fire isolated exits, proposed mechanical ventilation

and any other fire safety measure.

Reason:- to ensure that adequate information is submitted to enable assessment or that the development can proceed with the concurrence of others.

42 Infrastructure Fee

The infrastructure inspection fee in accordance with Councils Fees and Charges Schedule shall be paid prior to the issue of the Construction Certificate.

Reason:- to contribute to the cost of inspection and identification of any damage to Council's infrastructure as a result of the development.

43 Maintain plans on-site

A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.

Reason:- to ensure a record of the approved plans are readily available.

44 PCA - Inspection of works - general & site management

The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant if permitted by the PCA) to monitor compliance with Council's approval and the relevant standards of construction.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be maintained by the principal certifying authority.

Upon inspection of each stage of construction, the principal certifying authority (or other suitably qualified person on behalf of the applicant) is also required to ensure that adequate provisions are made for the following measures (*as applicable*), to ensure compliance with the terms of Council's approval:

- Sediment control measures
- Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
- Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

ADVISORY NOTE

If Council is appointed as the PCA, the following critical inspections (as applicable to the development), must be arranged:

a) Prior to the commencement of Building Works, ensure erosion controls PCA and the Builders signs are displayed and a temporary toilet is located on site.
b) The pier holes before they are filled with concrete.
c) The foundation material prior to covering.
d) The steelwork when in position and before concrete is poured

(footings, lintels, beams, columns, floors, walls, retaining walls or the like).

e) The dampcourse level, ant capping and floor timbers before the floor materials are laid.

f) The framework including roof members when completed and prior to the fixing of any internal sheets.

g) Prior to covering waterproofing in any wet area.

h) Fire resisting construction before concealment.

i) Upper floor beams and joists before the fixing of any flooring material.

j) The rainwater drainage lines within the property boundaries when completed and before covering.

k) Final inspection.

A minimum of 48 hours notice must be provided to Council to enable the following inspections to be carried out during the course of construction.

Reason:- to ensure the development is adequately monitored during the construction phase.

45 Items not to be placed on roadway

The following items must not be placed on the footpath, roadway or nature strip at any time:-

a) Building materials, sand, waste materials or construction equipment;
b) Bulk bins/waste skips/containers; or
c) Other items that may cause a hazard to pedestrians.

Reason:- to ensure the public is not inconvenienced, placed in danger and to prevent harm to the environment occurring.

46 Sign to be erected concerning unauthorised entry to the site

A sign must be erected in a prominent position stating that unauthorised entry to the site is not permitted. The sign must also name the builder or other person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours. Where Council is not the Principal Certifying Authority, the sign shall also display the name and contact details of the nominated Principal Certifying Authority. The sign is to be removed when the building works have been completed.

Reason:- to restrict public access to the site and to provide suitable contact details in a clear and conspicuous position.

47 Toilet accommodation for people working at the site

Suitable toilet accommodation is to be provided at the work site at all times. If temporary toilet accommodation is proposed, it must:-

- Have a hinged door capable of being fastened from both inside and outside,
- Be constructed of weatherproof material,
- Have a rigid and impervious floor; and
- Have a receptacle for, and supply of, deodorising fluid.

Reason:- to ensure suitable toilet accommodation is provided for workers.

48 Survey Report

A Registered Surveyors check survey certificate is to be forwarded to the Principal Certifying Authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stages of construction**:

(Setbacks and levels at commencement - new dwellings)

a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.

(Setbacks and levels at completion - new dwellings)

b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.

Reason:- to ensure each stage of the development complies with the approved plans.

49 Fencing of Construction Sites - Rental details to be provided to the PCA

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

NOTE: Should ANY part of the fence or hoarding encroach beyond the boundaries of the site, it will be necessary to:-

- **Make payment to Council for the rental of the road reserve area in accordance with Council's adopted charges (per metre per month - minimum 3 months) BEFORE the fence/hoarding is erected.**
- **Supply evidence that the road reserve rental fee has been paid to the PCA and to any authorised Council officer.**

- **Comply with Council's specifications for the erection of Class A or B Hoardings.**

Reason:- to provide protection to public places and to prevent unauthorised access to the site.

50 Sedimentation Control

Prior to the commencement of site works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:-

a) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed below the construction area.
b) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
c) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.
d) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.
e) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
f) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

Such measures are to be maintained at all times to the satisfaction of Council and the Principal Certifying Authority. **Failure to do so may result in the issue of penalty infringement notices.**

Reason:- to minimise soil erosion and control sediment leaving the site during construction and to prevent water pollution from occurring.

51 Display of a warning sign for soil and water management

Throughout the construction/remediation/demolition period, a warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works.

Reason:- to ensure all building workers are aware of the need to maintain the sediment and erosion control devices.

52 Engineering Design - Basement Excavation

The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifying Authority (Council or accredited certifier) **prior to the issuing of a construction certificate:-**

a) Documentary evidence prepared by a suitably qualified *professional geotechnical engineer* shall be submitted to the certifying authority, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitably and adequacy of the proposed design and construction of the building for the site.

b) A report shall be prepared by a *professional engineer* and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building and excavation works.

Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the **construction certificate**.

A copy of the engineer's report is to be submitted to the Council, if the Council is not the certifying authority.

c) Driven type piles/shoring **must not be provided** unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.

d) The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without the specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works**.

Reason:- to ensure the proposed method of excavation is suitable for the site and to prevent damage from occurring to adjoining premises.

53 Excavations extending below the base of footings of adjoining development

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. The person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of its intention to excavate below the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

Reason:- to ensure the support for neighbouring buildings.

54 Dilapidation Report - Prior to Excavation of Basement

(a) A dilapidation report prepared by a *professional engineer* or suitably qualified building professional shall be submitted to the

Principal Certifying Authority **prior to the commencement of demolition, excavation or building works.**

The report shall detail the current condition and status of all buildings, including ancillary structures (*i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.)* located upon all of the premises adjoining the subject site.

The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the above stated premises, prior to the commencement of any works. The applicant shall bear the full cost of this report.

(b) Notwithstanding (a) above, certification by a practicing professional engineer in lieu of a dilapidation report may be provided **prior to the commencement of demolition, excavation or building works** certifying that the demolition, excavation and or building works will not have an impact on **any** adjoining structure including ancillary structures (*i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.).*

The applicant shall bear the full cost of this certification and the Council or Principal Certifier reserves the right to request a full report as described in (a) above should the certification provided by the engineer be considered unacceptable or insufficient.

Reason:- to enable the monitoring of any potential damage that may be caused to adjoining premises as a result of excavating and building in close proximity to the adjoining premises.

55 Footpath area to be illuminated

Where any hoarding or awning is constructed over the public place, the footpath area shall be kept illuminated between sunset and sunrise.

Reason:- the ensure the safety of pedestrians when passing the site.

56 Fencing of construction sites - Rental details to be provided to the PCA (A & B Type Hoardings)

A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect any hoarding or scaffolding in a public place and such application is to include:

- A payment to Council for the following fees in accordance with Council's adopted charges:
  - Hoarding/Structure Application Fee
  - Rental of Footpath Area (per metre per month - minimum 3 months rental)
  - Footpath Bond

- Submit the following documents to Council with your application:
  - Certificate of Currency for Public Liability Insurance
  - Certificate of Currency for Worker's Compensation Insurance
  - Letter indemnifying Council against claims and expenses made in relation to the existence of the structure and/or traffic provisions
  - Traffic/Pedestrian Control Plan
  - In respect to any required Type B Hoarding, structural certification prepared and sign by an appropriately qualified practising Structural Engineer
- Comply with Council's specifications for the erection of Class A Hoardings.
- Supply evidence to the PCA and to any authorised Council officer that the road reserve rental fee has been paid.

Note: Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary hoarding or fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Hoardings or fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Note: A "B Class" overhead type hoarding is required to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:

- Any works or hoisting of materials over a public footway or adjoining premises, or
- Any building or demolition works on buildings which are over 7.5 metres in height and located within 3.6 metres of the street alignment.

Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. Details of the proposed hoardings or fences located upon the site are to be submitted to the PCA and the public safety provision and temporary fences must be in place prior to the commencement of any site works, demolition, excavation or building works and maintained throughout construction.

Reason:- to provide protection to public places, prevent unauthorised access to the site and a safe working environment.

57 Noise from construction activities

Noise from construction activities associated with the development shall comply with the NSW Interim Construction Noise Guidelines (DECCW) 2009.

Reason:- to ensure noise arising from construction activities is in

accordance with relevant legislation and Environment Protection Authority requirements.

58 Dial before you dig (advisory)

Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday - electricity, gas, communications and water.

Before you dig call "Dial before you dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and the distance to the nearest cross street) or register on line at www.dialbeforeyoudig.com.au for underground utility services information for any excavation areas.
The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a back yard renovator, an individual tradesman or a professional excavator the potential for injury, personal liability and even death exists every day. Obtaining accurate information about your work site significantly minimises these risks.

Reason:- to ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction.

59 Fire Precautions During Construction

Suitable means of fire-fighting must be installed to the degree necessary in the building under construction to allow initial fire attack by construction workers or for the fire brigade to undertake attack on the fire appropriate to the fire hazard; and the height the building has reached during its construction.

Reason:- to ensure compliance with the Performance requirements EP1.5 of Part E1 Fire Fighting Equipment of BCA 2013. To allow initial fire attack by construction workers or for the fire brigade to undertake attack on the fire.

Or

During the construction after the building has reached an effective height of 12 metres

The required fire hydrants and fire hose reels must be operational in at least every storey that is covered by the roof or the floor structure above, except the two uppermost storeys; and any required booster connections must be installed.

Reason:- to ensure compliance with BCA 2013 E1.9 and to allow initial fire attack by construction workers or for the fire brigade to undertake attack on the fire.

60 Submission of details and works as executed fire services plan

Further details and information prepared by an appropriately qualified person is to be provided to Council for the following essential fire and life

safety measures prior to the issue of the occupation certificate for the development:-

- Automatic fire suppression system (If proposed).
- Fire hydrant system, and
- Mechanical air handling system.

The details shall include but not limited to the following:-

- A works as executed fire services plan detailing the location of the essential fire and life safety measures installed within the building premises.

- Design and specification of the fire services.

- Consideration and recommendation report provided by Fire and Rescue New South Wales regarding the systems design and compliance.

- Applicable fire engineering solution report for the system.

Reason:- to ensure a record of the location and type of fire safety services is documented.

61 Compliance with Submitted Acoustic Report

The recommendations specified in the acoustic report prepared by Acoustic Logic reference number20151713.1/1512A/R1/F shall be installed prior to the issuing of the occupation certificate.

The recommendations are to be complied with at all times when the premises is in use.

Reason:- to ensure the recommendations of the acoustic report are complied with.

62 Acoustic Certification

Within three months of the premises being occupied, an acoustic report prepared by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise criteria contain in the acoustic report prepared by Acoustic Logic, reference number 20151713.1/1512A/R1/F has been achieved. Where the criteria is not achieved, the acoustic report is to include recommendation of noise control measures that are to be implemented to ensure compliance with the criteria.

Reason:- to ensure the premise complies with the acoustic report.

63 Ventilation of the basement car park

The basement car park shall be naturally or mechanically ventilated. The ventilation system shall comply with the requirements of the Building Code of Australia and relevant standards including AS1668.1 1998 - The Use of Ventilation and Air conditioning in Buildings Part 1: Fire and Smoke Control in Multi Compartment Buildings and/or AS 1668.2-2002;

The Use of ventilation and Air conditioning in Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.

The system shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of an Occupation Certificate. A copy of the certificate shall be provided to the Principal Certifying Authority (PCA). A copy shall also be provided to Council if Council is not the Principal Certifying Authority.

Any mechanical ventilation provided to the basement car park shall not create an offensive odour emission nor shall it create an offensive noise and shall comply with the requirements of the Protection of Environment Operations Act and all subsequent relevant Regulations.

Reason:- to ensure appropriate ventilation of the basement car park.

64 Future use of commercial tenancies

Mechanical ventilation systems are to be designed to be capable of accommodating exhaust requirements for all ground floor commercial units in accordance with relevant Australian standards in to allow for the event that any of the commercial units are approved for future use as food premises or other uses that require mechanical ventilation.

Reason:- to ensure appropriate ventilation is available for the commercial tenancies.

65 Demolition of buildings

The buildings shall only be demolished in accordance with the requirements of AS 2601-2001 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:-

a) Protection of site workers and the general public.
b) Erection of hoardings where appropriate.
c) Asbestos handling and disposal where applicable.
d) Any disused service connections shall be capped off to Council's requirements.
e) The disposal of refuse is to be to an approved waste disposal depot.

Reason:- to ensure protection of the public, environment and to uphold public health standards. This also complies with the requirements of clause 92 of the Environmental Planning and Assessment Regulation 2000.

66 Demolition - Lead Paint Disposal

The demolition and disposal of materials incorporating lead such as lead paint and dust paint shall be conducted in accordance with *AS2601-2001 Demolition of Structures*. Removal, cleaning and disposal of lead-based paint shall conform with relevant EPA guidelines including the *Lead Safe A renovator's guide to the dangers of lead*, NSW EPA, 1998. Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (eg; ceiling voids and wall cavities) shall be

removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work shall be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition shall not be performed during high winds, which may cause dust to spread beyond the site boundaries. Please note that Council may require testing to verify that the soil lead levels are below acceptable health criteria.

Reason:- to ensure the disposal and demolition of materials incorporating lead is carried out in a safe manner in accordance with relevant regulations.

67 Demolition - common sewerage system

If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.

Reason:- to ensure demolition activities do not disrupt the operation of the sewerage system for other users of the system.

68 Demolisher Details

The demolisher/owner/applicant shall:-

a) Lodge with Council, and at least forty-eight (48) hours prior to the commencement of work (due to the potential impact on Council's infrastructure):-

   i) Written notice, indicating the date when demolition of the building is to commence.
   Ii) The demolisher's full name and address.
   iii) Details of Public Liability Insurance.

b) Comply with Australian Standard 2601 - 2001 "*Demolition of Structures"*; and,

c) Have a current public liability/risk insurance, and policy details of such shall be submitted to Council for its records.

d) Ensure that all possible/practicable steps are taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like arising from the demolition works

This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

Reason:- to ensure details of the demolisher are provided to Council and relevant safety requirements are met.

69 Demolition Works - noise and vibration

The following shall be compiled with:-

a) Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
b) Vibration levels induced by the demolition activities shall not exceed 3mmsec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
c) The upper noise level from the demolition operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

Reason:- to ensure noise and vibration arising from the demolition works does not impact on the amenity of the surrounding area.

70 Asbestos

a) In the event that asbestos is on a site or building under demolition or construction, WorkCover NSW is to be contacted to ascertain the appropriate response, to ensure the safety and protection of existing and future workers and residents. An Asbestos Removal Contractor licensed by WorkCover NSW is to handle/remove/transport and dispose of any products containing asbestos in a manner approved of by the Department of Environment and Conservation (DEC). Copies of tipping dockets are to be retained and able for viewing by Council officers on request.

b) Asbestos material can only be disposed of at a landfill site nominated by Waste Services NSW for that purpose. An appointment must be made with Waste Services NSW to dispose of asbestos materials at the nominated landfill.

c) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:-

i) Work Health and Safety Act 2011*;*
ii) *The* Work Health and Safety Regulation 2011*;*
iii) *Protection of the Environment Operations Act 1997*
iv) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes, NSW EPA, May 1999*
v) *Waste Avoidance and Resource Recovery Act 2001.*
vi) *The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];*
vii) *The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] http://www.nohsc.gov.au ; and*
viii) *The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.*

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259.

Under the Work Health and Safety Regulation 2011, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work.

Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting <http://www.workcover.nsw.gov.au> or one of Workcover NSW's offices for further advice.

d) In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.

Reason:- to ensure the safe handling, treatment and disposal of asbestos materials arising from the demolition/construction works.

71 Services to be capped

Prior to the commencement of demolition works, the applicant must ensure that utility services to the land upon which the building to be demolished stands, as well as the building itself, are terminated and capped in accordance with the requirements of supply authority, eg. Electricity-Supplier of Electricity to the subject premises, Gas-Supplier of Gas to the subject premises.

Reason:- to ensure all services are capped adequately.

72 Site to be kept in a clean condition

Upon completion of demolition works and if no new building works are commenced on site, the site shall be kept in a clean manner with landscaping and fencing to the satisfaction of Council.

Reason:- to control soil erosion, and not have any unsightly views.

73 Neighbour 24 notification of commencement of demolition

Prior to the commencement of work the applicant shall provide 24 hours' notice in writing to the neighbours adjoining and opposite the site of the intended time and date of the start of the demolition work.

Reason:- to ensure details of the demolisher are provided to neighbours.

74 Vehicle Driveway Crossings and Gutter Laybacks

Arrangements shall be made with Council for the prepaid construction of vehicular crossings and gutter laybacks at all property entrances and exits, and for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any occupation certificate.

Removal of obstructions, such as power poles, trees, drainage pits and

the like shall be carried out at the applicant's expense.

Reason:- to ensure that works are carried out in accordance with Council's standard.

75 Carrying capacity of driveways - Heavy duty

Suitable heavy-duty driveway crossings are to be installed at all ingress/egress points to the property at the applicant's cost by Council. Alternatives to the pre-payment for this work will be considered if written request is made to Council. The gutter crossing and/or the removal of any redundant crossings must be constructed to the satisfaction of Council (and to the Council's specifications including payment of any required bonds) or the prepayment made to Council for Council to carry out the work, prior to the issue of any occupation certificate.

Reason:- to ensure the driveways can support the expected weight of heavy vehicles likely to frequent the site.

76 Street boundary levels

Street boundary levels for vehicle access and drainage purposes are to be obtained at the applicant's cost from Council's Service Planning Department prior to commencement of any works. These levels are to be incorporated in all drainage submissions required under this determination.

Reason:- to ensure the correct levels are obtained and used for the development.

77 Road opening permit

Prior to commencement of any work on Council roads and footpaths, a road-opening permit shall be obtained from Council's Service Planning Department.

Reason:- to safeguard Council property against damage.

78 Restoration works

Prior to commencement of any excavation work on Council roads or footpaths, the applicant shall pay for all restoration costs. The area of restoration shall be determined on site between the applicant or its contractor and Council's Contracts & Maintenance Engineer.

Reason:- to ensure that Council's infrastructure is maintained in a safe and trafficable manner.

79 *Water Reuse*

The stormwater generated from the roof area shall be reused for the irrigation of the landscape area within the subject development site.
Full details of the Water reuse facilities shall be submitted to Council or the Accredited Certifier with the Construction Certificate.
On completion, a certificate from a registered plumber shall be submitted for the pipe network. The certification shall indicate the water reuse system has been installed in accordance with the approved water reuse design plans.

Reason: to ensure the water reuse facilities within the development are constructed and maintained in good working order.

80 *Arrangements* **for Water and Sewer Services**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 132 092.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built or charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscaping design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority (Council or accredited certifier) **prior to release of the final plan of subdivision or occupation of the development**.

Reason:- to ensure that adequate water and sewer services can be provided to the site.

81 ***Sydney* Water Approval**

The approved development application plans must be accompanied by a valid Building Plan Assessment Approval Receipt. This receipt can be acquired through the "Sydney Water Tap" in system by the Sydney Water Authority.

Please refer to the web site www.sydneywater.com.au for:

- Information on the "Sydney Water Tap in" system and
- Registering and applying for the approval receipt for the Proposed Building Plan.

or telephone 13 20 92.

Note:

The consent authority or accredited certifier must either:

- ensure that a valid approval receipt has been obtained from Sydney Water before the issue of any Construction Certificate (receipt valid usually 1 year from the date of issue); or
- if there is a combined Development/Construction Certificate application, ensure that a valid approval receipt has been obtained prior to works commencing on site.

Reason:- to ensure the development does not damage or interfere with Sydney Water assets.

82 **Discovery of additional information during remediation, demolition or construction**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the PCA immediately.

Reason:- to ensure Council is informed of any new information relevant to site conditions and site contamination associated with the development.

83 Off-site soil disposal

Any soil disposed of offsite shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999).

Reason:- to ensure soil disposed off-site is classified in accordance with relevant EPA requirements.

84 Number of Car Parking Spaces

A total of 240 off-street car parking spaces are to be provided to the development. The spaces are to have minimum dimensions of 5.5 m x 2.4 m and be suitably sealed, marked, drained and freely accessible at all times. Visitor car parking spaces shall be a minimum width of 2.6 m.

Of this figure, the following shall be provided:-

- Commercial spaces 102 spaces.
- Residential spaces 138 spaces.

Carparking spaces are not to be enclosed by any device, such as a wire or mesh cage, walls or other similar fixtures unless there is a minimum clear internal width of 3 metres. Carparking spaces shall not be enclosed without the prior consent of council.

Reason:- to ensure there is sufficient car parking for the development and to comply with Auburn Parking & Loading DCP.

85 Signs for Visitor Parking

Suitable signs shall be erected at the front of the property indicating the availability of visitor parking within the property. All visitor parking spaces shall be clearly sign marked.

Reason:- to ensure the visitor parking spaces are clearly identified.

86 Adequate Signs and Pavement Markings Required to Assist Traffic Flow on Site.

Adequate signs and pavement markings are to be provided to direct the flow of traffic within the site. Details are to be provided prior to the issue of the construction certificate.

Reason:- to assist with traffic flow within the development.

87 Loading and Unloading of Vehicles

All deliveries to and from the site are to be conducted from vehicles standing within designated loading areas and not on access driveways, car parking spaces or landscaped areas.

Reason:- to ensure delivery vehicles do not obstruct these designated areas of the site.

88 Minimum height clearance for car parking spaces and entry to basement car parks

The minimum height clearance between any structure or fixtures and the driveway/car park floor level shall be 2.2 metres.

Reason:- to ensure vehicles and pedestrians can safely use the car parking facility.

89 Protective bar to vehicular entry

A protective bar shall be installed at the vehicular entry to the development to prevent damage from vehicles that are too high or those that fail to wait for the opening of any roller shutter etc. Details and installation of the proposed protective bar shall be noted on the Construction Certificate drawings and installed prior to the issue of Occupation Certificate.

Reason:- to prevent damage from oversized vehicles when entering the premises.

90 Roller doors and shutters - silent operation

The roller doors or other shutters to the car park shall operate silently and be appropriately maintained.

Reason:- to ensure quiet operation and ongoing maintenance to car park doors.

91 Intercom/remote access to basement

An intercom and remote access system shall be provided at all vehicular access points to the basement car park and connected to all residential units. Details of the proposed intercom and remote access system to the basement car park are to be submitted with the Construction Certificate plans/specifications and the locations detailed on the construction drawings.

Reason:- to ensure that visitor car parking spaces are easily and conveniently accessible for visitors to the premises.

92 Car Parking Spaces - Restrictive Covenant

The following shall be complied with:-

a) The on site car parking spaces, exclusive of service and visitor spaces, are not to be used by those other than the occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant

or lessee in the building.

b) Prior to Occupation Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking lots in the strata scheme.

Reason:- to ensure the car parking spaces are used in accordance with the details of the development approval.

93 Materials and Finishes

Materials and finishes to the development shall be in accordance with the details of the approved plans and the following requirements:-

a) Quality and durable materials are to be used throughout the development.

b) The applied external paint finishes to the building shall have a minimum aggregate thickness of 200 microns.

Reason:- to ensure a high quality appearance to all materials within the development.

94 SEPP 65 - Design Verification

The following requirements arising from State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Buildings must be complied with:-

a) A certifying authority must not issue a Construction Certificate in respect of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specification achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

b) A certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

Reason:- to ensure that the requirements of SEPP No. 65 and the EP&A Regulations are complied with in the carrying out of the development.

95 Architect - Notify Council if Changed

The architect of the project, as approved, should not be changed without prior notice to Council.

Reason:- to ensure Council is aware and kept informed of the current project architect.

96 Common Wall Construction

Prior to the issue of a Construction Certificate, construction drawings shall be submitted to the Principal Certifying Authority for approval to indicate that common party walls between the dwellings being constructed from solid masonry materials and not being lightweight construction.

Reason:- to ensure adequate acoustic separation between dwellings within the development.

97 Underside of balconies

The underside of the balconies within the development must be designed to prevent exposed pipes and utilities being visible.

Reason:- to ensure an attractive appearance to the development in accordance with Council's Development Control Plan requirements.

98 Amenity

The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

Reason:- to protect the amenity of the locality.

99 Odour

No offensive odour from any trade, industry or process shall be detected outside the premises by an authorised Council Officer as defined in the *Protection of the Environment Operations Act 1997*.

Reason:- to protect the surrounding locality from offensive odours.

100 Water Pollution

The operation of the premises shall be conducted in a manner which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

Reason:- to protect waterways and stormwater systems from pollution.

101 Noise and Vibration

The use of the premises shall not give rise to any of the following when measured or assessed at "sensitive" positions within any other property. These "sensitive" positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the

façade at night time), unless other positions can be shown to be more relevant.

a) 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
b) transmission of vibration to any place of different occupancy above the requirements of AS2670.
c) a sound pressure LAeq,period at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.
d) a sound pressure LAeq,15min at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.

For assessment purposes, the above L_{Aeq} sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

Reason:- to ensure adequate acoustic amenity in the locality.

102 Air conditioning units - location and acoustics

a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.

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

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

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

103 **Intruder Alarms**

Any intruder alarm at the premises shall be fitted with a timing device in accordance with the requirements of Section 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000.

Reason:- to prevent ongoing noise arising from intruder alarms and ensure compliance with relevant legislation.

104 Separate consent required prior to occupation of premises

Separate Development Consent must be obtained prior to occupation of the supermarket.

R*eason*:- to control and regulate the use of the premises.

105 Side/Rear Boundary Fencing

Fences located on the side or rear boundaries of the premises behind the main building setback (not within the front yard), shall not exceed a maximum height of 1.8 metres.

Reason:- to maintain reasonable levels of amenity to the adjoining premises.

106 Removal of litter and graffiti:
In addition to Council's street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.

The owner of the building shall also be responsible for the prompt removal of any graffiti from the building.

Reason:- to maintain a satisfactory level of amenity in the locality.

107 Graffiti and Vandalism Rectification

Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or like vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.

Reason:- to ensure graffiti and vandalism is removed from premises in a timely manner and to protect the visual appearance of the area.

108 Telecommunications Facilities - Residential

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

a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.
b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.

c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
d) A separate Development Application must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

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

109 Lighting to publicly accessible areas

The following lighting requirements shall be complied with:

a) The public areas shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.
b) Details of the lighting is to be submitted for the approval of the Principal Certifying Authority prior to issue of the Construction Certificate and location of the lighting endorsed on the construction drawings.

Reason:- to ensure publicly accessible areas of the development are provided with sufficient illumination.

110 Mail Box Structure

An Australia Post approved lockable mail box structure shall be centrally located to the primary street entry of the site.

Reason:- to ensure compliance with Council's Development Control Plan requirements.

111 Suitable arrangements to be made for garbage and recycling services

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

Reason:- to ensure adequate garbage and recycling services are provided for the development.

112 Ongoing Waste Management

Ongoing waste management within the development shall be carried out in accordance with the approved Waste Management Plan and the following requirements:-

a) Appropriate waste management practices are to be adopted within the development at all times.
b) The waste storage room shall be kept in a clean, tidy and hygienic condition at all times.
c) The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a

sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the Construction Certificate and endorsed on the construction drawings, and works completed prior to the issue of an Occupation Certificate.

d) A person shall be employed/nominated to manage the collection of waste material by Council, including, but not limited to bin placement at the road edge and retrieval of bins soon after collection of contents, cleansing of bins, storage of bins in the compound and the like.

e) The nature strip is to be kept in a clean and tidy condition upon garbage collection.

Reason:- to ensure appropriate ongoing waste management practices within the development in accordance with Council's Development Control Plan requirements.

113 Waste and recyclables storage area:

The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the Construction Certificate and endorsed on the construction drawings, and works completed prior to the issue of an Occupation Certificate.

Reason:- to ensure the waste and recyclables storage area is appropriately constructed and able to be readily cleaned and maintained.

114 Separate Development Consent

No signs, whether for advertising, directory or identification purposes or for any other purpose, are to be erected on the land without the written consent of Council having first been obtained.

Reason:- to limit and control advertising.

115 Final Fire Safety Certificate

Prior to the occupation of the building, the owner of the building shall submit to the Principal Certifying Authority (Council or Accredited Certifier), a **final fire safety certificate** in relation to each essential fire safety measure specified in the **fire safety schedule,** attached to the development consent or construction certificate.

Such certificate shall state that each essential fire safety measure specified:-

a) Has been assessed by a properly qualified person, and

b) Was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

NOTES:

1. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-

i) Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.

2. A "fire safety measure" is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason:- to ensure compliance with Regulations 149 & 171 of the Environmental Planning and Assessment Regulation 2000.

116 Annual Fire Safety Statement

The owner of any building in which fire safety measures are installed, must cause the Council to be given an **annual fire safety statement**, within 12 months after the last such statement or final fire safety certificate was issued.

The certificate shall certify:-

a) That each essential fire safety measure has been assessed by a properly qualified person and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule.
b) That a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

NOTES:

1. As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates:-

   i) must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
   ii) must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.

2. A "fire safety measure" is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason:- to ensure compliance with Regulation 171 of the Environmental Planning and Assessment Regulation 2000.

117 Fire Safety Notices

The fire-isolated stairway, fire-isolated passageway or fire-isolated ramp must contain a notice advising of "Offences relating to fire exits". The notice shall contain the wording prescribed by Clause 183 of the

Environmental Planning and Assessment Regulation, 2000 and the Building Code of Australia.

Reason:- to comply with Clause 183 of the Environmental Planning and Assessment Regulation 2000 and the BCA.

118 Submission of Works-as-Executed Fire Services Plan

A *works-as-executed* fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.

Reason:- to ensure a record of the location and type of fire safety services is documented.

119 Occupation Certificate

A person must not commence occupation or use of the whole or part of a new building unless an occupation certificate has been issued in relation to the building or part.

The application for an Occupation Certificate must be made to the Principal Certifying Authority (Council or an accredited certifier) using the approved form.

Reason:- to comply with the requirements of Section 109M/N of the Environmental Planning and Assessment Act.

120 Auburn DCP 2007 - Section 94 Development Contributions, LGA Wide, Stormwater Works and Employment Generating Development Contributions

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

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

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

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

A sum of **$621,848.89** to be paid to Council for the purpose of LGA Wide plans being the provision of open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, employment generating development and Council's administration of the development contributions framework.

The above sum is broken down to the following items:

Item	***Amount***
Community Facilities	$ 142088.68
Public Domain	$ 314256.06
Accessibility and Traffic	$ 86620.02
Administration	$ 33219.27
Employment Generating Development	$ 8157.65
Storm water local drainage contribution	$ 37507.21
TOTAL	**$ 621848.89**

Reason: to provide open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.

2. ***The Planning Panel assume the concurrence of the Director - General of the Department of Planning under clause 4.6 of Auburn Local Environmental Plan 2010 for the variation to the development standard of Clause 4.3 to permit a variation in building height.***

3. ***The applicant be advised of the Planning Panel's decision and of their right to appeal in the Land and Environmental Court under Section 97 of the Environmental Planning and Assessment Act 1979 six (6) months after the date on which the applicant receives notice in respect to the Panel's decision.***

4. ***The objectors are notified of Planning Panel's decision.***

5. ***The External Authorities be notified of the Joint Regional Planning Panel's decision.***

Consultations and History

A Development Application (DA) 24/2014 was lodged with Auburn City Council by Planning Direction on 30 January 2014 for the demolition of existing structures and construction of a 9 - storey mixed development comprising of 2 retail tenancies and 96 residential apartments over 3 levels of basement carparking for 195 vehicles with landscaping and associated stormwater.

On the 16 May 2014, Council notified the applicant of a number of concerns requisting various amendments to the proposed design within 14 days. On 9 July 2014, letter forward to Council requesting extension of time until 22 September 2014 to enable the preparation of amended drawings.

Revised concept plans were lodged with Council on 10 October 2014. On 24 November 2015, Council's development assessment team advised that amended architectural drawings and an updated SEE needed to be lodged with Council by 15 December 2015.

On the 2 December 2015, Auburn City Council notified the Sydney Project Group a new contract for the sale of Council's carpark required the inclusion of a 2,500 m^2 supermarket and sufficient parking for public usage. The inclusion of the supermarket is consistent with the *Auburn Employment Land Strategy* perpared for Auburn City Council that advised Coucil to seek to enable a full-line supermarket in the Lidcombe Town Centre.

In December 2015, amended drawings prepared by The Plannning Group NSW Pty Limited (TPG) and a revised SEE were submitted to Council.

Site and Locality Description

The subject site consists of four separate allotments identified as Lot 1 DP 233926, Lots 1, 2 & 3 DP 608751, 13 - 21 John Street, LIDCOMBE. The total site area is approximately 3,188.77 m^2. The subject site's primary frontage is with John Street with a secondary frontage with Mary Street. (See Figure 1)

Figure 1 Aerial view of site
(*Source: NSW Land and Property Information, 2016*)

Currently lot 1 DP 233926, is a public carpark for 50 cars with ingress from John Street and egress from Mary Street. Lots 1, 2 & 3 DP 608751 all face John Street. On lot 1 DP 608751, there is currently a vacant commercial building. Lot 2 DP 608751 contains a real estate agency on the ground floor with shop top housing. Lot 3 DP 608751 has a hair dresser with a residential dwelling attached at the rear. (See Figure 2)

Figure 2 Aerial view of car park and buildings on site
(*Source: NSW Land and Property Information 2016*)

The site is located within the Lidcombe Town Centre. The Lidcome Town Centre is currently undergoing urban renewal and growth. Planning controls support the desired future character of medium to large scale mixed use developments that is aimed to cater for an increasing population. The site is centrally located with high pedestrian traffic and is in close proximit to Lidcombe Railway Station as illusrated in Figure 1.

Description of Proposed Development

Council has received a development application for the demolition of existing structures and construction of 2 buildings, one 11 storeys and the other 10 storeys including a supermarket located at the ground floor, 103 residential apartments and basement car parking for 240 cars, including replacement public car parking.

The supermarket comprises a ground floor retail and back of house component - 2,251 m^2; basement supermarket storage - 71 m^2; basement supermarket waste room - 34 m^2; and supermarket loading dock - 266 m^2 resulting in a total 2,622 m^2.

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 five (5) conditions of a deferred commencement and twenty eight (28) general conditions of consent.

External Referrals

The matter was referred to Roads and Maritime Serices (Roads and Maritime) from comment in accordance with the *State Environmental Planning Policy (Infrastructure) 2007.* (See comments in the report under SEPP (Infrastructure)).

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

State Environmental Planning Policies

The proposed development is affected by the following State Environmental Planning Policies.

State Environmental Planning Policy No. 55 – Remediation of Land

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

Matter for Consideration	**Yes/No**
Does the application involve re-development of the site or a change of land use?	☒ Yes ☐ No
In the development going to be used for a sensitive land use (eg: residential, educational, recreational, childcare or hospital)?	☒ Yes ☐ No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	☐ Yes ☒ No
Is the site listed on Council's Contaminated Land database?	☐ Yes ☒ No
Is the site subject to EPA clean-up order or other EPA restrictions?	☐ Yes ☒ No
Has the site been the subject of known pollution incidents or illegal dumping?	☐ Yes ☒ No
Does the site adjoin any contaminated land/previously contaminated land?	☐ Yes ☒ No
Details of contamination investigations carried out at the site: The site currently has a mixed use of a public car park, single storey commercial, commercial with shop top housing and commercial with residential housing attached at rear. A review of Council's files has revealed that there is no evidence to suggest that the site is contaminated or used for potentially contaminating activities. Accordingly, it is considered that the site is suitable to accommodate the proposed development as Council is required to be satisfied per clause 7 of SEPP 55. No further investigation or remediation works are considered warranted in the circumstances.	

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

State Environmental Planning Policy "Infrastructure" 2007

Pursuant to clause 104 of SEPP - Infrastructure as the proposed development incorporates a 2,300 m^2 supermarket which triggers the application to be referred to the Roads and Maritime Services (**RMS**) as a traffic generating development.

Roads and Maritime has reviewed the submitted information and raises no objections to the proposed development. Roads and Maritime however recommends that Council considers the cumulative impacts of the subject application along with the Dooleys development when conjuring access strategies along this corridor.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)

The provisions and design quality principles of SEPP 65 and Apartment Design Guide (ADG) have been considered in the assessment of the development application within the following table:

SEPP 65 – Design Quality of Residential Apartment Development

Requirement	Yes	No	N/A	Comment
Clause 2 Aims, objectives etc.				
(3) Improving the design quality of residential flat development aims:				The proposal is generally considered to satisfy the aims and objectives of SEPP 65. Some aspects of non-compliance are identified, and these are discussed in greater detail below.
(a) To ensure that it contributes to the sustainable development of NSW:				
(i) by providing sustainable housing in social and environmental terms;	☒	☐	☐	
(ii) By being a long-term asset to its neighbourhood;	☒	☐	☐	
(iii) By achieving the urban planning policies for its regional and local contexts.	☒	☐	☐	
(b) To achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define.	☒	☐	☐	
(c) To better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities.	☒	☐	☐	
(d) To maximise amenity, safety and security for the benefit of its occupants and the wider community.	☒	☐	☐	
(e) To minimise the consumption of energy from non-renewable resources to conserve the environment and to reduce greenhouse gas emissions.	☒	☐	☐	
(f) to contribute to the provision of a variety of dwelling types to meet population growth.	☒	☐	☐	
(g) to support housing affordability.	☒	☐	☐	
(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.	☒	☐	☐	
Part 2 Design quality principles				

Requirement	Yes	No	N/A	Comment
Principle 1: Context and Neighbourhood Character Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	☒	☐	☐	The Lidcombe Town Centre is undergoing regrowth and urban renewal. This has resulted in a number of residential tower developments completed in recent years with others under construction. The proposed design is consistent with the desired future character of the area of mix use of commercial on the lower floor with residential above.
Principle 2: Built Form and Scale Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	☒	☐	☐	The proposal achieves good design in respect to scale, bulk and height. This is achieved by amending the original proposal of one long block structure to 2 towers. Each tower has its own height limit as set out in Auburn LEP 2010. The height and scale of the proposed development is consistent with the future development of the Lidcombe Town Centre. The proposal presents a multi layered façade with a variety of colours and design elements. The building is designed to have a bottom, middle and top to reduce the perceived bulk of the building.
Principle 3: Density Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	☒	☐	☐	The proposal presents good design and appropriate density. This is achieved by applying a FSR of 3.6:1 to ensure the building fits into the design envelop and height controls under Auburn LEP 2010
Principle 4: Sustainability Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	☒	☐	☐	A BASIX Certificate and relevant reports have been submitted with the development application. The certificates require sustainable development features to be installed into the development. The proposal will incorporate features relating to ESD in the design and construction of the development inclusive of water efficient fixtures and energy saving devices. The development achieves a good level of cross ventilation throughout the development with a majority of the proposed units having dual aspects or diagonal cross ventilation.
Principle 5: Landscape Good design recognises that together landscape				The proposal has adopted good

Requirement	Yes	No	N/A	Comment
and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	☒	☐	☐	landscaping principles by providing a total of 2,378 m^2 of common open space which represents 74% of the total site area. Landscaping occupies 47% of the common open space across three different common areas.
Principle 6: Amenity Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	☒	☐	☐	The proposal will deliver sufficient amenity to residents of the building. The proposal achieves compliance with the ADG in this regard which contains many amenity controls. The development provides sufficient setbacks that provide suitable building separation between the proposal and adjoining uses, having considerations into any future conflicts that may occur. Suitable access is provided to all parts of the building, through the efficient use of lift to access all levels.
Principal 7: Safety Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	☒	☐	☐	Passive surveillance of public space is maximised through orientation of units. The position and orientation of the various building elements allow balconies and habitable rooms of apartments to overlook the streets and central courtyard on the podium level. Suitable security measures are to be undertaken with the installation of ground level lighting. Street level activity will be encouraged via the provision of direct public access from the pedestrian footpath to the commercial tenancy. Lift foyer and basement car parking can be appropriately secured with security cards and intercom access for visitors.
Principal 8: Housing Diversity and Social Interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal	☒	☐	☐	The proposal achieves housing diversity and social interaction. The unit mix is 9 x 1 Bedroom units 81 x 2 Bedroom units 13 x 3 Bedroom units The higher percentage of 3 bedroom units to 1 bedroom units is to address the main demand for residential flat units for young families.

Requirement	Yes	No	N/A	Comment
spaces for a broad range of people and providing opportunities for social interaction among residents.				Social interaction is encouraged by providing three common space areas across three different levels.
Principle 9: Aesthetics Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	☒	☐	☐	The mixed use building has an attractive contemporary appearance and utilises building elements that provide individuality to the development without compromising the streetscape or detracting from the appearance of existing surrounding development. The building respond well in this regard with its provision of good aesthetics through the use of high quality materials, attention to detail in its internal spaces and how it addresses the street frontages. The building provides an appropriate response to the existing and likely future character of the locality.
Clause 28 Determination of DAs (1) After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development. (2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration): (a) the advice (if any) obtained from the design review panel, and (b) the design quality of the development when evaluated in accordance with the design quality principles, and (c) the Apartment Design Guide.	☐	☐	☒	Auburn City Council does not employ a formal design review panel. The design quality principles are considered above and the ADG is considered in the assessment table immediately below.

Apartment Design Guide (ADG)

Requirement	Yes	No	NA	Comment
Part 3B - Orientation				
3B-1 Design Guidance Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1).	☒	☐	☐	Design orientation achieved building has setback to John Street is in accordance with Auburn LEP 2010
Where the street frontage is to the east or west, rear buildings should be orientated to the north.	☐	☐	☒	
Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2).	☒	☐	☐	Design orientation achieved, the building has been redesigned into two towers to allow solar access to the adjoining property to the south.
3B-2 Design Guidance Living areas, private open space and communal	☒	☐	☐	Design guidance achieved as the

open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.				building has been designed to maximise solar access, with 90% of the units having a minimum of 3 hours on 21 June.
Solar access to living rooms, balconies and private open spaces of neighbours should be considered.	☒	☐	☐	Design guidance achieved as redesign of proposal into two towers will allow solar access to adjoining property.
Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.	☐	☒	☐	The proposal will reduce the solar access by more than 20% however the amended design will improve the soal access by the provision of two towers to all for improved solar access to the adjoining property.
If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy.	☐	☐	☒	
Overshadowing should be minimised to the south or downhill by increased upper level setbacks.	☐	☐	☒	
It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development.	☐	☐	☒	
A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.	☒	☐	☒	The amended proposal which contains 2 towers allows some solar access to the adjoin residential flat building to the south.
Part 3C - Public domain interface				
3C-1 Design Guidance Terraces, balconies and courtyard apartments should have direct street entry where appropriate .	☐	☐	☒	
Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.	☐	☐	☒	
Upper level balconies and windows should overlook the public domain.	☒	☐	☐	Design guidance achieved, the upper level balconies and windows overlook the common open space of the podium.
Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m.	☐	☐	☒	
Length of solid walls should be limited along street frontages.	☐	☐	☒	
In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions: - • architectural detailing. • changes in materials. • plant species. • colours.	☒ ☒ ☐ ☒	☐ ☐ ☐ ☐	☐ ☐ ☒ ☐	Design guidance achieved building entries differentiated.
Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.	☐	☐	☒	

Opportunities for people to be concealed should be minimised.	☒	☐	☐	Design guidance achieved concealed areas minimised.
3C-2 Design Guidance Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking.	☒	☐	☐	Design guidance of landscaping achieved though basement car parking and 1,125 m^2 or 47% of combined common area allocated to deep soil landscaping.
Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.	☒	☐	☐	Design guidance achieved as mailboxes are provided in residential and commercial lobbies.
The visual prominence of underground car park vents should be minimised and located at a low level where possible.	☒	☐	☐	
Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.	☒	☐	☐	Design guidance achieved garbage areas incorporated into basement and loading dock.
Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.	☒	☐	☐	Design guidance achieved wheel chair access is through the main entries off John Street which are aligned to street level. Lift access is provided form basements to all levels.
Durable, graffiti resistant and easily cleanable materials should be used.	☒	☐	☐	
Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions: • street access, pedestrian paths and building entries which are clearly defined. • paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space. • minimal use of blank walls, fences and ground level parking. On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking.	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	
Part 3D - Communal and public open space				
3D-1 Design Criteria Communal open space has a minimum area equal to 25% of the site (see figure 3D.3).	☒	☐	☐	Design criteria achieved 70% of site allocated to communal open space on three levels.
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	☒	☐	☐	Solar access to communal open space achieved as two of the communal spaces are located on each roof top of each tower.
3D-1 Design Criteria Communal open space should be consolidated into a well-designed, easily identified and usable area.	☒	☐	☐	Design criteria of consolidated open space achieved.
Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions.	☒	☐	☐	Design criteria minimum dimensions achieved.
Communal open space should be co-located with	☒	☐	☐	Design criteria of deep soil planter

deep soil areas. Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies. Where communal open space cannot be provided at ground level, it should be provided on a podium or roof. Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room. • provide larger balconies or increased private open space for apartments. • demonstrate good proximity to public open space and facilities and/or provide contributions to public open space.	☒ ☒ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☐ ☐ ☒ ☒ ☒	boxes have been incorporated into the design. Design criteria achieved entry to communal open space entry via lifts. Design criteria achieved communal open space provided at podium and roof levels.
3D-2 Design Guidance Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements: • seating for individuals or groups. • barbecue areas. • play equipment or play areas. • swimming pools, gyms, tennis courts or common rooms. The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts. Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Design guidance achieve, seating, barbecue area and outdoor gym provided in the common open space. Design guidance achieve as facilities have adequate solar access. Design criteria achieved detention tank in car park basement.
3D-3 Design Guidance Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include: - • Bay windows. • Corner windows. • Balconies. Communal open space should be well lit. Where communal open space / facilities are provided for children and young children they are safe and contained.	☒ ☐ ☒	☐ ☒ ☐	☐ ☐ ☐	Design guidance achieved as podium communal open visible form habitable rooms. Information not provided in application. Suggested design guidance can be addressed as a condition of consent. Design guidance achieved children's play are provided.
3D-4 Design Guidance The public open space should be well connected with public streets along at least one edge. The public open space should be connected with nearby parks and other landscape elements. Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	

Solar access should be provided year round along with protection from strong winds. A positive address and active frontages should be provided adjacent to public open space. Boundaries should be clearly defined between public open space and private areas.	☒ ☐ ☐	☐ ☐ ☐	☐ ☒ ☒	Design guidance achieved as solar access provided to all communal open space areas.
Part 3E1 - Deep soil zones				
3E-1 Design criteria Deep soil zones are to meet the following minimum requirements: Site Area / Dimensions / Deep Soil Less than 650m² / / 7% 650m² to 1,500m² / 3m / 7% Greater than 1,500m² / 6m / 7% Greater than 1,500m² with significant existing tree / 6m / 7%	☒	☐	☐	Design criteria achieved as the subject site is built to boundary, deep soil has been provided in the form of 1 metre deep planters that are located in communal areas.
3E-1 Design Guidance On some sites it may be possible to provide larger deep soil zones, depending on the site area and context: • 10% of the site as deep soil on sites with an area of 650m² - 1,500m². • 15% of the site as deep soil on sites greater than 1,500m².	☐ ☐	☐ ☐	☒ ☒	Design guidance has not been achieved as the subject site is built up to the boundaries, however landscaping has been provided in the form of 1 m deep planters that are located in communal areas. Deep soil landscaping is proposed on 1,125 m² which represents 47% of the combined common open space areas on the podium level and roof terraces.
Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include: • basement and sub basement car park design that is consolidated beneath building footprints. • use of increased front and side setbacks • adequate clearance around trees to ensure long term health. • co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil.	☐	☐	☒	
Achieving the design criteria may not be possible on some sites including where: • the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres). • there is 100% site coverage or non-residential uses at ground floor level.	☐ ☒	☐ ☐	☒ ☐	
Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.	☒	☐	☐	Design guidance achieved as on site detention of stormwater provided.
Part 3F - Visual privacy				
3F-1 Design criteria Separation between windows and balconies is provided to ensure visual privacy is achieved.	☒	☐	☐	Design guidance of visual privacy acceptable. On the northern

Minimum required separation distances from buildings to the side and rear boundaries are as follows: Building height / Habitable rooms & balconies / Non habitable rooms Up to 12m (4 storeys) / 6m / 3m Up to 25m (5-8 storeys) / 9m / 4.5m Over 25m (9 + storeys) / 12m / 6m	☐ ☐ ☐	☐ ☐ ☒	☒ ☒ ☐	boundary this is achieved by both towers have a consistent 9 m setback of shared separation to the northern boundary. Units above 8th storey are provided with privacy louvers. On the eastern boundary the second tower (Building B) has a separation between 8.7 m to 9 m. The neighbouring zone permits residential development up to 8 storeys. This then provides a shared separation of 18 m.
Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2). Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.	☒ ☐	☐ ☐	☐ ☒	To the southern boundary the first tower (Building A) adjoins the heritage building with a setback of 3 m. This setback increases to 6 m to the residential development on 11 John Street. Building B has a set back of 6 m to the southern boundary. Windows along the southern boundary are restricted to highlight windows with privacy louvers. Internal separation between Building A and B is between 18.7 m & 19.4 m for the first 7 levels increasing to a separation of 24 m for floors 8 and above.
3F-1 Design Guidance Generally, one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance.	☒	☐	☐	Design guidance of one step is achieved as residential component is setback 1.5m from western boundary.
For residential buildings next to commercial buildings, separation distances should be measured as follows: - • for retail, office spaces and commercial balconies use the habitable room distances. • for service and plant areas use the non-habitable room distances.	☒ ☒	☐ ☐	☐ ☐	Design guidance achieved as retail is located on the lower floor with residential above.
New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include: • site layout and building orientation to minimise privacy impacts (see also section 3B Orientation). • on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4).	☒ ☒ ☐	☐ ☐ ☐	☐ ☐ ☒	Design guidance achieved as the amended application has removed glass bricks from the northern property boundary wall.
Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5).	☐	☒	☐	Although design guidance not achieved, as the height of Building A is 11 storey and Building B is 10 storey results in a transition of building heights.
Direct lines of sight should be avoided for windows and balconies across corners.	☒	☐	☐	Design guidance achieved.
No separation is required between blank walls.	☒	☐	☐	Design guidance achieved.
3F-2 Design Guidance Communal open space, common areas and	☒	☐	☐	Design guidance acceptable.

access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include: • setbacks. • solid or partially solid balustrades to balconies at lower levels. • fencing and/or trees and vegetation to separate spaces. • screening devices. • bay windows or pop out windows to provide privacy in one direction and outlook in another. • raising apartments/private open space above the public domain or communal open space. • planter boxes incorporated into walls and balustrades to increase visual separation. • pergolas or shading devices to limit overlooking of lower apartments or private open space. • on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvers or screen panels to windows and/or balconies.				Visual privacy has been addressed through setback & landscaping including a recessed deep soil zone between building A & B where medium to large trees are proposed. Louvers have been provided for lower level unit balconies along John Street to minimise visual exposure. Landscaping & setbacks have been used as a visual barrier to neighbouring properties. The BBQ area & seating are situated in the middle of the Common open space on the rooftops to ensure maximum visible separation.
Bedrooms, living spaces and other habitable. rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	☒	☐	☐	
Balconies and private terraces should be located in front of living rooms to increase internal privacy	☒	☐	☐	
Windows should be offset from the windows of adjacent buildings.	☒	☐	☐	
Recessed balconies and/or vertical fins should be used between adjacent balconies.	☒	☐	☐	
Part 3G - Pedestrian access and entries				
3G-1 Design Guidance Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge.	☒	☐	☐	Design guidance achieved, separate entries are provided for pedestrians and vehicles.
Entry locations relate to the street and subdivision pattern and the existing pedestrian network.	☒	☐	☐	The entry to Building B is from John Street via the upper level podium where safety and amenity is controlled.
Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries.	☒	☐	☐	
Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries.	☐	☐	☒	
3G-2 Design Guidance Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces. The design of ground floors and underground car parks minimise level changes along pathways and entries.	☒	☐	☐	Design guidance achieved different building entries are clearly visible due to colours and materials.
Steps and ramps should be integrated into the overall building and landscape design.	☒	☐	☐	Design guidance achieved lifts provide at ground and basement levels.
For large developments 'way finding' maps should be provided to assist visitors and residents (see figure 4T.3).	☐	☐	☒	

For large developments electronic access and audio/video intercom should be provided to manage access.	☐	☒	☐	Information not provided in application. Design guidance can be addressed as a condition of consent.
3G-3 Design Guidance Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport.	☒	☐	☐	Design guidance achieved as pedestrian access across podium can be viewed from habitable rooms.
Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate.	☒	☐	☐	Design guidance achieved pedestrian links are direct and are overlooked by habitable rooms.
Part 3H - Vehicle Access				
3H-1 Design Guidance Car park access should be integrated with the building's overall facade. Design solutions may include: - • the materials and colour palette to minimise visibility from the street. • security doors or gates at entries that minimise voids in the façade. • where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed.	☒	☐	☐	Design guidance achieved as parking is provided in four levels of basement car parking.
Car park entries should be located behind the building line.	☒	☐	☐	Design guidance achieved as car park entry is provided at John Street which has a nil setback.
Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout.	☒	☐	☐	Design guidance achieved land is level.
Car park entry and access should be located on secondary streets or lanes where available.	☐	☐	☒	Design guidance achieved entry to basement car parking is off John Street and access to commercial loading dock is located off Mary Street.
Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.	☐	☐	☒	
Access point locations should avoid headlight glare to habitable rooms.	☐	☐	☒	
Adequate separation distances should be provided between vehicle entries and street intersections.	☒	☐	☐	Design guidance achieved vehicle entry is separate to pedestrian access.
The width and number of vehicle access points should be limited to the minimum.	☒	☐	☐	Design criteria achieved vehicle entry in accordance with Auburn DCP 2010
Visual impact of long driveways should be minimised through changing alignments and screen planting.	☐	☐	☒	
The need for large vehicles to enter or turn around within the site should be avoided.	☐	☐	☒	
Garbage collection, loading and servicing areas are screened.	☒	☐	☐	Design guidance achieved commercial and residential waste is stored in basement or loading area. Strata Manager responsible for transfer of waste from basement 4 to loading dock. Waste collection access via loading dock.
Clear sight lines should be provided at pedestrian				Design guidance achieved as there is

and vehicle crossings.	☒	☐	☐	clear line of sight of vehicle crossings.
Traffic calming devices such as changes in paving material or textures should be used where appropriate.	☐	☐	☒	
Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include: • changes in surface materials. • level changes. • the use of landscaping for separation.	☐	☐	☒	
Part 3J - Bicycle and car parking				
3J-1 Design Criteria For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre.	☒	☐	☐	Design criteria achieved in accordance with Auburn DCP 2010 – Parking and Loading. Proposal will provide 127 car parking for the 103 apartments and 12 visitor car parking space resulting in a total of 139 car parking spaces.
The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.	☒	☐	☐	Design criteria achieved as The proposed development makes provisions for the required number of car parking for both apartments and visitors.
The car parking needs for a development must be provided off street.	☒	☐	☐	Design criteria achieved sufficient car parking is provided for the residential component for all apartments and visitors.
3J-1 Design Guidance Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces when provided should be on site.	☐	☐	☒	
Where less car parking is provided in a development, Council should not provide on street resident parking permits.	☐	☐	☒	
3J-2 Design Guidance Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters.	☒	☐	☐	Design guideline achieved as additional car parking spaces are provided in residential area above Auburn DCP 2010 requirements.
Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.	☒	☐	☐	Design guidance achieved as bicycle storage is provided at basement level 1 adjacent to commercial car parking.
Conveniently located charging stations are provided for electric vehicles, where desirable.	☐	☒	☐	Information not provided.
3J-3 Design Guidance Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces.	☒	☐	☐	Design guidance achieved as waste areas accessed without crossing car parking spaces.
Direct, clearly visible and well lit access should be provided into common circulation areas.	☒	☐	☐	Design guidance achieved access points clearly defined.
A clearly defined and visible lobby or waiting area should be provided to lifts and stairs.	☒	☐	☐	Design guidance achieved lobby areas clearly defined
For larger car parks, safe pedestrian access should be clearly defined and circulation areas	☒	☐	☐	Design guidance achieved underground car parking are clearly

have good lighting, colour, line marking and/or bollards.				marked with directional markers
3J-4 Design Guidance Excavation should be minimised through efficient car park layouts and ramp design.	☒	☐	☐	Design guidance achieved car park layout and ramp design in accordance with Auburn DCP 2010
Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles.	☒	☐	☐	Design guidance achieved car park layout is logical.
Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.	☐	☐	☒	
Natural ventilation should be provided to basement and sub-basement car parking areas.	☐	☐	☒	
Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design.	☐	☒	☐	Information not provided in application. Design guidance can be addressed as a condition of consent.
3J-5 Design Guidance On-grade car parking should be avoided.	☐	☐	☒	
Where on-grade car parking is unavoidable, the following design solutions are used: -				
• parking is located on the side or rear of the lot away from the primary street frontage.	☐	☐	☒	
• cars are screened from view of streets, buildings, communal and private open space areas.	☐	☐	☒	
• safe and direct access to building entry points is provided.	☐	☐	☒	
• parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space.	☐	☐	☒	
• stormwater run-off is managed appropriately from car parking surfaces.	☐	☐	☒	
• bio-swales, rain gardens or on site detention tanks are provided, where appropriate.	☐	☐	☒	
• light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving.	☐	☐	☒	
3J-6 Design Guidance Exposed parking should not be located along primary street frontages.	☐	☐	☒	
Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design solutions may include: - • car parking that is concealed behind the facade, with windows integrated into the overall facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels). • car parking that is 'wrapped' with other uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage (see figure 3J.9).	☐	☐	☒	
Positive street address and active frontages should be provided at ground level.	☐	☒	☐	Information not provided in application. Design guidance can be addressed as a condition of consent.

Part 4A - Solar and daylight access				
4A-1 Design Criteria Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours' direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	☒	☐	☐	Design criteria achieved as 90% of the units have a minimum of 3 hours of solar access between 9 am to 3 pm on the 21st June. The remaining 10% achieve 1.5 hours
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours' direct sunlight between 9 am and 3 pm at mid-winter.	☒	☐	☐	
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	☒	☐	☐	
4A-1 Design Guidance The design maximises north aspect and the number of single aspect south facing apartments is minimised.	☒	☐	☐	Design guidance achieved as the proposed development has been orientated to maximise the northern aspect with no south facing units.
Single aspect, single storey apartments should have a northerly or easterly aspect.	☒	☐	☐	Design guidance achieved the amended application has removed all southern facing apartments.
Living areas are best located to the north and service areas to the south and west of apartments.	☒	☐	☐	
To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used: • dual aspect apartments. • shallow apartment layouts. • two storey and mezzanine level apartments. • bay windows.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	Design guidance achieved as 90% of the units have a minimum of 3 hours of solar access between 9 am to 3 pm on the 21st June. The remaining 10% achieve 1.5 hours
To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of $1m^2$ of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.	☒	☐	☐	
Achieving the design criteria may not be possible on some sites. This includes: • where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source. • on south facing sloping sites. • where significant views are oriented away from the desired aspect for direct sunlight.	☐	☐	☒	
Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective.	☐	☐	☒	
4A-2 Design Guidance Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.	☒	☐	☐	Design guidance achieved as high level windows are used for privacy.
Where courtyards are used: • use is restricted to kitchens, bathrooms and service areas. • building services are concealed with appropriate detailing and materials to visible walls. • courtyards are fully open to the sky. • access is provided to the light well from a communal area for cleaning and maintenance.	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	

• acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are achieved. Opportunities for reflected light into apartments are optimised through: • reflective exterior surfaces on buildings opposite south facing windows. • positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light. • integrating light shelves into the design. • light coloured internal finishes.	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	
4A-3 Design Guidance A number of the following design features are used: • balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas. • shading devices such as eaves, awnings, balconies, pergolas, external louvers and planting. • horizontal shading to north facing windows. • vertical shading to east and particularly west facing windows. • operable shading to allow adjustment and choice. • high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided).	 ☒ ☒ ☒ ☐ ☐	 ☐ ☐ ☐ ☐ ☐	 ☐ ☐ ☐ ☒ ☒	Design guidance achieved as each unit has access to a balcony. Balconies are adjacent to living areas and are designed to articulate the façade of the building. Shade devices are provided on the common roof terraces.
Part 4B - Natural ventilation				
4B-1 Design Guidance The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms. Depths of habitable rooms support natural ventilation. The area of unobstructed window openings should be equal to at least 5% of the floor area served. Light wells are not the primary air source for habitable rooms. Doors and open able windows maximise natural ventilation opportunities by using the following design solutions: • adjustable windows with large effective open able areas. • a variety of window types that provide safety and flexibility such as awnings and louvers. • windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvers, casement windows and externally opening doors.	☒ ☒ ☒ ☐ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☐ ☐ ☐	Design guidance achieved as 71% of the units have cross ventilation. Design guidance achieved as development does not seek any variation to interior apartment design guide. Design guidance achieved as development does not seek any variation to natural ventilation opportunities apartment design guide.
4B-2 Design Guidance Apartment depths are limited to maximise ventilation and airflow. Natural ventilation to single aspect apartments is achieved with the following design solutions: • primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation). • stack effect ventilation / solar chimneys or	☒ ☐ ☐	☐ ☐ ☐	☐ ☒ ☒	Design guidance achieved majority of the development excluding balconies falls well below the 18 m recommended.

similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries. • courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells.	☐	☐	☒	
4B-3 Design Criteria At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	☒	☐	☐	Design guidance achieved as 71% of the units have cross ventilation as demonstrated in drawings 8001 Revision C to drawings 8010 Revision C.
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	☒	☐	☐	Design guidance achieved majority of the development excluding balconies falls well below the 18 m recommended
4B-3 Design Guidance The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths.	☒	☐	☐	Design guidance achieved with corner apartments proposed.
In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment.	☒	☐	☐	Design guidance achieved cross-through apartments allow for cross ventilation.
Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow.	☒	☐	☐	Design guidance achieved as development does not seek any variation to apartment design recommendations.
Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow.	☒	☐	☐	Design guidance achieved as development does not seek any variation to apartment design recommendations.
4C - Ceiling heights				
4C-1 Design Criteria Measured from finished floor level to finished ceiling level, minimum ceiling heights are: **Type / Use** — **Minimum ceiling height** Habitable rooms — 2.7m. Non habitable rooms — 2.4m. For 2 storey apartments — 2.7m for main living area floor. 2.4m for second floor where its area does not exceed 50% of the apartment area. Attic spaces — 1.8m at edge of room with a 30 degree minimum ceiling slope. If located in mixed use areas — 3.3m for ground and first floor to promote future flexibility of use. These minimums do not preclude higher ceilings if desired.	☒ ☒ ☒ ☐ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☐	Design guidance achieved as development does not seek any variation in ceiling height to apartment design guide.
4C-1 Design Guidance Ceiling height can accommodate use of ceiling fans for cooling and heat distribution.	☒	☐	☐	Design guidance achieved as development does not seek any variation to ceiling height to apartment design guide.
4C-2 Design Guidance A number of the following design solutions can be used:				

• the hierarchy of rooms in an apartment is defined using changes in ceiling heights and alternatives such as raked or curved ceilings, or double height spaces. • Well-proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings. • ceiling heights are maximised in habitable rooms by ensuring that bulkheads do not intrude. The stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Design guidance achieved as development does not seek any variation to ceiling height to apartment design guide.
4C-3 Design Guidance Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses.	☒	☐	☐	Design guidance achieved as development does not seek any variation to ceiling height to apartment design guide.
4D - Apartment size and layout				
4D-1 Design Criteria Apartments are required to have the following minimum internal areas: **Apartment type** / **Minimum internal area** Studio / $35m^2$ 1 bedroom / $50m^2$ 2 bedroom / $70m^2$ 3 bedroom / $95m^2$ • The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by $5m^2$ each. • A fourth bedroom and further additional bedrooms increase the minimum internal area by $12m^2$ each. • Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	☐ ☒ ☒ ☒ ☐ ☒	☐ ☐ ☐ ☐ ☐ ☐	☒ ☐ ☐ ☐ ☐ ☐	Design guidance achieved all apartment sizes are above minimum internal areas. Design guidance achieved as all habitable rooms have windows to external walls.
4D-1 Design Guidance Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space). A window should be visible from any point in a habitable room. Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits.	☒ ☒ ☐ ☐	☐ ☐ ☐ ☐	☐ ☐ ☒ ☒	Design guidance achieved as development does not seek any variation to location of kitchens to apartment design guide. Design guidance achieved as windows are visible from all habitable rooms.
4D-2 Design Criteria Habitable room depths are limited to a maximum of 2.5 times of the ceiling height. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	☒ ☒	☐ ☐	☐ ☐	Design guidance achieved as development does not seek any variation to ceiling height to apartment design guide.
4D-2 Design Guidance Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths. All living areas and bedrooms should be located on the external face of the building. Where possible:	☐ ☒	☐ ☐	☒ ☐	Design guidance achieved as development does not seek any variation to location of living areas

• bathrooms and laundries should have an external open able window • main living spaces should be oriented toward the primary outlook and aspect and away from noise sources.				and bedrooms to apartment design guide.
4D-3 Design Criteria Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space). Bedrooms have a minimum dimension of 3m (excluding wardrobe space). Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments. • 4m for 2 and 3 bedroom apartments. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	Design guidance achieved as development does not seek any variation to bedroom sizes as apartment design guide.
4D-3 Design Guidance Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas. All bedrooms allow a minimum length of 1.5m for robes. The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high. Apartment layouts allow flexibility over time, design solutions may include: • dimensions that facilitate a variety of furniture arrangements and removal. • spaces for a range of activities and privacy levels between different spaces within the apartment. • dual master apartments. • dual key apartments *Note: dual key apartments which are separate but on the same title are regarded as two sole occupancy units for the purposes of the Building Code of Australia and for calculating the mix of apartments.* • room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1)). Efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	Design guidance achieved as development does not seek any variation to access to bedrooms, bathrooms and living areas as apartment design guide.
Part 4E - Private open space and balconies				
4E-1 Design Criteria All apartments are required to have primary balconies as follows: The minimum balcony depth to be counted as contributing to the balcony area is 1m.				

Dwelling type	Minimum area	Minimum depth				
Studio apartments	4m^2	-	☐	☐	☒	Design criteria achieved each balcony provided has a minimum depth of 2.5 m. Minimum areas comply for 1, 2 and 3 bedroom requirements.
1 bedroom apartments	8m^2	2m	☒	☐	☐	
2 bedroom apartments	10m^2	2m	☒	☐	☐	
3 plus bedroom apartments	12m^2	2.4m	☒	☐	☐	

4E-1 Design Guidance Increased communal open space should be	☐	☐	☒	

provided where the number or size of balconies are reduced.				
Storage areas on balconies is additional to the minimum balcony size.	☐	☐	☒	
Balcony use may be limited in some proposals by: • consistently high wind speeds at 10 storeys and above. • close proximity to road, rail or other noise sources. • exposure to significant levels of aircraft noise. • heritage and adaptive reuse of existing buildings. In these situations, Juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated.	☐	☐	☒	
4E-2 Design Guidance Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.	☒	☐	☐	Design guidance achieved as all balconies are provided adjacent to living areas.
Private open spaces and balconies predominantly face north, east or west.	☒	☐	☐	
Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms.	☒	☐	☐	
4E-3 Design Guidance Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred.	☒	☐	☐	Design guidance achieved as both solid and transparent balustrades are used in response to location.
Full width full height glass balustrades alone are generally not desirable.	☒	☐	☐	Design guidance achieved as both solid and transparent balustrades are used in response to location.
Projecting balconies should be integrated into the building design and the design of soffits considered.	☒	☐	☐	Design guidance achieved as all balconies are integrated into the building design.
Operable screens, shutters, hoods and pergolas are used to control sunlight and wind.	☒	☐	☐	Design guidance achieved shutters used to control privacy.
Balustrades are set back from the building or balcony edge where overlooking or safety is an issue.	☒	☐	☐	Design guidance achieved balconies overlook common area on podium.
Downpipes and balcony drainage are integrated with the overall facade and building design.	☒	☐	☐	Design guidance achieved drainage and down pipes integrated into façade and building design.
Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.	☐	☒	☐	Information not provided in application. Suggested design guidance can be addressed as a condition of consent.
Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design.	☐	☒	☐	Information not provided in application. Suggested design guidance can be addressed as a condition of consent.

Ceilings of apartments below terraces should be insulated to avoid heat loss.	☒	☐	☐	
Water and gas outlets should be provided for primary balconies and private open space.	☐	☐	☒	Design guidance achieved as installation identified in all roof top apartments.
4E-4 Design Guidance Changes in ground levels or landscaping are minimised.	☐	☐	☒	Design guidance achieved as development does not seek any variation to location of balconies apartment design guide.
Design and detailing of balconies avoids opportunities for climbing and falls.	☒	☐	☐	
Part 4F - Common circulation and spaces				
4F-1 Design criteria The maximum number of apartments off a circulation core on a single level is eight.	☒	☐	☐	Design criteria achieved as maximum number of apartments of a circulation core is 7.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	☒	☐	☐	Design guidance achieved as development does not seek any variation to apartment design guide.
4F-1 Design Guidance Greater than minimum requirements for corridor widths and/ or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors.	☒	☐	☐	Design guidance achieved as development does not seek any variation to corridor widths or heights to allow circulation in accordance with apartment design guide.
Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.	☒	☐	☐	Design guidance achieved as development does not seek any variation to apartment design guide.
Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors.	☒	☐	☐	Design guidance achieved windows are located in corridors adjacent to lift wells.
Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include: • a series of foyer areas with windows and spaces for seating. • wider areas at apartment entry doors and varied ceiling heights.	☒ ☐	☐ ☐	☐ ☒	Design guidance achieved as development does not seek any variation to location of windows and seating to apartment design guide.
Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments.	☒	☐	☐	Proposed development provides two separate cores with two independent entries. The maximum number of units accessed off a core is 7 which is compliant with the apartment design recommendations.
Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including: • sunlight and natural cross ventilation in apartments. • access to ample daylight and natural ventilation in common circulation spaces • common areas for seating and gathering • generous corridors with greater than minimum ceiling heights. • other innovative design solutions that provide high levels of amenity.	☐	☐	☒	
Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.	☐	☐	☒	

Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	☒	☐	☐	Design guidance achieved as primary living or bedrooms do not directly open into common circulation spaces.
4F-2 Design Guidance Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines. Tight corners and spaces are avoided. Circulation spaces should be well lit at night. Legible signage should be provided for apartment numbers, common areas and general way finding . Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided. In larger developments, community rooms for activities such as owners' corporation meetings or resident use should be provided and are ideally co-located with communal open space. Where external galleries are provided, they are more open than closed above the balustrade along their length.	☒ ☒ ☒ ☒ ☒ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☒ ☒	Design guidance achieved as development does not seek any variation to direct and legible access in accordance with apartment design guide.
4G - Storage				
4G-1 Design Criteria In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: **Dwelling type** / **Storage** Studio apartments / $4m^3$ 1 bedroom apartments / $6m^3$ 2 bedroom apartments / $8m^3$ 3 plus bedroom apartments / $10m^3$	☐ ☒ ☒	☐ ☐ ☐	☒ ☐ ☐	Design criteria achieved as separate storage is provided in basement level, 4 in accordance with the size requirements for number of bedrooms within each apartment.
4G-1 Design Guidance Storage is accessible from either circulation or living areas. Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street. Left over space such as under stairs is used for storage.	☒ ☐ ☐	☐ ☐ ☐	☐ ☒ ☒	Design guidance achieved as development does not seek any variation to apartment design guide.
4G-2 Design Guidance Storage not located in apartments is secure and clearly allocated to specific apartments. Storage is provided for larger and less frequently accessed items. Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible. If communal storage rooms are provided they should be accessible from common circulation areas of the building. Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain.	☒ ☒ ☒ ☐ ☐	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☒	Design guidance achieved storage provided in basement level 4.
Part 4H - Acoustic Privacy				
4H-1 Design Guidance				

Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy).	☒	☐	☐	Design guidance achieved as development does not seek any variation to apartment design guide.
Window and door openings are generally orientated away from noise sources.	☒	☐	☐	
Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas.	☒	☐	☐	
Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.	☒	☐	☐	
The number of party walls (walls shared with other apartments) are limited and are appropriately insulated.	☒	☐	☐	
Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	☒	☐	☐	
4H-2 Design Guidance Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions: • rooms with similar noise requirements are grouped together. • doors separate different use zones. • wardrobes in bedrooms are co-located to act as sound buffers.	☒	☐	☐	Design guidance achieved as development does not seek any variation to apartment design guide.
Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions: • double or acoustic glazing. • acoustic seals. • use of materials with low noise penetration properties. • continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements.	☐	☐	☒	
Part 4J - Noise and pollution				
4J-1 Design Guidance To minimise impacts the following design solutions may be used: • physical separation between buildings and the noise or pollution source.	☒	☐	☐	Acoustic Consultants report concluded that noise and vibration at the site have been measured and noise goals have been set in accordance with relevant regulatory authorities provided acoustic treatments in Section 3.2 of the consultant's report are implemented. Recommendations from Acoustic Consultant to be incorporated as a condition of consent.
• residential uses are located perpendicular to the noise source and where possible buffered by other uses.	☐	☐	☒	
• non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces.	☐	☐	☒	
• non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources.	☒	☐	☐	Design guidance achieved as retail component is located on the ground floor and entry to residential component is via a separate entry.
• buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can	☒	☐	☐	Design guidance achieved building has been design to maximise solar access and recommendations from

provide a buffer. • • where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see figure 4J.4). • landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry. Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas: • solar and daylight access. • private open space and balconies. • natural cross ventilation.	☐ ☒ ☐	☐ ☐ ☐	☒ ☐ ☒	acoustic consultant have been incorporated as conditions of consent. Design guidance achieved, deep soil planter is proposed in the centre of the common area at the podium level to provide privacy and reduce noise perception.
4J-2 Design Guidance Design solutions to mitigate noise include: • limiting the number and size of openings facing noise sources. • providing seals to prevent noise transfer through gaps. • using double or acoustic glazing, acoustic louvers or enclosed balconies (wintergardens). • using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits.	☒ ☒ ☐ ☒	☐ ☐ ☐ ☐	☐ ☐ ☒ ☐	Acoustic Consultants report concluded that noise and vibration at the site have been measured and noise goals have been set in accordance with relevant regulatory authorities provided acoustic treatments in Section 3.2 of the consultant's report are implemented. Recommendations from Acoustic Consultant to be incorporated as a condition of consent.
Part 4K - Apartment mix				
4K-1 Design Guidance A variety of apartment types is provided. The apartment mix is appropriate, taking into consideration: • the distance to public transport, employment and education centres. • the current market demands and projected future demographic trends. • the demand for social and affordable housing. • different cultural and socioeconomic groups. Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	The proposal achieves housing diversity and social interaction. The unit mix is 9 x 1 Bedroom units 81 x 2 Bedroom units 13 x 3 Bedroom units The higher percentage of 3 bedroom units to 1 bedroom units is to address the main demand for residential flat units for young families.
4K-2 Design Guidance Different apartment types are located to achieve successful facade composition and to optimise solar access (see figure 4K.3). Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available.	☒ ☒	☐ ☐	☐ ☐	Design guidance achieved as proposed development provides a range of apartment sizes from 1, 2 and 3 bedrooms.
4L - Ground floor apartments				
4L-1 Design Guidance Direct street access should be provided to ground floor apartments. Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include: • both street, foyer and other common internal circulation entrances to ground floor	☐ ☒	☐ ☐	☒ ☐	Design guidance achieved entry to both towers is via a dedicated entry lobby at ground level.

apartments. • private open space is next to the street • doors and windows face the street. Retail or home office spaces should be located along street frontages. Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion.	☒ ☐	☐ ☐	☐ ☒	Design guidance achieved retail frontage is located along John Street.
4L-2 Design Guidance Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include: • elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4). • landscaping and private courtyards. • window sill heights that minimise sight lines into apartments. • integrating balustrades, safety bars or screens with the exterior design. Solar access should be maximised through: • high ceilings and tall windows. • trees and shrubs that allow solar access in winter and shade in summer.	☒ ☒	☐ ☐	☐ ☐	Design guidance achieved common open space ahs been set back from the building line to provide privacy buffer zone from adjoin buildings. Design guidance achieved ceiling height is in accordance with apartment design guide and taller trees are proposed in the deep soil platters located in the centre of the podium common area.
4M - Facades				
4M-1 Design Guidance Design solutions for front building facades may include: • a composition of varied building elements • a defined base, middle and top of buildings. • revealing and concealing certain elements. • changes in texture, material, detail and colour to modify the prominence of elements. Building services should be integrated within the overall façade. Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller buildings Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights. Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Design guidance achieved as the façade offers an interesting dialogue of both horizontal and vertical elements combined with louvered area to provide privacy and visual diversity. Design guidance achieved as building services are integrated into the building façade. Design guidance achieved as the façade proposes articulated and a visually interesting building lines recesses and finishes with colour blocks, glass panels and a combination of vertical and horizontal detailing. Design guidance achieved as building has been designed to complement the current urban renewal of the Lidcombe Town Centre.
4M-2 Design Guidance Building entries should be clearly defined. Important corners are given visual prominence	☒	☐	☐	Design guidance achieved as there is separate and dedicated entries to

through a change in articulation, materials or colour, roof expression or changes in height. The apartment layout should be expressed externally through facade features such as party walls and floor slabs.	☒ ☒	☐ ☐	☐ ☐	separate the retail and residential component of the proposal.
4N - Roof design				
4N-1 Design Guidance Roof design relates to the street. Design solutions may include: - • special roof features and strong corners. • use of skillion or very low pitch hipped roofs. • breaking down the massing of the roof by using smaller elements to avoid bulk. • using materials or a pitched form complementary to adjacent buildings. Roof treatments should be integrated with the building design. Design solutions may include: - • roof design proportionate to the overall building size, scale and form. • roof materials compliment the building. • service elements are integrated.	☒ ☒	☐ ☐	☐ ☐	Design guidance achieved as roof design is consistent with the urban renewal. Design guidance achieved as roof is proposed to provide common open space.
4N-2 Design Guidance Habitable roof space should be provided with good levels of amenity. Design solutions may include: • penthouse apartments. • dormer or clerestory windows. • open able skylights. Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations.	☐ ☒	☐ ☐	☒ ☐	 Design guidance achieved common open space provided on podium and roof tops.
4N-3 Design Guidance Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access). Well located, screened outdoor areas should be provided for clothes drying.	☒ ☐	☐ ☐	☐ ☒	Design criteria achieved as 90% of the units have a minimum of 3 hours of solar access between 9 am to 3 pm on the 21st June. The remaining 10% achieve 1.5 hours
4O - Landscape Design				
4O-1 Design Guidance Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating: - • diverse and appropriate planting. • bio-filtration gardens. • appropriately planted shading trees. • areas for residents to plant vegetables and herbs. • Composting. • green roofs or walls. Ongoing maintenance plans should be prepared Microclimate is enhanced by: • appropriately scaled trees near the eastern and western elevations for shade. • a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter. • shade structures such as pergolas for balconies and courtyards. Tree and shrub selection considers size at maturity and the potential for roots to compete.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Design guidance achieved as landscaping has been designed to respond to locality and adjoining developments with roof top gardens and courtyard landscaping aimed at providing visual and acoustic privacy. Design guidance achieved as species selected are low maintenance, locally appropriate and should provide good ground cover and canopy shading in summer. Design guidance achieved as large recessed planter boxes on the first floor podium will allow larger trees to be planted between Building A and Building B, this will provide summer shade, visual relief and increase privacy between the two buildings.

4O-2 Design Guidance Landscape design responds to the existing site conditions including: • changes of levels. • Views. • significant landscape features including trees and rock outcrops.	☐	☐	☒	
Significant landscape features should be protected by: • tree protection zones (see figure 4O.5). • appropriate signage and fencing during construction.	☐	☐	☒	
Plants selected should be endemic to the region and reflect the local ecology.	☒	☐	☐	Design guidance achieved as species selected are locally appropriate.
4P - Planting on structures				
4P-1 Design Guidance Structures are reinforced for additional saturated soil weight.	☒	☐	☐	Design guidance achieved as the larger recessed planter is situated in the middle of the courtyard to allow trees to fully mature.
Soil volume is appropriate for plant growth; considerations include: - • modifying depths and widths according to the planting mix and irrigation frequency. • free draining and long soil life span. • tree anchorage.	☒	☐	☐	Design guidance achieved as soil volume has bee designed to accommodate different types of vegetation from ground cover, shrubs to trees.
Minimum soil standards for plant sizes should be provided in accordance with Table 5.	☒	☐	☐	Design guidance achieved as soil depths are in accordance with minimum standards.
4P - Planting on structures				
4P-2 Design Guidance Plants are suited to site conditions; considerations include: • drought and wind tolerance. • seasonal changes in solar access. • modified substrate depths for a diverse range of plants. • plant longevity.	☒	☐	☐	Design guidance achieved different species have been selected that are locally appropriate.
A landscape maintenance plan is prepared.	☐	☒	☐	Information not supplied with application. Landscape maintenance plan can be addressed as a condition of consent.
Irrigation and drainage systems respond to: • changing site conditions. • soil profile and the planting regime. • whether rainwater, stormwater or recycled. grey water is used.	☐	☒	☐	Detail information not supplied with application detailed information can be addressed as a condition of consent.
4P-3 Design Guidance Building design incorporates opportunities for planting on structures. Design solutions may include: • green walls with specialised lighting for indoor green walls. • wall design that incorporates planting. • green roofs, particularly where roofs are visible from the public domain. • planter boxes.	☒	☐	☐	Design guidance achieved deep soil planter provided on podium level along with planter boxes on roof top of sufficient soil volume and depth suitable for range of plant species.
Note: structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over time.	☐	☐	☒	
4Q - Universal design				
4Q-1 Design Guidance Developments achieve a benchmark of 20% of the	☐	☒	☐	Information not provided in

total apartments incorporating the Liveable Housing Guideline's silver level universal design features.				application. Design guidance can be addressed as a condition of consent.
4Q-2 Design Guidance Adaptable housing should be provided in accordance with the relevant council policy.	☐	☒	☐	Information not provided in application. Design guidance can be addressed as a condition of consent.
Design solutions for adaptable apartments include: - • convenient access to communal and public areas.	☒	☐	☐	Design guidance acceptable as access to communal and public areas is convenient
• high level of solar access.	☒	☐	☐	Design criteria achieved as 90% of the units have a minimum of 3 hours of solar access between 9 am to 3 pm on the 21st June. The remaining 10% achieve 1.5 hours
• minimal structural change and residential amenity loss when adapted.	☐	☒	☐	Information not provided in application. Design guidance can be addressed as a condition of consent.
• larger car parking spaces for accessibility.	☒	☐	☐	Design guidance achieved as disable car parking is provided in residential and retail areas
• parking titled separately from apartments or shared car parking arrangements.	☐	☒	☐	Information not provided in application. Design guidance can be addressed as a condition of consent.
4Q-3 Design Guidance Apartment design incorporates flexible design solutions which may include: - • rooms with multiple functions.	☒	☐	☐	Design guidance achieved as different rooms have been assigned multiple functions.
• dual master bedroom apartments with separate bathrooms.	☒	☐	☐	Design guidance achieved as master bedrooms have separate bathrooms
• larger apartments with various living space options	☒	☐	☐	Design guidance achieved as larger apartments offer different room options
• open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom.	☐	☐	☒	
4R - Adaptive reuse				
4R-1 Design Guidance Design solutions may include: • new elements to align with the existing building.	☐	☐	☒	
• additions that complement the existing character, siting, scale, proportion, pattern, form and detailing.	☐	☐	☒	
• use of contemporary and complementary materials, finishes, textures and colours.	☒	☐	☐	Design guidance achieved as development includes a palette of colours and finishes that create a modern finish for the locality.
Additions to heritage items should be clearly identifiable from the original building.	☐	☐	☒	
New additions allow for the interpretation and future evolution of the building.	☐	☐	☒	
4R-2 Design Guidance Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved. Design solutions may include: • generously sized voids in deeper buildings.	☐	☐	☒	
• alternative apartment types when orientation is poor.	☐	☐	☒	

• using additions to expand the existing building envelope. Some proposals that adapt existing buildings may not be able to achieve all of the design criteria in this Apartment Design Guide. Where developments are unable to achieve the design criteria, alternatives could be considered in the following areas: • where there are existing higher ceilings, depths of habitable rooms could increase subject to demonstrating access to natural ventilation, cross ventilation (when applicable) and solar and daylight access (see also sections 4A Solar and daylight access and 4B Natural ventilation). • alternatives to providing deep soil where less than the minimum requirement is currently available on the site. • building and visual separation - subject to demonstrating alternative design approaches to achieving privacy. • common circulation. • car parking. • alternative approaches to private open space and balconies.	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒	
4S - Mixed use				
4S-1 Design Guidance Mixed use development should be concentrated around public transport and centres. Mixed use developments positively contribute to the public domain. Design solutions may include: • development addresses the street. • active frontages are provided. • diverse activities and uses. • avoiding blank walls at the ground level. • live/work apartments on the ground floor level, rather than commercial.	☒ ☒ ☒ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☒	Design guidance achieved as the mix use development is proposed within walking distance of Lidcombe railway station. Design guidance achieved as development has a proposed active street frontage with direct access to large retail floor plan of 2,300 m^2.
4S-2 Design Guidance Residential circulation areas should be clearly defined. Design solutions may include: • residential entries are separated from commercial entries and directly accessible from the street. • commercial service areas are separated from residential components. • residential car parking and communal facilities are separated or secured. • security at entries and safe pedestrian routes are provided. • concealment opportunities are avoided. Landscaped communal open space should be provided at podium or roof levels.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	Design guidance achieved as residential entry is separate to commercial entry; commercial loading dock is separate to car park entry; basement car parking has separate commercial and residential allocations; entry to residential component is secure; concealment opportunities avoided and landscaping has been undertaken at both the podium and roof levels.
4T - Awnings and signage				
4T-1 Design Guidance Awnings should be located along streets with high pedestrian activity and active frontages. A number of the following design solutions are used: - • continuous awnings are maintained and provided in areas with an existing pattern. • height, depth, material and form complements the existing street character. • protection from the sun and rain is provided. • awnings are wrapped around the secondary frontages of corner sites.	☒ ☒	☐ ☐	☐ ☐	Design guidance achieved as awing provided along street frontage of John Street.

• awnings are retractable in areas without an established pattern. Awnings should be located over building entries for building address and public domain amenity. Awnings relate to residential windows, balconies, street tree planting, power poles and street infrastructure. Gutters and down pipes should be integrated and concealed. Lighting under awnings should be provided for pedestrian safety.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	
4T-2 Design Guidance Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development. Legible and discrete way finding should be provided for larger developments. Signage is limited to being on and below awnings and a single facade sign on the primary street frontage.	☒ ☐ ☒	☐ ☒ ☐	☐ ☐ ☐	Design guidance achieved signage integrated into building design. Information not provided in application. Design guidance can be addressed as a condition of consent. Design guidance achieved as signage is limited.
4U - Energy efficiency				
4U-1 Design Guidance Adequate natural light is provided to habitable rooms. Well located, screened outdoor areas should be provided for clothes drying.	☒ ☐	☐ ☐	☐ ☒	Design guidance achieved as the BASIX assessment and Design Statement demonstrate that the proposed residential units have been designed for optimal energy efficiency.
4U-2 Design Guidance A number of the following design solutions are used: • the use of smart glass or other technologies on north and west elevations. • thermal mass in the floors and walls of north facing rooms is maximised. • polished concrete floors, tiles or timber rather than carpet. • insulated roofs, walls and floors and seals on window and door openings. • overhangs and shading devices such as awnings, blinds and screens. Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement).	☒ ☐	☐ ☒	☐ ☐	Design guidance achieved as the BASIX assessment and Design Statement demonstrate that the proposed residential units have been designed for optimal energy efficiency. Information not provided in application as to whether or not consolidated heating and cooling is to be provided. If consolidated heating and cooling is to be provided this design guidance can be addressed as a condition of consent.
4U-3 Design Guidance A number of the following design solutions are used: • rooms with similar usage are grouped together. • natural cross ventilation for apartments is optimised. • natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible.	☒	☐	☐	Design guidance achieved as the BASIX assessment and Design Statement demonstrate that the proposed residential units have been designed for optimal energy efficiency.
4V - Water management and conservation				
4V-1 Design Guidance				

Water efficient fittings, appliances and wastewater reuse should be incorporated. Apartments should be individually metered. Rainwater should be collected, stored and reused on site. Drought tolerant, low water use plants should be used within landscaped areas.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	Design guidance achieved as the BASIX assessment and Design Statement demonstrate that the proposed residential units have been designed for optimal energy efficiency. Low energy fixtures and fitting will be implemented Design guidance achieved as native and drought tolerant vegetation has been incorporated into the Landscape Plan
4V-2 Design Guidance Water sensitive urban design systems are designed by a suitably qualified professional. A number of the following design solutions are used: • runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation. • porous and open paving materials is maximised. • on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	Design guidance achieved as the BASIX assessment and Design Statement demonstrate that the proposed development complies with requirements of BASIX in respect to water conservation
4V-3 Design Guidance Detention tanks should be located under paved areas, driveways or in basement car parks. On large sites parks or open spaces are designed to provide temporary on site detention basins.	☒ ☐	☐ ☐	☐ ☒	Design guidance achieved as the BASIX assessment and Design Statement demonstrate that the proposed development complies with requirements of BASIX in respect to water conservation
4W - Waste management				
4W-1 Design Guidance Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park. Waste and recycling storage areas should be well ventilated. Circulation design allows bins to be easily manoeuvred between storage and collection points. Temporary storage should be provided for large bulk items such as mattresses. A waste management plan should be prepared.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	Design guidance achieved as Waste Management Plan has been submitted which addresses the requirements of demolition, construction, and ongoing waste storage and collection of retail and commercial components of the completed development.
4W-2 Design Guidance All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days' worth of waste and recycling. Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core. For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Design guidance achieved as all apartments have kitchens designed in accordance with apartment design guide. Design guidance achieved as residential communal waste collection areas are located in basement levels and loading dock area. Design guidance achieved as commercial and residential waste storage collection areas are separate and secure.

Alternative waste disposal methods such as composting should be provided.	☐	☐	☒	
4X - Building Maintenance				
4X-1 Design Guidance A number of the following design solutions are used: • roof overhangs to protect walls. • hoods over windows and doors to protect openings. • detailing horizontal edges with drip lines to avoid staining of surfaces. • methods to eliminate or reduce planter box leaching. • appropriate design and material selection for hostile locations.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	Design guidance achieved as materials selected are durable and cleanable, landscape elements are appropriate for the site condition, with the selection of hardy, low maintenance plantings and landscaping.
4X-2 Design Guidance Window design enables cleaning from the inside of the building. Building maintenance systems should be incorporated and integrated into the design of the building form, roof and façade. Design solutions do not require external scaffolding for maintenance access. Manually operated systems such as blinds, sunshades and curtains are used in preference to mechanical systems. Centralised maintenance, services and storage should be provided for communal open space areas within the building.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	Design guidance achieved metal deck on roof is accessible for maintenance only via common open space areas with the provision of fall arrest systems to comply with Australian Standards and OH & S.
4X-3 Design Guidance A number of the following design solutions are used: - • sensors to control artificial lighting in common circulation and spaces. • natural materials that weather well and improve with time such as face brickwork. • easily cleaned surfaces that are graffiti resistant. • robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	Design guidance achieved materials proposed to be used are durable and cleanable.

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

As the development relates to a residential flat building development, a 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 residential flat building is in accordance with all specified BASIX commitments. The proposed development is considered acceptable in respect of the relevant requirements of SEPP (BASIX) 2004.

Regional Environmental Plans

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

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the area within the Sydney Harbour Catchment and SREP (Sydney Harbour Catchment) 2005 is applicable to the development application. The development

application raises no issues as to consistency with the requirements and objectives of the planning instrument and associated development control plan.

Local Environmental Plans

Auburn Local Environmental Plan 2010

(e) Auburn Local Environmental Plan (LEP) 2010

The relevant objectives and provisions of Auburn LEP 2010 have been considered in the following assessment table:

Clause	Yes	No	N/A	Comment
Part 1 Preliminary				
1.1 Name of Plan This Plan is *Auburn Local Environmental Plan 2010*.	☒	☐	☐	The provision of Auburn LEP 2010 applies to this application.
1.1 AA Commencement This Plan commences on the day on which it is published on the NSW legislation website.	☒	☐	☐	The plan was gazetted on 29 October 2010.
1.3 Land to which Plan applies (1) This Plan applies to the land identified on the Land Application Map. **Note.** Part 23 of Schedule 3 to the *State Environmental Planning Policy (Major Development) 2005* applies to certain land identified on the Land Application Map. (2) Despite subclause (1), this Plan does not apply to the land identified on the Land Application Map as "Deferred matter".	☒ ☐	☐ ☐	☐ ☒	The plan will apply to the site.
1.6 Consent authority The consent authority for the purposes of this Plan is (subject to the Act) the Council.	☐	☒	☐	Joint Regional Planning Panel
1.9 Application of SEPPs and REPs (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act. (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies: *State Environmental Planning Policy No 1—Development Standards.* *Sydney Regional Environmental Plan No 24 Homebush Bay Area*.	☒ ☒	☐ ☐	☐ ☐	The consideration of the relevant SEPP's that apply to this land are discussed in other sections of this assessment.
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.	☒	☐	☐	Lot 1 DP 233926 is owned by Cumberland Council. An agreement has been entered with the applicant to sell this parcel of land subject to the provision of a minimum 2,500 m^2 retail floor space to be used for a full line supermarket and the replacement of 50 public car parking spaces.

Clause	Yes	No	N/A	Comment
(2) This clause does not apply: (a) to a covenant imposed by the Council or that the Council requires to be imposed, or (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or *(d)* to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or *(e)* to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.	☒	☐	☐	
(3) This clause does not affect the rights or interests of any public authority under any registered instrument.	☒	☐	☐	
(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of sub clauses (1)–(3).	☒	☐	☐	
Part 2 Permitted or prohibited development				
2.1 Land use zones The land use zones under this Plan are as follows: **Business Zones** B1 Neighbourhood Centre B2 Local Centre **B4 Mixed Use** B6 Enterprise Corridor B7 Business Park	☒	☐	☐	The land is zone B4 Mixed Use
2.2 Zoning of land to which Plan applies For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.	☒	☐	☐	The land is zone B4 Mixed Use
2.3 Zone objectives and land use table (1) The Table at the end of this Part specifies for each zone: (a) the objectives for development, and (b) development that may be carried out without consent, and (c) development that may be carried out only with consent, and (d) development that is prohibited.	☒	☐	☐	The land use zone objectives have been considered during the assessment of the development application.
(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	☒	☐	☐	
(3) In the Table at the end of this Part: (a) a reference to a type of building or	☒	☐	☐	

Clause	Yes	No	N/A	Comment
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. **Notes.** 1. Schedule 1 set out additional permitted uses for particular land. 2. Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act. 3. Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent). 4. Clause 2.6 requires consent for subdivision of land. 5. Part 5 contains other provisions which require consent for particular development. 6. Part 6 contains local provisions which require	☒	☐	☐	
2.4 Unzoned land (1) Development may be carried out on unzoned land only with consent. (2) Before granting consent, the consent authority: (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.	☐ ☐	☐ ☐	☒ ☒	The land is zoned under the provisions of Auburn LEP 2010.
2.6 Subdivision—consent requirements (1) Land to which this Plan applies may be subdivided, but only with consent. **Notes.** 1 *If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without*	☐	☐	☒	The application does not propose any subdivision of land.

Clause	Yes	No	N/A	Comment
development consent. 2 *Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development*. (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.	☐	☐	☒	
2.7 Demolition requires consent The demolition of a building or work may be carried out only with consent. **Note.** If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development, the Act enables it to be carried out without development consent.	☒	☐	☐	The site has an existing 50 car space car park at ground level and there are three retail stores on John Street that are proposed to be demolished. A Waste Management Plan has been submitted with the application. The plan details reuse/recycling and disposal.
Land Use Table **Note.** A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies: *State Environmental Planning Policy (Affordable Rental Housing) 2009* (including provision for secondary dwellings) *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* *State Environmental Planning Policy (Infrastructure) 2007* (relating to public facilities such as those for air transport, correction, education, electricity generation, health services, ports, railways, roads, waste management and water supply systems) *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* *State Environmental Planning Policy (Rural Lands) 2008* *State Environmental Planning Policy No 33—Hazardous and Offensive Development* *State Environmental Planning Policy No 50—Canal Estate Development* *State Environmental Planning Policy No 62—Sustainable Aquaculture* *State Environmental Planning Policy No 64—Advertising and Signage*				
Zone B4 Mixed Use **1 Objectives of zone** • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To encourage high density residential development. • To encourage appropriate businesses which contribute to economic growth. • To achieve an accessible, attractive and safe public domain. **2 Permitted without consent**	☒	☐	☐	The proposed development is consistent with the objectives of the B4 zone as it provides a mixture of compatible land uses of residential and retail; it provides high density residential development; it contributes to business and economic growth by including a 2,300 m2 retail space suitable for a supermarket.

Clause	Yes	No	N/A	Comment
Nil **3 Permitted with consent** Backpackers' accommodation; Boarding houses; Child care centres; Commercial premises, Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Office premises, Passenger transport facilities; Recreation facilities (indoor); Registered clubs; **Residential flat buildings**; **Retail premises**, Roads; Self-storage units; Seniors housing; Serviced apartments, **Shop top housing;** Warehouse or distribution centres; Any other development not specified in item 2 or 4 **4 Prohibited** Agriculture; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies	☒	☐	☐	Shop top housing and retail premises are permitted uses with the consent of council.
Part 4 Principal development standards				
4.1 Minimum subdivision lot size (1) The objectives of this clause are as follows: (a) to ensure that lot sizes are able to accommodate development consistent with relevant development controls, and (b) to ensure that subdivision of land is capable of supporting a range of development types.	☐	☐	☒	Application proposes to consolidate lot 1 DP 233926 with lots 1, 2 & 3 DP 608751.
(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.	☐	☐	☒	
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the	☐	☐	☒	

Clause	Yes	No	N/A	Comment
minimum size shown on the Lot Size Map in relation to that land. (3A) Despite subclause (3), the minimum lot size for dwelling houses is 450 square metres. (3B) Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle. (3C) Despite subclauses (3)–(3B), the minimum lot size for development on land within the Former Lidcombe Hospital Site, as shown edged blue on the Lot Size Map, is as follows in relation to development for the purpose of: (a) dwelling houses: (i) 350 square metres, or (ii) if a garage will be accessed from the rear of the property - 290 square metres, or (iii) if the dwelling house will be on a zero lot line - 270 square metres, (b) semi-detached dwellings - 270 square metres, (c) multi dwelling housing - 170 square metres for each dwelling, (d) attached dwellings - 170 square metres.				
(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.	☐	☐	☒	
4.3 Height of buildings				
(1) The objectives of this clause are as follows: (a) to establish a maximum building height to enable appropriate development density to be achieved, and (b) to ensure that the height of buildings is compatible with the character of the locality	☐	☒	☐	The height control specified on sheet HOB-007 of the Height of Buildings Map for the subject site prescribes a height limit of 36 m for Lots 1, 2 and 3 DP 608751 for the western edge fronting John Street, and 32 m for Lot 1 DP 233926. The proposed height for Building A is 37.30 m which represents a 4% variation and for Building B is 34.30 m which represents a 7% variation.
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	☒	☐	☐	The proposed development does not comply with the development standard in Auburn LEP 2010. A request for variation is presented in clause 4.6 of Auburn LEP 2010.
(2A) Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is: (a) if it is within the Parramatta Road	☐	☐	☒	The objection to the development standard is well founded.

Clause	Yes	No	N/A	Comment
Precinct, as shown edged orange on the Height of Buildings Map—27 metres, (b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map—14 metres.				
4.4 Floor space ratio				
(1) The objectives of this clause are as follows: To establish a maximum floor space ratio to enable appropriate development density to be achieved, and To ensure that development intensity reflects its locality.	☒	☐	☐	The Floor Space Ratio (FSR) control specified on sheet FSR-007 of the Floor Space Ratio Map for the the subject site prescribes the FRS as 5.0:1.
(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	☒	☐	☐	The proposed FSR for the amended proposal is 3.6:1. The proposed development complies with the development standard in Auburn LEP 2010.
(2A) Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows: (a) for sites less than 1,300 square metres—0.75:1, (b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1, (c) for sites that are 1,800 square metres or greater—0.85:1.	☐	☐	☒	
(2B) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows: (a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and (b) 3:1 for office premises and hotel or motel accommodation.	☐	☐	☒	
(2C) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Floor Space Ratio Map, is as follows: (a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and (b) 2:1 for office premises and hotel or motel accommodation.	☐	☐	☒	
(2D) Despite subclause (2), the maximum floor space ratio for retail premises on land in Zone	☐	☐	☒	

Clause	Yes	No	N/A	Comment
B6 Enterprise Corridor within the Commercial Precinct, as shown edged green on the Floor Space Ratio Map is 1.5:1.				
4.5 Calculation of floor space ratio and site area **(1) Objectives** The objectives of this clause are as follows: (a) to define ***floor space ratio***, (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to: (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and (iii) requires community land and public places to be dealt with separately. **(2) Definition of "floor space ratio"** The ***floor space ratio*** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. **(3) Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the ***site area*** is taken to be: (a) if the proposed development is to be carried out on only one lot, the area of that lot, or (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out. In addition, subclauses (4)– (7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development. **(4) Exclusions from site area** The following land must be excluded from the site area: (a) land on which the proposed development is prohibited, whether under this Plan or any other law, (b) community land or a public place (except as provided by subclause (7)). **(5) Strata subdivisions** The area of a lot that is wholly or partly on top	☒ ☒ ☐	☐ ☐ ☐	☐ ☐ ☒	The provisions of clause 4.5 of Auburn LEP 2010 have been applied to calculate the FSR.

Clause	Yes	No	N/A	Comment
of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.	☐	☐	☒	
(6) Only significant development to be included				
The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.	☐	☐	☒	
(7) Certain public land to be separately considered				
For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.	☒	☐	☐	
(8) Existing buildings				
The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.	☒	☐	☐	
(9) Covenants to prevent "double dipping"				
When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.	☒	☐	☐	
(10) Covenants affect consolidated sites				
If:				
(a) a covenant of the kind referred to in subclause (9) applies to any land (***affected land***), and	☐	☐	☒	
(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,				
the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.				
(11) Definition				
In this clause, ***public place*** has the same meaning as it has in the *Local Government Act*				

Clause	Yes	No	N/A	Comment
1993.	☐	☐	☒	
4.6 Exceptions to development standards (1) The objectives of this clause are: (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	☒	☐	☐	The objectives under clause 4.6(1)(a) & (b) enable the consent authority to consider flexibility to the development standards to achieve better outcomes for a proposed development. The proposed height for Building A is 37.30 m and for Building B 34.30. This represents a 4% and a 7% variation to the height standard. Both Building A and B exceed the prescribed height control of 36 m and 32 m to accommodate lift overruns on each building. The roof terrace and all apartments are below the designated height limit.
(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.	☒	☐	☐	Under the provisions of clause 4.6(2) a consent authority may grant consent for a variation.
(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard.	☒	☐	☐	The applicant has submitted a written submission seeking justification to vary the development standard. The submission presents a position in respect to 4.6(3)(a) that '*strict application of the standard is considered to be unreasonable in this circumstance'* as: • The objectives of the zone are not compromised considering the sites close proximity to Lidcombe railway station. • The site allows the Lidcombe town centre to strengthen. • Enables higher density development in close proximity to public transport. • No environmental or planning purpose will be served by enforcing the standard. The submission presents a position in respect to 4.6(3)(b) that *"there are sufficient environmental planning grounds"* as: • Does not result in any significant overshadowing. • Proposal is a response to dwelling targets. • Does not adversely impact the adjoining heritage site.
(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	☒	☐	☐	The applicants written request adequately addresses the requirements of subclause (3) and the proposed development is in the public interest as it is consistent with objectives of the standard.

Clause	Yes	No	N/A	Comment
demonstrated by subclause (3), and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and (b) the concurrence of the Director-General has been obtained.				
(5) In deciding whether to grant concurrence, the Director-General must consider: (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and (b) the public benefit of maintaining the development standard, and (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.	☒	☐	☐	The requested variation does not contravene any matter of significance for the State, the variation is minor which does not affect the public benefit of maintaining the development standard or is a request for a minor variation in height raise any other matter of significance.
(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: (a) The subdivision will result will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or (b) The subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.	☒ ☒	☐ ☐	☐ ☐	The land is zoned B4 and is not one of the listed zonings where the provisions of this clause is not able to be applied. The proposal does not involve any subdivision of land
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).	☒	☐	☐	The consent authority shall retain a record of the assessment.
(8) This clause does not allow consent to be granted for development that would contravene any of the following: (a) a development standard for complying development, (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set	☒	☐	☐	The request for a variation of development standard is not associated with complying development or BASIX

Clause	Yes	No	N/A	Comment
out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated, (c) clause 5.4.				
Part 5 Miscellaneous provisions				
5.6 Architectural roof features (1) The objectives of this clause are: (a) To ensure that any decorative roof element does not detract from the architectural design of the building, and (b) To ensure that prominent architectural roof features are contained within the height limit. (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent. (3) Development consent must not be granted to any such development unless the consent authority is satisfied that: (a) the architectural roof feature: (i) comprises a decorative element on the uppermost portion of a building, and (ii) is not an advertising structure, and (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and (iv) will cause minimal overshadowing, and (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	
5.10 Heritage conservation **Note.** Heritage items, if any are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5. (1) **Objectives** The objectives of this clause are as follows: (a) to conserve the environmental heritage of Auburn, (b) to conserve the heritage significance of	☒	☐	☐	The site is not an item of heritage significance listed within Schedule 5 of Auburn LEP 2010

Clause	Yes	No	N/A	Comment
heritage items and heritage conservation areas including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.				
(2) **Requirement for consent** Development consent is required for any of the following: (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land:	☐	☐	☒	
(i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land: (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance. (3) **When consent not required** However, development consent under this clause is not required if: (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in	☒	☐	☐	The site is not located within a Heritage Conservation Area.

Clause	Yes	No	N/A	Comment
writing before any work is carried out that it is satisfied that the proposed development: (i) is of a minor nature, or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site, or a building, work, relic, tree or place within the heritage conservation area, and (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or (b) the development is in a cemetery or burial ground and the proposed development: (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or (d) the development is exempt development.				
(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause, in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	☒	☐	☐	Although the site is not listed as a heritage site or located within a Heritage Conservation Area it is located within the vicinity of a heritage item, listed within Schedule 5 of the Auburn LEP 2010.
(5) **Heritage assessment** The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document 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.	☒	☐	☐	A Heritage Impact Statement for the original proposal and a Heritage Impact Statement for the amended proposal have been prepared in accordance with the guidelines outlined in the *Statements of Heritage Impact and Assessing Heritage Significance*. Both Heritage reports have concluded that the original and amended proposal will not physically impact on the heritage fabric of the former Lidcombe Police Station. The station will retain its visually prominent street-corner orientation and visual position within the streetscape.

Clause	Yes	No	N/A	Comment
(6) **Heritage conservation management plans** The consent authority may require, after considering the heritage 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.	☐	☐	☒	The first Heritage Impact Statement included two recommendations to address the prospect if any Aboriginal or archaeological deposits being uncovered by the proposed work. These recommendations are included as conditions of consent.
(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies): (a) notify the Heritage Council of its intention to grant consent, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	☐	☐	☒	
(8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance: 2010 No 616 Auburn Local Environmental Plan 2010 Clause 5.11 Miscellaneous provisions Part 5 Page 47 (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 by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate about the application and take into consideration any response received within 28 days after the notice is sent.	☐	☐	☒	
(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item: (a) notify the Heritage Council about the application, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	☐	☐	☒	
(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that	☐	☐	☒	

<table>
<tr><th>Clause</th><th>Yes</th><th>No</th><th>N/A</th><th>Comment</th></tr>
<tr><td>is a heritage item, or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</td><td></td><td></td><td></td><td></td></tr>
<tr><td colspan="5">Part 6 Additional local provisions</td></tr>
<tr><td>6.1 Acid sulphate soils

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.

(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.

<table><tr><th>Class</th><th>Works of land</th></tr><tr><td>1</td><td>Any works.</td></tr><tr><td>2</td><td>Works below the natural ground surface. Works by which the water table is likely to be lowered.</td></tr><tr><td>3</td><td>Works more than 1 metre below the natural ground surface. Works by which the water table is likely to be lowered more than 1 metre below the natural ground surface.</td></tr><tr><td>4</td><td>Works more than 2 metres below the natural ground surface. Works by which the water table is likely to be lowered more than 2 metres below the natural ground surface.</td></tr><tr><td>5</td><td>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land</td></tr></table></td><td>☒

☒</td><td>☐

☐</td><td>☐

☐</td><td>The acid sulphate soil specified on sheet ASS-007 of the Acid Sulfate Soils Map classifies the land as Class 5.

The proposed development does not propose excavation within 500 m of Class 1, 2, 3 or 4 land that is below 5 metres ad therefore will not impact acid sulphate soils in this area and an acid sulphate management plan is not required.</td></tr>
</table>

Clause	Yes	No	N/A	Comment
that is below 5 metres Australian Height Datum by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.				
(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	☐	☐	☒	
(4) Despite subclause (2) Development consent is not required under this clause for the carrying out of works if:	☐	☐	☒	
(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and				
(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.	☐	☐	☒	
(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):				
(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,				
(b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),				
(c) minor work, being work that costs less than $20,000 (other than drainage work).	☐	☐	☒	
(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:				
(a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or				
(b) the works are likely to lower the water table.				

Clause	Yes	No	N/A	Comment
6.2 Earthworks				
(1) The objectives of this clause are as follows: (a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land, (b) to allow earthworks of a minor nature without separate development consent.	☒	☐	☐	In accordance with the provisions of this clause the proposal has been designed to minimise the impact of earth works on the subject site and locality.
(2) Development consent is required for earthworks, unless: (a) the work does not alter the ground level (existing) by more than 600 millimetres, or (b) the work is exempt development under this Plan or another applicable environmental planning instrument, or (c) the work is ancillary to other development for which development consent has been given.	☒	☐	☐	Up to 10,000 m^2 of excavation is to be undertaken to construct the 4 levels of basement car parking.
(3) Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or of the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area. **Note.** The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.	☒	☐	☐	A Waste Management Plan has been submitted with the application which identifies that excavated material will be removed by contractor to Elizabeth Drive Landfill, Kemps Creek. Conditions of consent have been included to address the likelihood of disturbing any Aboriginal objects.
6.3 Flood planning				
(1) The objectives of this clause are: (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment.	☒	☐	☐	The subject site is not identified as being part of a flood planning area as shown in the Auburn LEP 2010 Flood Planning Map – Sheet FLD-007.

Clause	Yes	No	N/A	Comment
(2) This clause applies to: (a) land that is shown as "Flood planning area" on the Flood Planning Map, and (b) other land at or below the flood planning level.	☐	☐	☒	
(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development: (a) is compatible with the flood hazard of the land, and (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.	☐	☐	☒	
(4) A word or expression used in this clause has the same meaning as it has in the NSW Government's *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this clause. (5) In this clause: ***flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard. ***Flood Planning Map*** means the Auburn Local Environmental Plan 2010 Flood Planning Map.	☐	☐	☒	
6.5 Essential Services (1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage. (d) stormwater drainage or on-site conservation, (e) suitable road access.	☒	☐	☐	The subject site is located in a well established area with adequate access to water, electricity, sewage, stormwater drainage and suitable road access.
(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to	☐	☐	☒	

Clause	Yes	No	N/A	Comment
in this clause.				
Schedule 1 Additional permitted uses "Nil"				

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

Local Centres

The relevant objectives and requirements of the Auburn Development Control Plan 2010 - Local Centres have been considered in the following assessment table:

Requirement	Yes	No	N/A	Comments
2.0 Built Form				
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 minimized; and	☒	☐	☐	Internal apartment walls kept to minimum
• Ceiling heights for the ground floor is to be a minimum of 3.6m.	☒	☐	☐	Ceiling height complies
D2 Residential components are to be provided with direct access to street level with entrances clearly distinguishable from entries to commercial premises.	☒	☐	☐	Direct access is obtained from John Street
D3 Secure entries are to be provided to all entrances to private areas, including car parks and internal courtyards.	☒	☐	☐	Secure entries provided to all entrances
D4 Car parking provided for the residential component of the development is to be clearly delineated and provided separate to general customer parking.	☒	☐	☐	Residential car parking separate to retail and public parking
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.	☒	☐	☐	Designated waste and storage collection in basement and loading dock
D6 Vehicular circulation areas must be legible and must differentiate between the commercial service requirements, such as loading areas, and residential access.	☒	☐	☐	Vehicular circulation adequate
D7 Mechanical plant is to be located on the roof or visually and acoustically isolated from residential uses.	☒	☐	☐	Mechanical plant isolated from residential use
2.1 Number of storeys				
D1 The minimum finished floor level (FFL) to finished ceiling level (FCL) shall be as follows:				
• 3300mm for ground level (regardless of the type of	☒	☐	☐	Ground floor ceiling height 4.3 m

	development); • 3300mm for all commercial/retail levels; and • 2700mm for all residential levels above ground floor.	☒ ☒	☐ ☐	☐ ☐	Ground floor ceiling height 4.3 m All residential ceiling heights above ground level 2.700 m
2.2	**Articulation and proportion**				
D1	Buildings shall incorporate: • balanced horizontal and vertical proportions and well spaced and proportioned windows; • a clearly defined base, middle and top; • modulation and texture; and • architectural features which give human scale at street level such as entrances and porticos.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	All façades balance horizontal and vertical proportions. Front façade has a clearly defined base, middle and top. Proposed building has modulation and texture.
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.	☒	☐	☐	John Street façade has used vertical and horizontal element.
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.	☒	☐	☐	Building exterior has used recesses in the horizontal and vertical plane.
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.	☒	☐	☐	Use of windows and doors provides a positive contribution to the streetscape.
D5	Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development.	☒	☐	☐	Street awnings integrated into the building design.
D6	Where development has two (2) street frontages the streetscape should be addressed by both facades.	☐	☐	☒	
2.3	**Materials**				
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. The use of cement rendering shall be minimised.	☒	☐	☐	Proposed building provides a mixture of materials and is consistent with the locality.
D2	Building materials and finishes complement the finishes predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building.	☒	☐	☐	Proposed building complies as different materials, colours and textures are featured
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.	☒	☐	☐	Complies
D4	Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.	☒	☐	☐	Complies
2.4	**Roofs**				
D1	Design of the roof shall achieve the following: • concealment of lift overruns and service plants; • presentation of an interesting	☐	☒	☐	Lift overruns are integrated into the building design. However, height is subject to clause 4.6 of Auburn LEP 2010 request.

	skyline; • enhancing views from adjoining developments and public places; and • complementing the scale of the building.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Proposed building complements the changing skyline of Lidcombe Town Centre Complies
D1	Roof forms shall not be designed to add to the perceived height and bulk of the building.	☒	☐	☐	Complies
D2	Where outdoor recreation areas are proposed on flat roofs, shade structures and wind screens shall be provided.	☒	☐	☐	Complies
2.5	**Balconies**				
D1	Opaque glazing and/or masonry for balconies is encouraged.	☒	☐	☐	Complies
D2	Clear glazing for balconies is prohibited.	☒	☐	☐	Complies
D3	Verandahs and balconies shall not be enclosed.	☒	☐	☐	Complies
D4	Balconies and terraces shall be oriented to overlook public spaces.	☒	☐	☐	Balconies overlook podium common open space.
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.	☒	☐	☐	Complies
D6	Screens, louvers or similar devices shall be provided to balconies so as to visually screen any drying of laundry.	☒	☐	☐	Complies
2.6	**Interface with schools, places of public worship, and public precincts**				
D1	Where a site adjoins a school, place of public worship or public open space: • This interface shall be identified in the site analysis plan and reflected in building design; • Building design incorporates an appropriate transition in scale and character along the site boundary(s); • Building design presents an appropriately detailed facade and landscaping in the context of the adjoining land use.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	
D2	The potential for overlooking of playing areas of schools shall be minimised by siting, orientation or screening.	☐	☐	☒	
D3	Fencing along boundaries shared with public open space shall have a minimum transparency of 50%.	☐	☐	☒	
D4	Sight lines from adjacent development to public open space shall be maintained and/or enhanced. Direct, secure private access to public open space is encouraged, where possible.	☐	☐	☒	
3.0	**Streetscape and Urban form**				
3.1	**Streetscape**				
D1	Applicants shall demonstrate how new development addresses the streetscape and surrounding built environment.	☒	☐	☐	Amended proposal provide a dynamic design into the changing landscape of Lidcombe Town Centre.
D2	New shop fronts shall be constructed in materials which match or complement materials used in the existing building.	☒	☐	☐	Proposed retail shop front is consistent with changing streetscape of Lidcombe Town Centre.

D3	Development shall provide direct access between the footpath and the shop.	☒	☐	☐	Complies
D4	Development shall avoid the excessive use of security bars.	☒	☐	☐	Complies
D5	Block-out roller shutters are not permitted.	☒	☐	☐	Complies
D6	Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	☒	☐	☐	Complies
3.2	**Setbacks**				
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). External walls – 1500mm for two storeys.	☒	☐	☐	Complies
4.0	**Mixed Use Developments**				
4.1	**Building design**				
D1	The architecture of ground level uses shall reflect the commercial/retail function of the centre.	☒	☐	☐	Complies
D2	Buildings shall achieve a quality living environment that sympathetically integrates into the character of the commercial precinct.	☒	☐	☐	Complies
D3	Commercial and retail servicing, loading and parking facilities shall be separated from residential access and servicing and parking.	☒	☐	☐	Complies
D4	The design of buildings on corner sites or at the ends of a business/commercial zone shall emphasise the corner as a focal point.	☐	☐	☒	
4.2	**Active street frontages**				
D1	Retail outlets and restaurants are located at the street frontage on the ground level.	☒	☐	☐	Complies retail component is located at street frontage on the ground floor.
D2	A separate and defined entry shall be provided for each use within a mixed use development.	☒	☐	☐	Complies
D3	Only open grill or transparent security (at least 70% visually transparent) shutters are permitted to retail frontages.	☒	☐	☐	Complies
4.3	**Awnings**				
D1	Awning dimensions shall generally be:				
	• horizontal in form;	☒	☐	☐	Complies
	• minimum 2.4m deep (dependent on footpath width);	☒	☐	☐	Complies
	• minimum soffit height of 3.2m and maximum of 4m;	☐	☒	☐	Awning height from footpath 4.3 m.
	• 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);	☒	☐	☐	Complies
	• 1.2m setback from kerb to allow for clearance of street furniture, trees, and other public amenity elements; and	☒	☐	☐	Complies
	• 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.	☒	☐	☐	Complies
D3	Awnings shall wrap around corners for a minimum 6m from where a building is sited on a street corner.	☐	☐	☒	
D4	Vertical canvas drop blinds may be used along the outer edge of awnings along north-south streets. These blinds must not carry advertising or signage.	☒	☐	☐	Complies
D5	Under awning lighting shall be provided to facilitate night use and to improve public safety recessed into the soffit of the awning or wall mounted onto the building.	☒	☐	☐	Complies
D6	Soft down lighting is preferred over up lighting to minimise light pollution.	☒	☐	☐	Complies
D7	Any under awning sign is to maintain a minimum clearance of 2.8m from the level of the pavement.	☐	☐	☒	
D8	All residential buildings are to be provided with awnings or other weather protection at their main entrance area.	☒	☐	☐	Complies
4.4	**Arcades**				
D1	Arcades shall:				
	• Accommodate active uses such as shops, commercial uses, public uses, residential lobbies, cafes or restaurants;	☐	☐	☒	
	• Be obvious and direct thoroughfares for pedestrians;	☐	☐	☒	
	• Provide for adequate clearance to ensure pedestrian movement is not obstructed;	☐	☐	☒	
	• Have access to natural light for all or part of their length and at the openings at each end, where practicable;	☐	☐	☒	
	• Have signage at the entry indicating public accessibility and to where the arcade leads; and	☐	☐	☒	
	• Have clear sight lines and no opportunities for concealment.	☐	☐	☒	
D2	Where arcades or internalised shopping malls are proposed, those shops at the entrance must have direct pedestrian access to the street.	☐	☐	☒	
4.5	**Amenity**				
D1	The internal environment of dwellings within mixed use developments in the vicinity of major arterial roads or railway lines shall provide an appropriate level of amenity for privacy, solar access and views.	☒	☐	☐	Complies
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.		☒	☐	☐	Reference to Residential Flat Building Part of DCP has been undertaken and information submitted with application
5.0	**Privacy and Security**				
D1	Views onto adjoining private open space shall be obscured by:				
	• Screening with a maximum area of 25% openings is permanently fixed and made of durable materials; or	☒	☐	☐	Complies

	• 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.	☒	☐	☐	Complies
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.	☒	☐	☐	Complies
D3	Shared pedestrian entries to buildings shall be lockable.	☒	☐	☐	Complies
D4	Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	☒	☐	☐	Complies
D5	Pedestrian walkways and car parking shall be direct, clearly defined, visible and provided with adequate lighting, particularly those used at night.	☒	☐	☐	Complies
D6	Landscaping and site features shall not block sight lines and are to be minimised.	☒	☐	☐	Complies
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.	☐	☐	☒	
D8	Adequate lighting shall be provided to minimise shadows and concealment spaces.	☒	☐	☐	Complies
D9	All entrances and exits shall be made clearly visible.	☒	☐	☐	Complies
D10	Buildings shall be arranged to overlook public areas and streets to maximise surveillance.	☒	☐	☐	Complies
D11	Development shall be consistent with Council's Policy on Crime Prevention Through Environmental Design.	☒	☐	☐	Crime Prevention Through Environmental Design report submitted with application
5.1	**Lighting**				
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.	☐	☒	☐	Applicant has advised that lighting details will be provided with Construction Certificate (**CC**) application and will comply with all controls in Auburn DCP 2010.
D2	Lighting systems shall incorporate specific display lighting to reinforce merchandise and provide a contrast against the street lighting generally.	☒	☐	☐	Information to be submit with CC and will comply with all controls in Auburn DCP 2010.
D3	Surface mounted fluorescent fixtures shall not be considered in any part of the retail areas of the premises.	☒	☐	☐	Information to be submit with CC and will comply with all controls in Auburn DCP 2010.
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.	☒	☐	☐	Information to be submit with CC and will comply with all controls in Auburn DCP 2010.
D5	Lighting shall not interfere with the amenity of residents or affect the safety of motorists.	☒	☐	☐	Information to be submit with CC and will comply with all controls in Auburn DCP 2010.
D6	Excessive lighting shall not be permitted. Light spill onto the street into the public domain shall be minimised.	☒	☐	☐	Information to be submit with CC and will comply with all controls in Auburn DCP 2010.
5.2	**Shutters and grilles**				
D1	Windows and doors of existing shopfronts shall not be filled in with	☐	☐	☒	

	solid materials.				
D2	Security shutters, grilles and screens shall: • be at least 70% visually permeable (transparent); • not encroach or project over Council's footpaths; and • be made from durable, graffiti-resistant materials.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	
D3	Solid, external roller shutters shall not be permitted.	☐	☐	☒	
5.3	**Noise**				
D1	New commercial development (whether part of a mixed use development or not) shall comply with the provisions of the relevant acts, regulations, environmental planning instruments, Australian Standards and guidelines produced by the NSW Department of Environment, Climate Change and Water, the NSW Roads and Traffic Authority and the NSW Department of Planning as applicable for noise, vibration and quality assurance. This includes: • Development Near Rail Corridors and Busy Roads, NSW Department of Planning, December 2008 – Interim Guidelines. • NSW Industrial Noise Policy; • Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and • Environmental Criteria for Road and Traffic Noise. 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.	☒ ☒ ☒ ☐	☐ ☐ ☐ ☐	☐ ☐ ☐ ☒	An Environmental Noise and Rail Vibration study was undertaken and submitted with the application. The report undertaken complied with the requirements of Auburn DCP 2010, the NSW Department of Planning SEPP Infrastructure 2007 and Australian Standard 2107-2000. The report determined that provided a series of acoustic treatments were implemented that train and traffic noise will fully comply. Recommendations from this report have been included as conditions of consent.
D2	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.	☐	☒	☐	Plant noise emissions to control plant noise to be determined with the Construction Certificate.
5.4	**Wind Mitigation**				
D1	Site design for tall buildings (towers) shall: • set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower;	☒	☐	☐	Complies as the amended building proposals 2 towers which comply with 2 separate height controls with a minor height breach of the lift overrun on Tower A. Tower A has a 1.2 m setback from the western property boundary.
	• ensure that tower buildings are well spaced from each other to allow breezes to penetrate local centres;	☒	☐	☐	Complies as the internal separation between Tower A and B is 18.7 m & 19.4 m for the first 7 levels with an increased separation of 24 m for floors 8 and above.
	• consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level; and	☒	☐	☐	Complies as Tower A has a variable width of 42 m & 25 m. Tower B has a width of 25 m.
	• ensure useability of open terraces and balconies.	☒	☐	☐	Complies

D2	A Wind Effects Report is to be submitted with the DA for all buildings greater than 35m in height.	☐	☒	☐	Requirement to submit wind effects report not requested as the proposal complies with height requirement except for lift overrun and the amended design of two slender towers ensures space between buildings allows breezes to enter into the apartment units.
D3	for buildings over 48m in height, results of a wind tunnel test are to be included in the report.	☐	☐	☒	
6.0	**Access and Car Parking**				
6.1	**Access, loading and car parking requirements**				
D1	Car parking rates shall be provided in accordance with the Parking and Loading Part of this DCP.	☒	☐	☐	Car parking rates in accordance with the Auburn DCP 2010 have been applied.
6.2	**Creation of new streets and laneways**				
D1	On some sites, new streets may be able to be introduced. Where a new street shall be created, the street shall be built to Council's standards, Road Design Specification D1 and relevant Quality Assurance requirements while having regards to the circumstances of each proposal. Consideration will be given to maintaining consistency and compatibility with the design of existing roads in the locality.	☐	☐	☒	
D2	On site car parking shall be provided below round or located within the building and well screened.	☒	☐	☐	Car parking provided in basement
D3	Development adjoining a new laneway shall contribute to an attractive streetscape and presents a well designed and proportioned facade and incorporates windows, balconies, doorways and landscaping, where possible.	☐	☐	☒	
D4	New public laneways created within large blocks shall maximise pedestrian and vehicle connections within local centres.	☐	☐	☒	
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.	☐	☐	☒	
D6	New streets shall be dedicated to D6Council. The area of any land dedicated to Council shall be included in the site area for the purpose of calculating the floor space ratio.	☐	☐	☒	
7.0	**Landscaping**				
D1	Development shall incorporate landscaping in the form of planter boxes to soften the upper level of buildings.	☒	☐	☐	Landscaping Plan has been submitted which incorporates planter boxes on the podium and roof terraces.
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.	☐	☐	☒	
D3	In open parking areas, one (1) shade tree per ten (10) spaces shall be planted within the parking area.	☐	☐	☒	
D4	Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to	☐	☒	☐	Fencing details to be provided with Construction Certificate.

	provide associated site security.				
D5	Paving and other hard surfaces shall be consistent with architectural elements.	☒	☐	☐	Complies
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.	☐	☐	☒	
D2	Street tree planning shall be consistent with Council's Street Tree Master plan or relevant Public Domain Plan or Infrastructure Manual.	☐	☐	☒	
D3	Significant existing street trees shall be conserved and, where possible, additional street trees shall be planted to ensure that the existing streetscape is maintained and enhanced.	☐	☐	☒	
D4	Where street trees and the provision of awnings are required, cut-outs shall be included in the awning design to accommodate existing and future street trees.	☐	☐	☒	
D5	Driveways and services shall be located to preserve significant trees.	☐	☐	☒	
D6	At the time of planting, street trees shall have a minimum container size of 200L and a minimum height of 3.5m, subject to species availability.	☐	☐	☒	
D7	Planter boxes (or similar) surrounding trees in the footpath shall be 1.2m x 1.2m, filled with approved gravel and located 200mm from the back of the kerb line.	☐	☐	☒	
8.0	**Energy Efficiency and Water Conservation**				
8.1	**Energy efficiency**				
D1	Any hot water heaters to be installed, as far as practicable, shall be solar and, to the extent that this is not practicable, shall be greenhouse gas friendly systems that achieve a minimum 3.5 Hot Water Greenhouse Score.	☒	☐	☐	Complies
D2	The practicability of all external lighting and common areas (e.g. undercover car parking) being lit utilising renewable energy resources generated on site shall be investigated. Larger developments (buildings exceeding 400m^2 in area) shall investigate the viability of utilising renewable energy resources for all lighting on site. A statement shall be included with the development application addressing these requirements.	☒	☐	☐	Complies
8.2	**Water conservation**				
D1	New developments shall connect to recycle water if serviced by a dual reticulation system for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes.	☒	☐	☐	Complies
D2	Where a property is not serviced by a dual reticulation system, development shall include an onsite rainwater harvesting system or an onsite	☐	☐	☒	

	reusable water resource for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes.				
D3	Development shall install all water using fixtures that meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.	☒	☐	☐	Complies
8.3	**Stormwater drainage**				
	Applicants shall consult the Stormwater Drainage Part of this DCP for requirements for stormwater management.	☒	☐	☐	Condition of consent requires details to be submitted with the DCP
8.4	**Rainwater tanks**				
D1	Rainwater tanks shall be installed as part of all new development in accordance with the following:				
	• The rainwater tank shall comply with the relevant Australian Standards;	☐	☐	☒	
	• The rainwater tank shall be constructed, treated or finished in a non-reflective material that blends in with the overall tones and colours of the subject and surrounding development;	☐	☐	☒	
	• Rainwater tanks shall be permitted in basements provided that the tank meets applicable Australian Standards;	☐	☐	☒	
	• The suitability of any type of rainwater tanks erected within the setback area of development shall be assessed on an individual case by case basis. Rainwater tanks shall not be located within the front setback; and	☐	☐	☒	
	• The overflow from rainwater tanks shall discharge to the site stormwater disposal system. For details refer to the Stormwater Drainage Part of this DCP.	☐	☐	☒	
8.5	**Ventilation**				
D1	The siting, orientation, use of openings and built form of the development shall maximise opportunities for natural cross ventilation for the purposes of cooling and fresh air during summer and to avoid unfavourable winter winds.	☒	☐	☐	Complies as natural cross ventilation has been designed into apartment layout.
8.6	**Solar amenity**				
D1	Shadow diagrams shall accompany development applications for buildings which demonstrate that the proposal will not reduce sunlight to less than 3 hours between 9.00 am and 3.00 pm on 21 June for:				
	• public places or open space;	☐	☐	☒	
	• 50% of private open space areas;	☒	☐	☐	Complies as balconies are located on the exterior of the
	• 40% of school playground areas; or	☐	☐	☒	
	• windows of adjoining residences.	☒	☐	☐	With the amended proposal of two towers allows sunlight to adjoining property between the two towers.
D2	Lighter colours in building materials and exterior treatments shall be used on the western facades of buildings.	☒	☐	☐	Complies light colours have been used for exterior treatments.
9.0	**Ancillary Site Facilities**				
9.1	**Provision for goods and mail**				

	deliveries				
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 3,000m2 of gross leasable floor area devoted to commercial premises.	☐	☐	☒	
D2	Provision of mailboxes for residential units shall be incorporated within the foyer area of the entrance to the residential component of the mixed use developments.	☒	☐	☐	Complies mailboxes are provided in the residential and commercial lobby areas.
10.0	**Other Relevant Controls**				
10.1	**Waste**				
D1	Applicants shall consult the Waste Part of this DCP for requirements for disposal.	☒	☐	☐	Complies Waste Management Plan submitted with application.
10.2	**Access and amenity**				
D1	Applicants shall consult the relevant provisions within the Access and Mobility Part of this DCP.	☒	☐	☐	Complies
11.0	**Public Domain**				
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.	☒	☐	☐	Complies
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.	☒	☐	☐	Complies as awnings have been designed into the proposed building along John Street.
D3	Outdoor dining on footpaths shall be limited. Refer to Council's Public Domain Plan, Outdoor Dining Policy and Public Art Policy.	☐	☐	☒	
12.0	**Subdivision**				
12.1	**Size and dimensions**				
D1	Proposed lots shall be of sufficient area and dimension to allow a high standard of architectural design, the appropriate siting of buildings and the provision of required car parking, loading facilities, access and landscaping.	☐	☐	☒	
12.1	**Utility services**				
D1	The applicant shall demonstrate that each proposed allotment can be connected to appropriate utility services including water, sewerage, power and telecommunications and (where available) gas. This may include advice from the relevant service authority or a suitably qualified consultant as to the availability and capacity of services.	☐	☐	☒	
D2	Common trenching for gas, electricity and telecommunications shall be provided in accordance with agreements between the relevant servicing authorities in NSW.	☐	☐	☒	
13.0	**Residential Interface**				
D1	Buildings adjoining residential zones	☐	☐	☒	

	and/or open space shall be setback a minimum of 3m from that property boundary.				
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.	☒	☐	☐	Complies as separate loading dock has been included with direct access to Mary Street. Secure waste storage areas identified in basement and loading dock.
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.	☐	☒	☐	Details of ventilation facilities to be provided with Construction Certificate.
D4	External lighting shall be positioned to avoid light spillage to adjoining residential zones.	☐	☒	☐	Details of external lighting to be provided with Construction Certificate.
D5	Where noise generating development is proposed adjacent to residential or other noise sensitive uses, such as places of worship and child care centres, an acoustic report shall be submitted with a development application, outlining methods to minimise adverse noise impact.	☒	☐	☐	An Environmental Noise and Rail Vibration study was undertaken and submitted with the application. The report undertaken complied with the requirements of Auburn DCP 2010, the NSW Department of Planning SEPP Infrastructure 2007 and Australian Standard 2107-2000. The report determined that provided a series of acoustic treatments were implemented that train and traffic noise will fully comply. Recommendations from this report have been included as conditions of consent.
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 *Auburn LEP 2010.* Refer to Figure 4. The development controls apply in addition to the development controls presented in previous sections of this Part. Where there are inconsistencies between the controls contained within this section and other controls within this DCP, these controls prevail to the extent of the inconsistency.	☐	☐	☒	
14.2	**Setbacks**				
D1	Setbacks within the town centre shall be consistent with Figure 2.	☐	☐	☒	
14.3	**Active frontages**				
D1	As a minimum, buildings shall provide active street frontages consistent with Figure 3.	☐	☐	☒	
14.4	**Laneways**				
D1	Redevelopment within the Auburn Town Centre shall make provision for the creation of new laneways as shown in Figure 4.	☐	☐	☒	
14.5	**Key Site - Five Ways**	☐	☐	☒	
D1	Development should be in accordance to Figure 5	☐	☐	☒	
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.	☐	☐	☒	
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. **D4** The preferred vehicular access to the site shall be via Harrow Road with secondary access via Mary Street and Queen Street. **D5** Outdoor dining shall be encouraged within the Five Ways open space and along Auburn Road and Queen Street. **D6** For residential uses, the maximum building dimensions, inclusive of balconies and building articulation but excluding architectural features, is 24m x 60m.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	
15.0 Lidcombe Town Centre				
15.1 Development to which this section applies This section applies to the Lidcombe Town Centre which is zoned B4 Mixed Use under Auburn LEP 2010. Refer to Figure 6. Where there are inconsistencies between the controls contained within this section and other controls within this DCP, these controls prevail to the extent of the inconsistency.	☒	☐	☐	The subject site is located within the Lidcombe Town Centre and is subject to the provisions of this clause.
15.2 Setbacks **D1** Setbacks within the town centre shall be consistent with Figure 7.	☒	☐	☐	Proposed development complies is consistent with the Lidcombe town centre setbacks.
15.3 Active Frontage **D1** As a minimum, buildings shall provide active street frontages consistent with Figure 8.	☒	☐	☐	Proposed development complies as it has an active street frontage along John Street.
15.4 Laneways **D1** Redevelopment within the Lidcombe Town Centre shall make provision for the creation of new laneways as shown in Figure 9.	☒	☐	☐	Although the proposed development removes the current laneway as a condition of sale of the Council car park the development is required to provide 50 car parking spaces which have been included within the proposal.
15.5 Key sites Several sites within the Lidcombe Town Centre have been identified as having the greatest potential for intensification with commercial, residential and mixed use development, as shown in Figure 10. Each site has an inherent capacity to contribute to the transformation of the urban form into one which will generate more activity and lead the development of the town centre. The development controls for these sites apply in addition to the development controls presented in previous sections of this Part.	☒	☐	☐	The proposal falls within Site 2 Mary Street north. The proposal complies with the objectives as it provides an active retail frontage along John Street and provides a mixture of retail and residential.
15.6 Site 1 - Dooleys **D1** Development shall be design in accordance with Figure 11. **D2** Development shall be designed to address Olympic Drive. **D3** Development shall provide a new pedestrian through-site link, shared way or street between Church Street to Board Street, with a minimum width of 12m. **D4** Through-site linkages shall be provided for pedestrians and vehicles within the site to improve circulation and access to the town centre. The	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	

	linkages shall enable connection between Church Street and Board Street to John Street and Board Street.				
D5	The preferred access to the site shall be via Church Street with secondary access via Board Street.	☐	☐	☒	
D6	Outdoor dining shall be encouraged along John Street and Church Street.	☐	☐	☒	
D7	For residential uses, the maximum building dimensions, inclusive of balconies and building articulation but excluding architectural features, is 24m x 60m.	☐	☐	☒	
D8	Levels above the podium are to be setback for a minimum of 4-6m from the boundary of adjoining commercial and residential uses.	☐	☐	☒	
15.7	**Site 2 - Mary Street North**				
D1	Public open space shall be provided at the intersection of John and Mary Streets, or within close proximity to this intersection.	☐	☐	☒	
D2	Retail frontages shall be provided at street level on John Street.	☒	☐	☐	Retail frontage provided by the inclusion of a 2,300 m^2 retail floor space for a supermarket.
D3	Outdoor dining is encouraged along John Street.	☐	☐	☒	
15.8	**Site 3 - Mary Street South**				
D1	Public open space shall be provided at the intersection of John and Mary Streets, or within close proximity to this intersection.	☐	☐	☒	
D2	Through-site linkages shall be provided for pedestrians within the site to improve circulation and access to the town centre. D3The linkages shall enable connection between Church Street and Mary Street.	☐	☐	☒	
D3	Outdoor dining is encouraged along John Street and Church Street.	☐	☐	☒	
15.9	**Site 4 - Tooheys Lane**				
D1	Outdoor dining shall be encouraged along Joseph Street and Bridge Street.	☐	☐	☒	
D2	The preferred primary access to the site shall be provided via Bridge Street.	☐	☐	☒	
D3	Consultation with Council shall be undertaken to investigate opportunities to integrate the upgrading and widening of Tooheys Lane as part of the site's redevelopment.	☐	☐	☒	
15.10	**Site 5 - Bridge Street**				
D1	Building separation distances shall be determined by having regard to the SEPP 65 and accompanying *Residential Flat Design Code*. (**Note.** The *Residential Flat Design Code* is superseded by *Apartment Design Guide* under the current SEPP 65)	☐	☐	☒	
D2	On the Olympic Drive frontage, development shall be designed to: • address Olympic Drive; and • provide an appropriately landscaped setback with a minimum depth of 6m. A double row of street trees shall be planted along the property boundary.	☐ ☐	☐ ☐	☒ ☒	
D3	Preferred primary access to the site	☐	☐	☒	

	shall be provided via Vaughan Street with a secondary access via Bridge Street.				
D4	Through-site linkages shall be provided for pedestrians within the site to improve circulation and access to the town centre. The linkages shall enable connection between Vaughan Street and Bridge Street and Olympic drive and Bridge Street.	☐	☐	☒	
D5	New development shall maintain and enhance pedestrian linkages and view corridors to Remembrance Park.	☐	☐	☒	
D6	Outdoor dining shall be encouraged along Joseph Street and Bridge Street.	☐	☐	☒	
15.11	**Site 6 - Railway Street**				
D1	The lane between Taylor Street and Railway Street shall be retained to provide access to parking and loading areas and for waste removal.	☐	☐	☒	
D2	Outdoor dining shall be encouraged along Joseph Street and Railway Street.	☐	☐	☒	
D3	Through-site linkages shall be provided for pedestrians within the site to improve circulation and access to the town centre and Remembrance Park. The linkages shall enable connection between the lane and Joseph Street and/or the lane and Railway Street.	☐	☐	☒	
15.12	**Site 7 - Marsden Street**				
D1	Development shall be designed to address Railway, Mark, James, Marsden, Davey and Raphael Streets.	☐	☐	☒	
D2	Vehicular access to new developments shall not be permitted to or from Davey Street, to permit the pedestrianisation of the street.	☐	☐	☒	
D3	Development along Davey Streets shall dedicate to Council sufficient land of a minimum width of 2m to provide a pedestrian footpath on the south side of the street.	☐	☐	☒	
D4	Development along Raphael Streets shall dedicate to Council sufficient land of a minimum width of 2.5m to provide a pedestrian footpath and widened carriageway on the west side of the street.	☐	☐	☒	
D5	New buildings are to be setback a minimum of 4m from all open space uses and the new boundaries of Davey Street and Raphael Street created after the dedication described in control D2 and D3 above.	☐	☐	☒	
D6	New buildings to the north of the central open spaces shall be designed to minimise the loss of solar access to the open spaces.	☐	☐	☒	
D7	Outdoor dining and active uses shall be encouraged facing onto the proposed park on the corner of Railway and Mark Streets, to provide casual surveillance of the park and improve safety.	☐	☐	☒	
D8	Development adjacent to the existing and proposed public open spaces shall be designed to provide overlooking and casual surveillance	☐	☐	☒	

of the park spaces to improve safety.				
16.0 Newington Small Village				
16.1 Development to which this section applies This section applies to Newington Small Village which is zoned B2 Local Centre under the *Auburn LEP 2010* as shown in Figure 11. The development controls for these sites 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.	☐	☐	☒	
16.2 Site planning **D1 Site coverage** A maximum site coverage of 80% shall be permitted on site. **D2 Setbacks** The following setbacks shall apply: • Setback from residential areas shall be 3-6m. • Setback from Newington Business Park shall be 1m. • Setback to retail front shall be 3.5m. **D3 Loading areas** Loading areas shall be screened from public roads and public access areas.	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	
16.3 Urban form **D1 Active and defined frontages** • Entrances and windows shall be located on the ground floor of the building to face the public domain and created visual surveillance. • Buildings on street corners or the interface with public space shall emphasise the corner by appropriate architectural treatment. **D2 Materials** All building materials used shall be durable, low maintenance and of high quality. **D3 Pedestrian amenity** Public pedestrian networks within sites shall provide solar, wind and rain protection using a colonnade, an awning or other appropriate shading devices.	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	
16.4 Architectural elements **D1 Awnings and colonnades** Awnings/colonnades in buildings shall be designed to a height of 3.5m. **D2 Signage** Signage shall be located below the awning height of a building.	☐ ☐	☐ ☐	☒ ☒	

Auburn Development Control Plan 2010 - Residential Flat Buildings (ADCP 2010 - RFB

The objectives, performance criteria and development standards of the ADCP 2010 – RFB have been considered in the following table.

Requirement	Yes	No	N/A	Comments
2.0 Built Form				
Objectives a. To ensure that all development contributes to the improvement of the character of the locality in which it is located. b. To ensure that development is sensitive to the landscape setting and environmental conditions of the locality. c. To ensure that the appearance of development is of high visual quality and enhances and addresses the street. d. To ensure that the proposed development protects the amenity of adjoining and adjacent properties. e. To ensure that the form, scale and height of the proposed development responds appropriately to site characteristics and local character. f. To ensure that development relates well to surrounding developments including heritage items, open space and other land uses. g. To ensure that development maximises sustainable living. h. To maximise views, solar and daylight access. i. To provide an acceptable interface between character areas. j. To minimize the impacts of buildings over shadowing open spaces and improve solar access to the street. k. To contribute to the streetscape and form a clear delineation between the public and private domain.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to built form.
2.1 Site area **Performance criteria** **P1** The site area of a proposed development is of sufficient size to accommodate residential flat buildings and provide adequate open space and car parking consistent with the relevant requirements of this DCP. **Development controls** **D1** A residential flat building development shall have a minimum site area of 1,000 square metres and a street frontage of 20 metres in the B4 Zone or 26 metres in the R4 zone. **D2** Where lots are deep and have narrow street frontages the capacity for maximising residential development is limited. Two or more sites may need to be amalgamated to provide a combined site with sufficient width for good building design.	☒ ☒	☐ ☐	☐ ☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to site area. The proposed development includes the amalgamation of four allotments of land being Lot 1 in DP 233926 and Lots 1, 2 & 3 in DP 608751 to provide a single site of 3,188.77 m^2 with a street frontage of 30.005 m.
2.2 Site coverage **Performance criteria** **P1** Ensure that new development and alterations and additions to existing development result in site coverage which allows adequate provision to be made on site for infiltration of stormwater, deep soil tree planting, landscaping, footpaths, driveway areas and areas for outdoor	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to site coverage

recreation.				
P2 Minimise impacts in relation to overshadowing, privacy and view loss.	☒	☐	☐	The proposed development complies with the Auburn LEP 2010, which allows for full site development on B4 Mixed Use development of retail and residential in Lidcombe Town Centre.
P3 Ensure through-site links for pedestrians are incorporated where applicable.	☒	☐	☐	
Development controls				
D1 The built upon area shall not exceed 50% of the total site area.	☐	☒	☐	The total area of communal open space is 2,328 m^2 and is located at the first floor podium and roof top terraces. It is proposed to landscape these areas and provide BBQs.
D2 The non-built upon area shall be landscaped and consolidated into one communal open space and a series of courtyards.	☐	☒	☐	
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:	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to building envelope.
• addresses both streets on corner sites;	☐	☐	☒	
• align with the street and/or proposed new streets;	☒	☐	☐	
• form an L shape or a T shape where there is a wing at the rear.	☐	☐	☒	
Note: The development control diagrams in section 10.0 illustrate building envelope controls**.**				
Development controls				
D1 Council may consider a site specific building envelope for certain sites, including:	☒	☐	☐	
• double frontage sites;				
• sites facing parks;				
• sites adjoining higher density zones; and				
• isolated sites.				
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	☐	☒	☐	The proposed development generally complies with the height requirement of Auburn LEP 2010 and fully complies with the FSR of Auburn LEP 2010. This allows for a different building height and floor space ratio than ADCP 2010 RFB
D3 The tower component of any building above the podium or street wall height is to have a maximum floor plate of 850m^2.	☐	☒	☐	
2.4 Setbacks				
Performance criteria				
P1 Impact on the streetscape is minimised by creating a sense of openness, providing opportunities for landscaping and semi-private areas, and providing visual continuity and building pattern.	☒	☐	☐	
P2 Integrate new development with the established setback character of the street.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in
P3 Ensure adequate separation between buildings,	☒	☐	☐	

	consistent with the established character and rhythm of built elements in the street.				respect to setbacks.
P4	Ensure adequate separation between buildings for visual and acoustic privacy.	☒	☐	☐	
P5	Maintain a reasonable level of amenity for neighbours with adequate access to sunlight.	☒	☐	☐	
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.	☐	☒	☐	Auburn DCP 2010 for the Lidcombe Town Centre permits a nil setback to John Street. The proposed development has been designed with a nil setback.
D2	Where a site has frontage to a lane, the minimum setback shall be 2m, however, this will vary depending on the width of the lane.	☐	☐	☒	
D3	Where a new building is located on a corner, the main frontage shall be determined on the existing streetscape patterns. Where the elevation is determined as the 'secondary' frontage, the setback may be reduced to 3m except where it relates to a primary frontage on that street.	☐	☐	☒	
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 share way between the front of 2 buildings. Where a footpath is to be incorporated a greater setback shall be required.	☐	☐	☒	
D5	All building facades shall be articulated by bay windows, verandas, balconies and/or blade walls. Such articulation elements may be forward of the required building line up to 1 metre.	☐	☐	☒	
D6	In all residential zones, levels above 4 storeys are to be setback for mid block sites.	☐	☐	☒	
2.4.2	**Side setback**				
D1	In all residential zones, buildings shall have a side setback of at least 3m.	☐	☐	☒	
D2	Eaves may extend a distance of 700mm from the wall.	☐	☐	☒	
2.4.3	**Rear setback**				
D1	Rear setbacks shall be a minimum of 10m from the property boundary.	☐	☒	☐	The residential component of the proposed development has a rear setback of 8.5 m. The subject site is located in the Lidcombe Town Centre zoned B4 under the provisions of Auburn LEP 2010 development is permitted to the property boundary. Although the residential component does not have the required setback given the location within the Licdombe Town Centre It is regarded the minor non-compliance of the rear setback will not result in any unreasonable impacts on surrounding developments in
D2	Where there is a frontage to a street and a rear laneway the setback to the rear laneway shall be a minimum of 2m.	☐	☐	☐	
D3	Where a building is an L or T shape with the windows facing side courtyards the rear setback shall be a minimum of 2m.	☐	☐	☐	

				terms of amenity.
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.	☐	☐	☒	
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. **P2** East-west streets maintain view corridors to Wyatt Park. **Development controls** **D1** For sites with frontage to Olympic Drive, buildings shall be designed to address Olympic Drive and provide a setback of 4m. **D2** The setback area and verge shall be landscaped and planted with a double row of street trees. **D3** The setback to east-west streets shall be generally 4 to 6m and ensure view corridors to Wyatt Park are maintained.	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	
2.5 Building depth **Performance criteria** **P1** A high level of amenity is provided for residents. **Development controls** **D1** The maximum depth of a residential flat building shall be 24m (inclusive of balconies and building articulation but excluding architectural features).	☒ ☒	☐ ☐	☐ ☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to building depth. The two towers have a depth of no greater than 24 m.
2.6 Floor to ceiling heights **Performance criteria** **P1** Floor to ceiling heights provide well proportioned rooms and spaces to allow for light and ventilation into the built form. **Development controls** **D1** The minimum floor to ceiling height shall be 2.7m. This does not apply to mezzanines. **D2** Where there is a mezzanine configuration, the floor to ceiling height may be varied.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to floor to ceiling heights. Complies Complies
2.7 Head height of windows **Performance criteria**				Window heights are variable to ensure

P1 Window heights allow for light penetration into rooms and well proportioned elevations.	☐	☒	☐	privacy with adjacent residential towers.
Development controls				Window heights are variable to ensure privacy with adjacent residential towers.
D1 The head height of windows and the proportion of windows shall relate to the floor to ceiling heights of the dwelling.	☐	☒	☐	
D2 For storeys with a floor to ceiling height of 2.7 metres, the minimum head height of windows shall be 2.4 metres.	☐	☒	☐	Window heights are variable to ensure privacy with adjacent residential towers
D3 For storeys with a floor to ceiling height of 3 metres, the minimum head height of windows shall be 2.7 metres.	☐	☐	☒	
2.8 Heritage				
Performance criteria				
P1 Development does not adversely affect the heritage significance of heritage items and heritage groups and archaeological sites as well as their settings, distinctive streetscape, landscape and architectural styles.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to heritage.
Development controls				
D1 All development adjacent to and/or adjoining a heritage item shall be:	☒	☐	☐	As discussed under clause 5.10 of Auburn LEP 2010, a Heritage Impact Statement for the original proposal and a Heritage Impact Statement for the amended proposal have been prepared in accordance with the guidelines outlined in the *Statements of Heritage Impact and Assessing Heritage Significance*.
• responsive in terms of the curtilage and design;	☒	☐	☐	
• accompanied by a Heritage Impact Statement; and	☒	☐	☐	
• respectful of the building's heritage significance in terms of the form, massing, roof shapes, pitch, height and setbacks.	☒	☐	☐	Both Heritage reports have concluded that the original and amended proposal will not physically impact on the heritage fabric of the former Lidcombe Police Station. The station will retain its visually prominent street-corner orientation and visual position within the streetscape. The first Heritage Impact Statement included two recommendations to address the prospect if any Aboriginal or archaeological deposits being uncovered by the proposed work. These recommendations are included as conditions of consent.
2.9 Building design				
Performance criteria				
P1 Building design, detailing and finishes provide an appropriate scale to the street and add visual interest.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to building design.
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.	☒	☐	☐	
Development controls				
2.9.1 Materials				

Performance criteria **P1** The use of face brick (smooth faced) is encouraged. **P2** The use of cement render on building facades is discouraged due to high ongoing maintenance issues. **Development controls** **D1** All developments shall be constructed from durable, quality materials.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to materials. Complies
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. **D3** Dwelling entrances shall create a sense of individuality and act as a transitional space between private and communal spaces. Entrances shall be clearly articulated and identifiable from the street through use of address signage, lighting, canopies and/or architectural statements. **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.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Complies Proposal is a mix use residential tower with separate lobby entry to residential units. Entry lobby is clearly defined. Proposed building design has a distinctive bottom, middle and top level design with use of different materials, textures with a combination of horizontal and vertical lines
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.	☒	☐	☐	Roof is open terrace to provide common open space.
2.9.4 Balustrades and balconies **D1** Balustrades and balconies shall be designed to maximise views of the street. The design of the underside of the balcony shall take into consideration the view of the underside from the street and shall avoid having exposed pipes and utilities. **D2** Opaque glazing and/or masonry for balustrading and balconies is encouraged. **D2** Clear glazing for balconies and balustrades is prohibited.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	Complies Complies Complies Complies
2.10 Dwelling size **Performance criteria** **P1** Internal dwelling sizes and shapes are suitable for a range of household types. **P2** All rooms are adequate in dimension and accommodate their intended use. **Development controls** **D1** The size of the dwelling shall determine the maximum number of bedrooms permitted. **Number of bedrooms** **Dwelling size** Studio $50m^2$	☒ ☒ ☐	☐ ☐ ☒	☐ ☐ ☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to dwelling size. The proposed development does not comply with the minimum dwelling sizes identified in the ADCP 2010 RFB. However, all apartments comply with the NSW Government *Apartment Design Guide (ADG).*

1 bedroom (cross through) $50m^2$ 1 bedroom (maisonette) $62m^2$ 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.		☒	☐	☐	The ADG is to be used in conjunction with State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) which sets out the NSW Government's policy direction for residential apartment development in NSW. Where there are any inconsistencies the ADG attached to SEPP 65, the ADG prevails over the ADCP 2010 RFB.
2.11 Apartment mix and flexibility					
Performance criteria					
P1 A diversity of apartment types is provided, which cater for different household requirements now and in the future.		☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to apartment mix and flexibility.
P2 Housing designs meet the broadest range of the occupants' needs possible.		☒	☐	☐	
Development controls					
D1 A variety of apartment types between studio, one, two, three and three plus-bedroom apartments shall be provided, particularly in large apartment buildings. Variety may not be possible in smaller buildings, for example, up to six units.		☒	☐	☐	The proposal achieves housing diversity and social interaction. The unit mix is 9 x 1 Bedroom units 81 x 2 Bedroom units 13 x 3 Bedroom units
D2 The appropriate apartment mix for a location shall be refined by: ▪ considering population trends in the future as well as present market demands; and ▪ noting the apartment's location in relation to public transport, public facilities, employment areas, schools and universities and retail centres.		☒	☐	☐	The higher percentage of 3 bedroom units to 1 bedroom units is to address the main demand for residential flat units for young families.
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.		☐	☐	☒	
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.		☒	☐	☐	Comlies
D5 Robust building configurations which utilise multiple entries and circulation cores shall be provided especially in larger buildings over 15m long.		☒	☐	☐	Complies
D6 Apartment layouts which accommodate the changing use of rooms shall be provided. Design solutions may include: ▪ windows in all habitable rooms and to the maximum number of non-habitable rooms;		☒	☐	☐	Complies

	■ adequate room sizes or open-plan apartments, which provide a variety of furniture layout opportunities; and	☒	☐	☐	Complies
	■ dual master bedroom apartments, which can support two independent adults living together or a live/work situation.	☒	☐	☐	Complies
D7	Structural systems that support a degree of future change in building use or configuration shall be used. Design solutions may include:				
	■ a structural grid, which accommodates car parking dimensions, retail, commercial and residential uses vertically throughout the building;	☒	☐	☐	Complies
	■ the alignment of structural walls, columns and services cores between floor levels;	☒	☐	☐	Complies
	■ the minimisation of internal structural walls;	☒	☐	☐	Complies
	■ higher floor to ceiling dimensions on the ground floor and possibly the first floor; and	☒	☐	☐	Complies
	■ knock-out panels between apartments to allow two adjacent apartments to be amalgamated.	☒	☐	☐	Complies
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.	☒	☐	☐	
b.	To provide private open areas that relate well to the living areas of dwellings.	☒	☐	☐	
c.	To provide sufficient areas for deep soil planting.	☒	☐	☐	
d.	To provide a mix of hard and soft landscape treatments.	☒	☐	☐	
e.	To help provide a visual and acoustic buffer from the street without preventing passive surveillance.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to open space and landscaping.
f.	To enhance the appearance and amenity of residential flat buildings through integrated landscape design.	☒	☐	☐	
g.	To provide for the preservation of existing trees and other natural features on the site, where appropriate.	☒	☐	☐	
h.	To provide low maintenance communal open space areas.	☒	☐	☐	
i.	To provide adequate opportunities for water infiltration and tall trees to grow and to spread, so as to create a canopy effect.	☒	☐	☐	
j.	To conserve and enhance street tree planting.	☒	☐	☐	

3.1 Development application requirements				
A landscape plan shall be submitted with all development applications for residential flat buildings.	☒	☐	☐	Complies
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.	☒	☐	☐	Complies
A landscape plan prepared by a professionally qualified landscape architect or designer shall be submitted with the development application which shows: ■ proposed site contours and reduced levels at embankments, retaining walls and other critical locations; ■ existing vegetation and the proposed planting and landscaping (including proposed species); ■ general arrangement of hard landscaping elements on and adjoining the site; ■ location of communal facilities; ■ proposed lighting arrangements; ■ proposed maintenance and irrigation systems; and ■ proposed street tree planting.	☒	☐	☐	Complies As the subject site is zoned B4 located within Lidcombe Town Centre the proposed development is from boundary to boundary. Landscape it to take place on the podium and roof terraces in planter boxes of varying size to accommodate ground cover, shrubs and trees.
3.2 Landscaping				
Performance criteria				
P1 Paving may be used to: ■ ensure access for people with limited mobility; ■ add visual interest and variety; ■ differentiate the access driveway from the public street; and ■ encourage shared use of access driveways between pedestrians, cyclists and vehicles.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to landscaping.
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.	☒	☐	☐	Complies
D2 All landscaped podium areas shall maintain a minimum soil planting depth of 600mm for tree provision and 300mm for turf provision.	☒	☐	☐	Complies
3.3 Deep soil zone				
Performance criteria				
P1 A deep soil zone allows adequate opportunities for tall trees to grow and spread.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to deep soil.
Note: Refer to the development control diagrams in section 10.0.	☒	☐	☐	
Development controls				
D1 A minimum of 30% of the site area shall be a deep soil zone.	☒	☐	☐	As the subject site is built to boundary, landscaping has been provided in the

D2 The majority of the deep soil zone shall be provided as a consolidated area at the rear of the building.	☐	☒	☐	form of 1 m deep planters that are located in communal areas. Landscaping is proposed on 1,125 m^2 which represents 47% of the combined common open space areas on the podium level and roof terraces.
D3 Deep soil zones shall have minimum dimensions of 5m.	☐	☒	☐	Although the minimum dimension of 5 m has not been achieved with the planters the location and position of the planters has been designed to allow for the growth of trees to increased privacy between building A and B at the podium level. The minor variation of minimum dimension depth is acceptable.
D4 Deep soil zones shall not include any impervious (hard) surfaces such as paving or concrete.	☒	☐	☐	Complies
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.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to landscape setting.
P2 Residential flat buildings are adequately designed to reduce the bulk and scale of the development.	☒	☐	☐	
P3 Landscaping assists with the integration of the site into the streetscape.	☒	☐	☐	
P4 Enhance the quality and amenity of the built form.	☒	☐	☐	
P5 Provide privacy and shade in communal and private open space areas.	☒	☐	☐	
Development controls				
D1 Development on steeply sloping sites shall be stepped to minimise cut and fill.	☐	☐	☒	
D2 Existing significant trees shall be retained within the development.	☐	☐	☒	
D3 The minimum soil depth for terraces where tree planting is proposed is 800 mm.	☒	☐	☐	Planter boxes have soil depth up to 1.0 m
D4 Applicants shall demonstrate that the development will not impact adversely upon any adjoining public reserve or bushland.	☐	☐	☒	
D5 Residential flat buildings shall address and align with any public open space and/or bushland on their boundary.	☐	☐	☒	
D6 All podium areas and communal open space areas, which are planted, shall be provided with a water efficient irrigation system.	☒	☐	☐	
3.5 Private open space				
Performance criteria				
P1 Private open space is clearly defined and screened for private use.	☒	☐	☐	

P2	Private open space: ▪ takes advantage of available outlooks or views and natural features of the site; ▪ reduces adverse impacts of adjacent buildings on privacy and overshadowing; and ▪ resolves surveillance, privacy and security issues when private open space abuts public open space.	☐ ☒ ☒	☐ ☐ ☐	☒ ☐ ☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to private open space.
P3	Development should take advantage of opportunities to provide north facing private open space to achieve comfortable year round use.	☒	☐	☐	
Development controls					
D1	Private open space shall be provided for each dwelling in the form of a balcony, roof terrace or, for dwellings on the ground floor, a courtyard.	☒	☐	☐	Complies
D2	Dwellings on the ground floor shall be provided with a courtyard that has a minimum area of $9m^2$ and a minimum dimension of 2.5m.	☐	☐	☒	
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.	☒	☐	☐	Complies
D4	Balconies may be semi enclosed with louvers and screens.	☒	☐	☐	Complies
D5	Private open space shall have convenient access from the main living area.	☒	☐	☐	Complies
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.	☒	☐	☐	Complies
D7	Additional small, screened service balconies may be provided for external clothes drying areas and storage.	☒	☐	☐	Complies
D8	Private open space and balconies shall take advantage of mid to long distance views where privacy impacts will not arise.	☒	☐	☐	Complies
3.6	**Communal open space**				
Performance criteria					
P1	The site layout provides communal open spaces which: ▪ contribute to the character of the development; ▪ provide for a range of uses and activities; ▪ allows cost-effective maintenance; and ▪ contributes to stormwater management.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to communal open space.
Development controls					
D1	Communal open space shall be useable and	☒	☐	☐	Complies

	where possible have a northern aspect and contain a reasonable proportion of unbuilt upon (landscaped) area and paved recreation area.				
D2	The communal open space area shall have minimum dimensions of 10m.	☐	☒	☐	As Communal open space is provided at on the podium and roof terraces. The dimensions of the open space are controlled by the building footprint. Notwithstanding that the minimum dimension of 10 m is not achieved the provision of open space is acceptable as 2,378 m^2 of common open space is to be provide which represents 74% of the site. With landscaping across all three areas totalling 1,125 m^2 which represents 47% of the site.
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.					
3.8	**Biodiversity**				
Performance criteria					
P1	Existing and native flora at canopy and understorey levels is preserved and protected.	☐	☐	☒	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to Biodiversity.
P2	Plantings are a mix of native and exotic water-wise plant species.	☒	☐	☐	
Development controls					
D1	The planting of indigenous species shall be encouraged.	☒	☐	☐	Complies
3.9	**Street trees**				
Performance criteria					
P1	Existing street landscaping is maintained and where possible enhanced.	☐	☐	☒	
Development controls					
D1	Driveways and services shall be located to preserve existing significant trees.	☐	☐	☒	
D2	Additional street trees shall be planted at an average spacing of 1 per 10 lineal metres of street frontage.	☐	☐	☒	
Note:	Where a site has more than one street frontage, street tree planting shall be applied to all street				

frontages, excluding frontage to laneways.				
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. **4.2 Basements** **Performance criteria** **P1** Basements allow for areas of deep soil planting. **Development controls** **D1** Where possible, basement walls shall be located directly under building walls. **D2** A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary. **D3** Basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting. **D4** Basement walls visible above ground level shall be appropriately finished (such as face brickwork and/or render) and appear as part of the building.	☒ ☐ ☒ ☐ ☒ ☐ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☐ ☐ ☐	Applicant acknowledged the need to consult with Parking and Loading Part of DCP. Complies Applicant has advised that a dilapidation report will be submitted with the Construction Certificate. To ensure the dilapidation report is submitted this requirement is included as a condition of consent. Complies
5.0 Privacy and security				
Objectives a. To ensure the siting and design of buildings provide visual and acoustic privacy for residents and neighbours in their dwellings and private open spaces. *b.* To provide personal and property security for residents and visitors and enhance perceptions of community safety.	☒ ☒	☐ ☐	☐ ☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to privacy and security.
5.1 Privacy **Performance criteria** **P1** Private open spaces and living areas of adjacent dwellings are protected from overlooking. **Development controls** **D1** Buildings shall be designed to form large external courtyards with a minimum distance of 10 to 12m between opposite windows of habitable rooms. **D2** Windows to living rooms and main bedrooms shall be oriented to the street and to the rear, or to the side when buildings form an 'L' or 'T' shape. 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. **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.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to privacy. Complies Complies Complies

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.	☒	☐	☐	Complies
5.2 Noise **Performance criteria**				
P1 The transmission of noise between adjoining properties is minimised.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to noise.
P2 New dwellings are protected from existing and likely future noise sources from adjoining residential properties and other high noise sources (such as busy roads, railway corridors and industries) and the transmission of intrusive noise to adjoining residential properties is minimised.	☒	☐	☐	
Development controls				
D1 For acoustic privacy, buildings shall: ■ be designed to locate noise sensitive rooms and private open space away from the noise source or by use of solid barriers where dwellings are close to high noise sources;	☒	☐	☐	Complies
■ minimise transmission of sound through the building structure and in particular protect sleeping areas from noise intrusion; and	☒	☐	☐	Complies
■ all shared floors and walls between dwellings to be constructed in accordance with noise transmission and insulation requirements of the BCA.	☒	☐	☐	Complies
Note: For development within or adjacent to a rail corridor, or major road corridor with an annual average daily traffic volume of more than 40,000 vehicles, applicants must consult *State Environmental Planning Policy (Infrastructure) 2007* and the NSW Department of Planning's Development Near Rail Corridors and Busy Roads – Interim Guidelines, 2008.				
5.3 Security **Performance criteria**				
P1 Provide personal and property security for residents and visitors.	☒	☐	☐	
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.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to security.
P3 Ensure a development is integrated with the public domain and contributes to an active pedestrian-orientated environment.	☒	☐	☐	
P4 Ensure effective use of fencing or other means to delineate private and public areas.	☒	☐	☐	
Note: Consideration shall also be given to Council's Policy on Crime Prevention Through Environmental Design (CPTED).	☒	☐	☐	A Crime Prevention Through Environmental Design report accompanied the application. The report

Development controls				was prepared in accordance with the Crime Prevention and the Assessment of Development Applications guidelines along with an analysis of local crime statistics.
D1 Shared pedestrian entries to buildings shall be lockable.	☒	☐	☐	Complies
D2 Ensure lighting is provided to all pedestrian paths, shared areas, parking areas and building entries.	☒	☐	☐	Applicant has advised lighting details will be submitted with the Construction Certificate. Condition of consent included requiring lighting details to be submitted with Construction Certificate that comply with ADCP 2010 Residential Flat Building.
D3 High walls which obstruct surveillance are not permitted.	☒	☐	☐	Complies
D4 The front door of a residential flat building shall be visible from the street.	☐	☒	☐	The front door to the residential component of the proposed development is located along the southern boundary of the site. An entry statement feature has been integrated in to the design of the proposed building to indicate an entrance to the residential component of the proposal from John Street.
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.	☒	☐	☐	Complies
D6 A council approved street number should be conspicuously displayed at the front of new development or the front fence of such development.	☒	☐	☐	Applicant acknowledges requirement to display street number.
D7 Fences higher than 900mm shall be of an open semitransparent design.	☐	☒	☐	Applicant has advised fencing details will be submitted with the Construction Certificate. Condition of consent included requiring fencing details to be submitted with Construction Certificate that comply with ADCP 2010 Residential Flat Building.
D8 Balconies and windows shall be positioned to allow observation of entrances.	☒	☐	☐	Complies
D9 Proposed planting must not obstruct the building entrance from the street or sightlines between the building and the street frontage.	☐	☐	☒	
D10 Blank walls facing a rear laneway should be avoided to discourage graffiti.	☐	☐	☒	
D11 Pedestrian and vehicular entrances must be designed so as to not be obstructed by existing or proposed plantings.	☒	☐	☐	Complies
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.	☒	☐	☐	Complies
D13 Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	☒	☐	☐	Complies
D14 Ground floor apartments may have individual				

entries from the street. **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.	☐ ☐	☐ ☐	☒ ☒	
5.4 Fences **Performance controls** **P1** Front fences and walls maintain the streetscape character and are consistent with the scale of development.	☐	☐	☐	
P2 Ensure that views from streets are maintained and not obstructed by excessively high fences.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application.
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.	☒	☐	☐	
P4 Ensure that materials used in front fencing are of high quality and are sympathetic to the exiting streetscape character.	☒	☐	☐	
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.	☐	☒	☐	Applicant has advised fencing details will be submitted with the Construction Certificate. Condition of consent included requiring fencing details to be submitted with Construction Certificate that comply with ADCP 2010 Residential Flat Building.
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: • Cement block; • Metal sheeting, profiled, treated or pre-coated. • Fibro, flat or profile; • Brushwood; and • Barbed wire or other dangerous material.	☐	☒	☐	Applicant has advised fencing details will be submitted with the Construction Certificate. Condition of consent included requiring fencing details to be submitted with Construction Certificate that comply with ADCP 2010 Residential Flat Building.
D3 All fences forward of the building alignment shall be treated in a similar way.	☐	☒	☐	Applicant has advised fencing details will be submitted with the Construction Certificate. Condition of consent included requiring fencing details to be submitted with Construction Certificate that comply with ADCP 2010 Residential Flat Building.
D4 Solid pre-coated metal fences shall be discouraged and shall not be located forward of the front building line.	☐	☒	☐	Applicant has advised fencing details will be submitted with the Construction Certificate. Condition of consent included requiring fencing details to be submitted with Construction Certificate that comply with ADCP 2010 Residential Flat Building.
D5 Front fences shall satisfy the acoustic abatement criteria and be provided with a landscaped area	☐	☒	☐	Applicant has advised fencing details will be submitted with the Construction Certificate. Condition of consent included

on the street side of the fence.				requiring fencing details to be submitted with Construction Certificate that comply with ADCP 2010 Residential Flat Building.
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.	☐	☒	☐	Applicant has advised fencing details will be submitted with the Construction Certificate. Condition of consent included requiring fencing details to be submitted with Construction Certificate that comply with ADCP 2010 Residential Flat Building.
D7 Fencing and associated walls must be positioned so as not to interfere with any existing trees.	☐	☒	☐	Applicant has advised fencing details will be submitted with the Construction Certificate. Condition of consent included requiring fencing details to be submitted with Construction Certificate that comply with ADCP 2010 Residential Flat Building.
D8 Gates and doors are to be of a type which does not encroach over the street alignment during operation.	☐	☒	☐	Applicant has advised fencing details will be submitted with the Construction Certificate. Condition of consent included requiring fencing details to be submitted with Construction Certificate that comply with ADCP 2010 Residential Flat Building.
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.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to solar amenity and stormwater use.
b. To create comfortable living environments.	☒	☐	☐	
c. To provide greater protection to the natural environment by reducing the amount of greenhouse gas emissions.	☒	☐	☐	
d. To reduce the consumption of non-renewable energy sources for the purposes heating water, lighting and temperature control.	☒	☐	☐	
e. To encourage installation of energy efficient appliances that minimise greenhouse gas generation.	☒	☐	☐	
6.1 Solar amenity				
Performance criteria				
P1 Buildings are sited and designed to ensure daylight to living rooms in adjacent dwellings and neighbouring open space is not significantly decreased.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to solar amenity.
P2 Buildings and private open space allow for the penetration of winter sun to ensure reasonable access to sunlight or daylight for living spaces within buildings and open space around buildings.	☒	☐	☐	
Development controls				
D1 Solar collectors proposed as part of a new development shall have unimpeded solar access between 9:00am to 3:00pm on June 21.	☐	☐	☒	No solar panels included in proposed development.
Solar collectors existing on the adjoining properties shall not have their solar access	☐	☐	☒	Issue of solar panels on adjacent

impeded between 9:00am to 3:00pm on June 21. Where adjoining properties do not have any solar collectors, a minimum of $3m^2$ of north facing roof space of the adjoining dwelling shall retain unimpeded solar access between 9:00am to 3:00pm on June 21. Note: Where the proposed development is located on an adjacent northern boundary this may not be possible.	☐	☒	☐	buildings not raised in any public submission. Although proposal has been amended to allow solar access to adjacent properties the proposed development does not achieve this development control as the development is located on the adjacent northern property boundary. The DCP acknowledges that buildings built of northern property boundaries that this control may not be achieved.
D2 Buildings shall be designed to ensure sunlight to at least 50% of the principal area of ground level private open space of adjoining properties for at least 3 hours between 9:00am and 3:00pm on June 21.	☐	☒	☐	Although proposal has been amended to allow solar access to adjacent properties the proposed development does not achieve this development control as the development is located on the adjacent northern property boundary. The DCP acknowledges that buildings built of northern property boundaries that this control may not be achieved.
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.	☐	☒	☐	Although proposal has been amended to allow solar access to adjacent properties the proposed development does not achieve this development control as the development is located on the adjacent northern property boundary. The DCP acknowledges that buildings built of northern property boundaries that this control may not be achieved.
D4 New buildings and additions shall be designed to maximise direct sunlight to north-facing living areas and all private opens pace areas.	☒	☐	☐	Complies
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.	☐	☒	☐	Although proposal has been amended to allow solar access to adjacent properties the proposed development does not achieve this development control as the development is located on the adjacent northern property boundary. The DCP acknowledges that buildings built of northern property boundaries that this control may not be achieved.
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.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of this development control.
D7 Internal living areas and external recreation areas shall have a north orientation for the majority of units in the development, where possible.	☒	☐	☐	Complies
D8 The western walls of the residential flat building shall be appropriately shaded.				Complies
6.2 Ventilation **Performance criteria**				
P1 The design of development is to utilise natural breezes for cooling and fresh air during summer and to avoid unfavourable winter winds. **Development controls**	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to ventilation.

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.	☐	☐	☒	Not applicable to the proposed development design.
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.	☒	☐	☐	Complies
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.	☒	☐	☐	Complies, 45% of kitchens are positioned with external window and the remainder are within 8 m of a window.
6.3 Rainwater tanks **Performance criteria** **P1** The development design reduces stormwater runoff. **Development controls** **D1** Developments may have rain water tanks for the collection and reuse of stormwater for car washing and watering of landscaped areas. **D2** Rainwater tanks shall be constructed, treated or finished in a non-reflective material which blends in with the overall tones and colours of the building and the surrounding developments. **D3** The suitability of rainwater tanks erected within the side setback areas of development will be assessed on an individual case by case basis. **D4** Rainwater tanks shall not be located within the front setback. **D5** The overflow from the domestic rain water tank shall discharge to the site stormwater disposal system. For additional details refer to the Stormwater Drainage Part of this DCP. **D6** The rain water tank shall comply with the applicable Australian Standards AS/NZ 2179 and AS 2180 for rainwater goods and installation.	☒ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	☐ ☒ ☒ ☒ ☒ ☒	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to rainwater tanks.
6.4 Stormwater drainage Applicants shall refer to the stormwater drainage requirements in the Stormwater Drainage Part of this DCP.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to stormwater drainage.
7.0 Ancillary site facilities				
Objectives a. To ensure that site facilities are effectively integrated into the development and are unobtrusive. b. To maintain and enhance the character of streetscapes.	☒ ☒	☐ ☐	☐ ☐	Documentation submitted with the

c. To ensure site facilities are adequate, accessible to all residents and easy to maintain. 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.	☒ ☒	☐ ☐	☐ ☐	application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to ancillary site facilities.
7.1 Clothes washing and drying **Performance criteria** **P1** Adequate open-air clothes drying facilities which are easily accessible to all residents and screened, are provided. **Development controls** **D1** Each dwelling shall be provided with individual laundry facilities located within the dwelling unit. **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.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to cloths washing and drying. Complies Complies
7.2 Storage **Performance criteria** **P1** Dwellings are provided with adequate storage areas. **Development controls** **D1** Storage space of $8m^3$ per dwelling shall be provided. This space may form part of a garage or be a lockable unit at the side of the garage. **D2** Storage space shall not impinge on the minimum area to be provided for parking spaces.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to storage. Complies Complies
7.3 Utility services **Performance criteria** **P1** All proposed allotments are connected to appropriate public utility services including water, sewerage, power and telecommunications, in an orderly, efficient and economic manner. **Development controls** **D1** Where possible, services shall be underground.	☒ ☒	☐ ☐	☐ ☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to utility services. Complies
7.4 Other site facilities **Performance criteria** **P1** Dwellings are supported by necessary utilities and services. **Development controls** **D1** A single TV/antenna shall be provided for each building.	☒ ☒	☐ ☐	☐ ☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to storage. Complies

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.	☒	☐	☐	Complies
D3 Individual letterboxes can be provided where ground floor residential flat building units have direct access to the street.	☐	☐	☒	
7.5 Waste disposal Applicants shall refer to the requirements held in the Waste Part of this DCP.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to waste disposal.
8.0 Subdivision				
Objectives a. To ensure that subdivision and new development is sympathetic to the landscape setting and established character of the locality.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to subdivision.
b. To provide allotments of sufficient size to satisfy user requirements and to facilitate development of the land at a density permissible within the zoning of the land having regard to site opportunities and constraints.	☒	☐	☐	
8.1 Lot amalgamation **Performance criteria** **P1** Lot amalgamations within development sites are undertaken to ensure better forms of housing development and design.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to lot amalgamation.
Development controls **D1** Development sites involving more than one lot shall be consolidated.	☒	☐	☐	Complies
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.	☒	☐	☐	Development control of consolidation included as a condition of consent.
D3 Adjoining parcels of land not included in the development site shall be capable of being economically developed.	☒	☐	☐	Complies
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.	☐	☐	☒	Community title or strata title subdivision not part of this application
D2 Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part.	☐	☐	☒	All existing buildings are to be removed.
8.3 Creation of new streets **Performance criteria**				

P1 On some sites, where appropriate, new streets are introduced.	☐	☐	☒	
P2 New proposed roads are designed to convey the primary residential functions of the street including:	☐	☐	☒	
▪ safe and efficient movement of vehicles and pedestrians;	☐	☐	☒	
▪ provision for parked vehicles;	☐	☐	☒	
▪ provision of landscaping;	☐	☐	☒	
▪ location, construction and maintenance of public utilities; and	☐	☐	☒	
▪ movement of service and delivery vehicles.	☐	☐	☒	
Development controls				
D1 Where a new street is to be created, the street shall be built to Council's standards and quality assurance requirements having regard to the circumstances of each proposal. Consideration shall be given to maintaining consistency and compatibility with the design of existing roads in the locality.	☐	☐	☒	
D2 A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side. For specific information detailing Council's road design specifications, refer to Table 1 – Development Standards for Road Widths in section 10.2.	☐	☐	☒	
D3 For larger self-contained new residential areas, specific road design requirements shall be considered for site specific development controls.	☐	☐	☒	
9.0 Adaptable housing				
Objectives				
a. To ensure a sufficient proportion of dwellings include accessible layouts and features to accommodate changing requirements of residents.	☒	☐	☐	Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to adaptable housing.
b. To encourage flexibility in design to allow people to adapt their home as their needs change due to age or disability.	☒	☐	☐	
9.1 Development application requirements				
Note: Evidence of compliance with the Adaptable Housing Class C requirements of Australian Standard (AS) 4299 shall be submitted when lodging a development application to Council and certified by an experienced and qualified building professional.	☒	☐	☐	Arcitectural drawings have been submitted to comply with Adaptable Housing Class C requirements of Australian Standard (AS) 4299.
9.2 Design guidelines				
Performance criteria				Documentation submitted with the application demonstrates the applicant has taken into consideration the provisions of ADCP 2010 RFB when preparing the development application in respect to adaptable housing.
P1 Residential flat building developments allow for dwelling adaptation that meets the changing needs of people.	☒	☐	☐	
Development controls				Complies
D1 The required standard for Adaptable Housing is	☒	☐	☐	

AS 4299. Wherever the site permits, developments shall include adaptive housing features into the design. External and internal considerations shall include: ■ access from an adjoining road and footpath for people who use a wheel chair; ■ doorways wide enough to provide unhindered access to a wheelchair; ■ adequate circulation space in corridors and approaches to internal doorways; ■ wheelchair access to bathroom and toilet; ■ electrical circuits and lighting systems capable of producing adequate lighting for people with poor vision; ■ avoiding physical barriers and obstacles; ■ avoiding steps and steep end gradients; ■ visual and tactile warning techniques; ■ level or ramped well lit uncluttered approaches from pavement and parking areas; ■ providing scope for ramp to AS 1428.1 at later stage, if necessary; ■ providing easy to reach controls, taps, basins, sinks, cupboards, shelves, windows, fixtures and doors; ■ internal staircase designs for adaptable housing units that ensure a staircase inclinator can be installed at any time in the future; and ■ providing a disabled car space for each dwelling designated as adaptable. **Note:** In the design of residential flat buildings, applicants shall consider the Access and Mobility Part of this DCP.	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	Complies Complies Complies Complies Complies Complies Complies Complies Complies Complies Complies Complies Complies
D2 All development proposals with five or more housing units shall be capable of being adapted (Class C) under AS 4299. The minimum number of adaptable housing units is set out below. **Number of dwellings Number of adaptable units** (Plus 10% of additional dwellings beyond 60, rounded up to the nearest whole number) **Note:** Adaptable Housing Class C incorporates all essential features listed in Appendix A – Schedule of Features for Adaptable Housing in AS 4299.	☒ ☒	☐ ☐	☐ ☐	Arcitectural drawings have been submitted to comply with Adaptable Housing Class C requirements of Australian Standard (AS) 4299. For 103 units, 11 adaptable units required. Proposal complies as twelve (12) adaptable units have been provided as part of the proposed development.

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

9.3 Lifts **Development controls** **D1** Lifts are encouraged to be installed in four (4) storey residential flat buildings where adaptable housing units shall be required. **D2** Where the development does not provide any lifts and includes adaptable housing units, the adaptable housing units shall be located within the ground floor of the development.	☒ ☐	☐ ☐	☐ ☒	Complies lifts provided
9.4 Physical barriers **Development controls** **D1** Physical barriers, obstacles, steps and steep gradients within the development site shall be avoided.	☒	☐	☐	Complies

Parking and Loading

The relevant requirements and objectives of Auburn DCP 2010 - Parking and Loading have been considered in the assessment of the development application. In term of car parking provision, the following is required: -

Use	GFA / No. of apartments	Car parking / Loading rate	Required no. of spaces (NB: part spaces to be rounded up)	Proposed no. of spaces
Retail/business tenancies	2,622 m^2	1 space/60sqm GFA	44	**51**
Residential	9	1 space/1 bedroom apartment	9	**127**
	81	1.2 space/2-bedroom apartment (Minimum) 3 spaces/2 bedroom apartment (Maximum)	98	
	13	1.5 space/3-bedroom apartment (Minimum) 4 spaces/3 bedroom apartment (Maximum)	20	
Visitor	103	101 to 250 apartments 12 spaces. (Minimum) and 55 spaces maximum.	12	**12**
Replacement Public Car Park			50	**50**
TOTAL			233	**240**

The proposed development provides 7 additional car parking spaces above the requirements of Auburn DCP 2010 – Parking and Loading.

Auburn DCP 2010 - Stormwater

The relevant requirements and objectives of Auburn DCP 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

Section 94 Contributions Plan

The development would require the payment of contributions in accordance with Council Section 94 Contributions Plans. It is recommended that conditions be imposed on any consent requiring the payment of these contributions prior to the issue of any construction certificate for the development. The relevant Sections of the Auburn Development Contributions Plan 2007 are Parts B, E.1 and F.

The calculation is based on

- Stormwater Drainage works in accordance with Part E.1
- Residential Development in accordance with Part B
  - 1 Bedroom units x 9
  - 2 Bedroom units x 81
  - 3 Bedroom units x 13
- Employment Generating Development in accordance with Part F requiring a levy of 1% of employment generating development $815,765.

Note: The development site is not located within one of the Lidcombe Town Centre flood affected properties as identified in Table 20-1 (Incorrectly identified as Table 21-1 within the document). In this regard Part E.2 of the Contributions Plan does not aply in this instance.

As at 9/06/2016, the fee payable is 621,848.89. This figure is subject to indexation as per the relevant plan.

Commented [GC1]:
Tony

The attached s94 Contributions rates have to be adjusted to CPI increases

Disclosure of Political Donations and Gifts

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

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

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

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

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

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

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

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

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

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

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

Commented [GC2]: Tony

Need to insert when the application was advertised.

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited for a period of 14 days between 11 February 2014 and 25 February 2014. The notification generated nine (9) submissions in respect of the proposal.

The issues nominated in the initial submissions related to overshadowing, bulk and scale of the development, southern setback concerns and impacts upon the heritage item (former Lidcombe Police Station).

Subject to a redesign of the proposal, where a tower format was introduced to alleviate some of the concerns raised within the initial proposal, the proposal was re-notified for an additional period of 14 days between 27 January 2016 and 10 February 2016. The re-notification generated eight (8) submissions in respect of the proposal with nil submissions disclosing a political donation or gift. A public meeting was held on 2 February 2016, which was attended by 4 community members The issues raised in the public submissions and public meeting are summarised and commented on as follows:

- *Overshadowing of the adjacent property at 11 John Street of the new units under construction facing north other than the two or three top levels and the existing single storey heritage building.*

Comment:

The proposed development complies with the Auburn LEP 2010, (except for a minor height variation associated with the lift overrun on Building A and Building B) which allows for full site development on B4 Mixed Use development of retail and residential in Lidcombe Town Centre up to the property boundaries.

The building has been redesigned into two towers to allow solar access between the two towers to the adjoining property to the south. Given the zoning of the land, the permitted height (acknowledging the minor variations of the lift overruns on Building A and Building B) the impact on the adjacent property is acceptable.

- *Privacy from the podium overlooking the lower units at 11 John Street*

Comment:

The active area of the podium is located on the northern side of the podium away from 11 John Street. Along the southern boundary of the podium a 1.300 m wide planter box is proposed to run along the full length of the southern podium. This planter box with vegetation will provide a visual screen and prohibit anyone standing on the southern edge of the podium overlooking into the lower apartments on the adjoining property at 11 John Street.

- *Driveway length to loading dock not having a passing pay and entry to basement car park levels off John Street.*

Comment:

The width of the driveway entry to the loading dock is 30 m along a laneway that is 5 m wide. The provision of a passing pay is not required for the developer to provide. To assist entry and exit of vehiles into the loading dock a site mirror can be installed within the loading dock to alert vehicles within the loading dock that a vehicle is entering.

The entry of the basement car parking off John Street allows for the public, commercial and residential car parking to be separated to loading dock area of the retail component of the development. The separation of private and commercial vehicle entry provides a preferred outcome for vehicle movement.

- *Rear setback of 8.5 m rather than 10 m in accordance with Auburn DCP 2010*

Comment:

As the subject site is located in the Lidcombe Town Centre under the provisions of Auburn LEP 2010 development is permitted to the property boundary. Although the residential component does not have the required setback given the location within the Licdombe Town Centre it is regarded the minor non-compliance of the rear setback will not result in any unreasonable impacts on surrounding developments in terms of amenity.

- *Loss of public car park*

Comment:

Lot 1 DP 233926 is owned by Auburn City Council. An agreement has been entered with the applicant to sell this parcel of land subject to the provision of a minimum 2,500 m^2 retail floor space to be used for a full line supermarket and the replacement of 50 public car parking spaces. There is a condition of consent requiring the provision of a minimum of 50 public car parking spaces made available for the use of the general public 24 hours per day 7 days per week with any future development undertaken upon the land.

- *Proposed building site coverage does not comply with clause 2.2 D1 of ADCP 2010 – Residential Flat Buildings which requires that the built upon area shall not exceed 50% of the total site area.*

Comment:

The performance objective of this development control is to ensure the site area of a proposed development is of sufficient size to accommodate residential flat buildings and provide adequate open space and car parking consistent with the relevant requirements of this DCP. As the site is located in the Lidcombe Town Centre the total area of communal open space 2,328 m^2 is located at the first floor podium and roof top terraces. This represents 70% of the site. Furthermore, car parking in accordance with the DCP requirments is to be provided at 4 basement levels. The proposal adequately address the objective requirements of clause 2.2 D1 of ADCP 2010 RFB.

- *Proposed building envelope does not comply with clause 2.3 D2 & D3 of ADCP 2010 - RFB which requires that the maximum building footprint dimensions, inclusive of balconies and building articulation but excluding architectural features, is 24m x 45m for sites up to 3,000 m^2; and the tower component of any building above the podium or street wall height is to have a maximum floor plate of 850m^2.*

Comment:

The performance criteria of the development controls of D2 and D3 is to ensure the height, bulk and scale of a residential flat building development is compatible with neighbouring development and the locality. The proposed development generally complies with the height requirement of Auburn LEP 2010 (except for lift overruns) and fully complies with the FSR of Auburn LEP 2010. This allows for a different building height and floor space ratio than ADCP

2010 RFB. Therefore, in respect to the building envelope, the proposed development complies with the surrounding development as the Lidcombe Town Centre undergoes urban renewal.

- *The height of the building does not comply with the LEP.*

Comment:

Under the provisions of Auburn LEP 2010, a height limit of 36 m applies to Lots 1, 2 and 3 DP 608751 and a height limit of 32 m applies to lot 1 DP 233926. The proposed height for Building A located on Lots 1, 2 and 3 DP 608751, is 37.30 m which represents a 4% variation. The proposed height for Building B on lot 1 DP 233926 is 34.30 m which represents a 7% variation.

Both Building A and B exceed the prescribed height control of 36 m and 32 m to accommodate lift overruns on each building. The roof terrace and all apartments are below the designated height limit. The applicant has provided a submission in accordance with clause 4.6 of Auburn LEP 2010 to request a height variation. The submission demonstrates the proposed development is in the public interest as it is consistent with objectives of the development height standard.

- *Concern raised as to the safety of the roof top terraces.*

Comment:

The building will be required to be constructed in accordance with the Building Code of Australia (BCA). Barriers and control of access to the roof top terraces will have to comply with all BCA requirements.

- *What amenities are to be provided within the rooftop for use by potential residents..*

Comment:

The applicant proposes an outside gym, seating, shaded an BBQ areas on the roof top with children's play area on the podium.

- *What separation/setback is proviced between the adjoining Heritage item next door and the proposed building.*

Comment:

The southern boundary the first tower (Building A) adjoins the heritage building with a setback of 3 m. This setback increases to 6 m to the residential development on 11 John Street. Building B has a set back of 6 m to the southern boundary.

A Heritage Impact Statement has concluded that the proposed development will not physically impact on the heritage fabric of the former Lidcombe Police Station and it will maintain its visually prominent street-corner orientation and visual position within the streetscape.

- *How is the proposed publc car park to be managed given that it is located with the basement of the subject site.*

Comment:

A condition of consent which will require the the applicant to register with the office of the NSW Land and Property Management Authority a public positive covenant under sections 88B & 88E of the *Conveyancing Act 1919.* The public positive covenant will require that in any development undertaken upon the land that there is to be the provision of a minimum of

50 public car parking spaces made available for the use of the general public 24 hours per day 7 days per week. That Auburn City Council is authorised to install and erect directional signs to the area of public car parking and erect any signs adjacent to the designated car parking spaces to identify hours of usage.

- *Whether the proposal complies with cross ventilation requirements.*

Comment:

In accordance with clause 4B-2 of SEPP 65 - Design Quality of Residential Apartment Development, at least 60% of apartments should have natural cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.

The applicant has designed the residential units to have 71% of the units having cross ventilation which complies and exceeds the requirements of clause 4B-2 SEPP 65 - Design Quality of Residential Apartment Development.

- *How ownership issue is to be resolved given that Council has withdrawn its consent as owners of part of the land. That the proposal is not valid as owners consent has been withdrawn.*

Comment:

Whether or not the owners consent has been withdrawn or can be withdrawn is subject to the provisions of the contract of sale of the land. This is a legal question to be resolved between Cumberland Council and the applicant.

The assessment has been undertaken on the basis that the owners consent has not been withdrawn for the purpose of evaluating the development application in accordance with the heads of consideration under the *Environmental Planning and Assessment Act 1979*.

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

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

Operational Plan / Delivery Program

This assessment and report relates to the Auburn City Council Operational Plan and Delivery Program, Our Places – Attractive and Liveable theme, action “2a.1.1.3 Assess development applications, complying development and construction certificates”.

Conclusion

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

The proposed development is appropriately located within a B4 zone under the provisions of the Auburn Local Environmental Plan 2010, however variations in relation to clause 4.3

height limit of 36 m for Lots 1, 2 and 3 DP 608751 and 32 m for Lot 1 DP 233926. The proposed height for Building A is 37.30 m which represents a 4% variation and for Building B is 34.30 m which represents a 7% variation.

Both Building A and B exceed the prescribed height control of 36 m and 32 m to accommodate lift overruns on each building. The roof terrace and all apartments are below the designated height limit. The applicants submission in accordance with clause 4.6 of Auburn LEP 2010, adequately demonstrates the proposed development is in the public interest as it is consistent with objectives of the standard.

Under the provisions of Auburn Development Control Plan 2010 – RFB a variation is sought under clause 2.4.3 D1 rear setback. This clause specifies the rear setback to be 10 m for residential flat buildings. The residential component of the proposed development has a rear setback of 8.5 m. As the subject site is located in the Lidcombe Town Centre under the provisions of Auburn LEP 2010 development is permitted to the property boundary. Although the residential component does not have the required setback given the location within the Licdombe Town Centre it is regarded the minor non-compliance of the rear setback will not result in any unreasonable impacts on surrounding developments in terms of amenity.

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

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