AUBURN COUNCIL

To the Joint Regional Planning Panel

Director's Report
Planning and Environment
Department

1 3-7 Taylor Street. LIDCOMBE

DA-299/2014 GF:HP

SUMMARY

Applicant	Urban Link Pty Limited.
Owner	Taylorland Pty Ltd.
Application No.	DA-299/2014.
Description of Land	Lot 9 in DP 73359, Lot A in DP 33452 and Lot B in DP 33452 being 3-7 Taylor Street Lidcombe.
Proposed Development	Demolition of existing structures and construction of a 10 storey residential flat building comprising of 90 apartments with three levels of basement car parking, associated stormwater works, landscaping and strata subdivision.
Site Area	1,433.5 Square metres.
Zoning	Zone B4 - Mixed Use.
Disclosure of political donations and gifts	Nil disclosure.
Issues	• Building separation and setbacks. • Shadowing and internal amenity. • Public submissions.

Recommendation

1. That Development Application No. DA-299/2014 for Demolition of existing structures and construction of a 10 storey residential flat building comprising of 90 units with 3 levels of basement parking, associated stormwater works, landscaping and strata subdivision on land at 3-7 Taylor Street Lidcombe be approved subject to standard conditions of consent as described in the schedule.

History

12 November 2013

A pre lodgement meeting is held with the applicant where a number of planning, siting and engineering issues are discussed. The pre lodgement notes are issued on the 26 November 2013.

5 September 2014

Development application Number 299/2014 is lodged with the Council for determination.

5 November 2014

The development application is notified for two weeks between 5 and 19 November. The submission period generates three submissions one of which is in favour of the development.

11 November 2014

A public meeting is held at the Council building to facilitate public comment on the development prior to the application being determined by the Joint Regional Planning Panel.

23 February 2015

Correspondence is issued to the applicant and a number of issues are raised including:-

- Excessive height especially for the parapets and lift over runs.
- The building is required to be clear of the splay area within the laneway.
- The use of the central floor space on the ground floor.
- Presentation of the ground floor podium wall and facades.
- Building separation.
- Size of apartments.
- Landscaping.
- Parking and loading.
- Stormwater drainage.

18 March 2015

Modified plans are presented to the Council for assessment.

28 April 2015

Further correspondence is issued to the applicant to address matters of height and floor space ratio as well as some design and amenity issues.

8 May 2015

The applicant arranges a meeting with Council officers to address the issues raised.

11 May 2015

Amended plans are lodged with the Council being the final submission for presentation to the Joint Regional Planning Panel.

Site and Locality Description

The site is known as Lot 9 in DP 73359, Lot A in DP 33452 and Lot B in DP 33452 being 3-7 Taylor Street Lidcombe. The site is located on the northern side of Taylor Street with a laneway forming its northern and western curtilage.

The site is situated within the Lidcombe Town Centre within the B4 Mixed Use zone. The site is generally rectangular in shape with some minor variation to boundary lengths as follows:-

- Taylor Street frontage 36.285 metres.
- Rear boundary 37.125 metres.
- Eastern boundary 39.015 metres.
- Western boundary 39.015 metres.

This provides a site area of approximately 1,433.5 Square metres comprising of three allotments. Number 3 Taylor Street comprises a dwelling house while number 5 and 7 comprises vacant allotments. There are no trees situated on any of the allotments.

The levels of the land are:-

- North - West corner - RL 17.34 metres AHD.
- North east corner - RL 18.94 metres AHD.
- South east corner - RL 17.71 metres AHD.
- South west corner - RL 16.38 metres AHD.

This provides a fall of between 960 mm and 1.23 metres towards Taylor Street and a fall of between 1.33 metres and 1.6 metres towards the west. The lowest point is situated at the south west corner.

The site is not affected by flooding or overland flow during a 1 in 100 year flood event however based on levels, the site is potentially affected by a rare PMF flood event.

The site is shown below edged in red on the aerial photograph.

There is a multiple of land uses within the immediate locality as follows:-

- 1 Taylor Street - Telstra operations building (Telstra Lidcombe Exchange).
- 1A Taylor Street - Lidcombe Post Office.
- 31 and 33 Joseph Street - Commercial premises.
- 6 Taylor Street - Community centre and car park.
- Taylor Street - Place of public worship known as St Stephens Anglican Church.
- 13 Taylor Street - Residential flat building.
- 15 to 17 Taylor Street - Hotel / Motel known as Lidcombe Motor Inn.
- 42 to 60 Railway Street - Commercial premises including a hotel and licensed premises at 46 to 50 Railway Street.

The hotel and the Lidcombe Post Office are listed as local heritage items within the Auburn Local Environmental Plan 2010.

Description of Proposed Development

Development application DA-299/2014 proposes the demolition of the existing dwelling and outbuildings and construction of a ten (10) storey residential flat building comprising of ninety (90) apartments with a three (3) storey basement car park and Strata Subdivision of the completed development.

The development application has the following components:

Basement

Basement Level 3 having room for 39 vehicles, Basement Level 2 having room for 41 vehicles and Basement Level 1 having room for 41 vehicles for a total of 121 vehicles.

The plans indicate the basement having:-

- 103 residential spaces and 18 visitor spaces.
- 10 spaces for people with disabilities.
- Vehicular access from the laneway.
- Two lifts connecting the basement with the rest of the development.
- Two fire isolated stairwells.
- 18 Bicycle parking bays.
- 94 Storage rooms.

Residential flat building:

The roof of the car park will form a podium supporting a single residential flat building complex rising ten (10) storeys in height.

The building will have a height of 32 metres from the natural ground level to the topmost part of the building being the parapet walls facing the south west portion of the building.

The building complex will contain 90 residential apartments encompassing the following:-

- Four (4) apartments at ground level.
- Ten (10) apartments on Level one to Level Seven.
- Nine (9) apartments on Level Eight.
- Seven (7) apartments on Level Nine.

The ground level includes a driveway ramp along the eastern side of the site, services, loading facility, garbage bin store room and a common open space occupying an area of 168 square metres.

On the ground level, the building is setback 3.2 metes from Taylor Street but observes a nil setback to the laneway and the eastern side boundary. On the first level, the building observes a nil setback to all the property boundaries.

The Level 1 to Level 9 built form is shaped as a “U Shape” with a void space created across part of Level 1 which offers light to a common space below.

The apartments across Level One to Nine wrap around the road network creating a hard edged urban form for the site. All apartments are provided with balconies that face internal and external to the site.

The roof features a second common space occupying an area of some 220.6 square metres and partial shade created by a pergola.

Other important features of the building includes:-

- Lift access for all levels.
- Nine apartments that are adaptable.
- Seating for both common areas.
- Courtyards for the ground floor apartments that are facing south.
- An electricity substation situated at the ground floor north - west portion of the development.

Strata Title Subdivision:

The development application includes the Strata Title subdivision of the residential flat building into 90 strata title allotments. Strata concept plans have not been submitted to support the development application. There are conditions addressing Strata Subdivision of the development should the development proposal be supported by the Joint Regional Planning Panel.

Referrals

Internal Referrals

Development Engineer

The development application was referred to Council’s Development Engineer for comment who has advised that the proposed development is satisfactory due to the provision of adequate car parking and vehicle access to the site. Stormwater drainage is satisfactory or capable of being satisfactory. Appropriate conditions of consent have been included into the consent where appropriate.

Environment and Health

The development application was referred to Council’s Environment and Health officer who has raised no objection in relation to:-

- Land contamination.
- Noise and acoustics.

In this regard:-

- The preliminary site investigation report has determined that the site is suitable for the proposed development.

- The acoustic report provides site specific noise criteria to be achieved and a number of recommendations are made.

Appropriate conditions of consent have been included into the consent where appropriate.

External Referrals

State Environmental Planning Policy "Infrastructure" 2007 has been reviewed. It is determined that the development is not large enough to warrant any external referral to the Roads and Maritime Services for review and the development does not fall under Schedule 3 of the Policy.

Flemington Police Command

The development application was referred to the Flemington Police Command (Crime Prevention Officer) for advice on the design of the complex. The Flemington Police Command responded on the 25 March 2015 and indicated no objections subject to conditions related to the provisions of suitable signage, lighting, CCTV, landscape design preventing concealment and the like. It is intended that the matters be addressed by the inclusion of appropriate conditions on any development consent that may be issued.

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

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
Is 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: **Preliminary Site Investigation** A Preliminary Site Investigation prepared by S&N Environmental Engineers & Contractors dated 8 September 2014 conclude as follows:	

Matter for Consideration	Yes/No
Based on the findings of the report, the following is concluded: • The site was developed and used for residential land use since at least 1930; • Historic and current residential land use of the site is not considered to have resulted in potential sub-surface contamination at the site; • The site is located in a moderately sensitive environmental setting based on nearby residential properties; and • The site is not located on an area known acid sulphate soils. "*Based on the results of the report, it is considered that the risk of contamination is low. The site is considered suitable for the proposed residential development. In view of this, a Detailed Site Investigation is not considered necessary prior to the proposed residential redevelopment of the site*. *It is recommended that the small piles of domestic waste be properly inspected and removed from the site. If soil is excavated and requires off-site disposal during redevelopment, the soil should be tested and classified in accordance with the NSW EPA guidelines*". The matter has been reviewed by the Environmental Officers who have raised no objections to the report. As such it is determined that the development is compliant with the planning instrument.	
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	☒ Yes ☐ No

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

As the development relates to a residential flat building development, a BASIX certificate has 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.

There is one anomaly identified with the certificate being:-

- A swimming pool is suggested on Page 18 of 19 of the certificate. A swimming pool is not proposed or shown within the 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. An additional condition which is numbered as Condition 19(h) will address the anomaly identified with the certificate. Subject to conditions, the proposed development is considered acceptable in respect of the relevant requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

State Environmental Planning Policy "Infrastructure" 2007.

The site is situated approximately 75 metres from the Western Railway line.

The following provisions of State Environmental Planning Policy Infrastructure 2007 are applicable to the development application.

85 - Development immediately adjacent to rail corridors

(1) This clause applies to development on land that is in or immediately adjacent to a rail corridor, if the development:

(a) is likely to have an adverse effect on rail safety, or

(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
(c) involves the use of a crane in air space above any rail corridor.

(2) Before determining a development application for development to which this clause applies, the consent authority must:

(a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and
(b) take into consideration:
(i) any response to the notice that is received within 21 days after the notice is given, and
(ii) any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

Comment:

The building does not adjoin a railway line. The commercial premises facing Railway Street are situated closer to the railway line. It is determined that the clause will not apply to the development application.

86 - Excavation in, above or adjacent to rail corridors

(1) This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:

(a) within or above a rail corridor, or
(b) within 25m (measured horizontally) of a rail corridor. or
(c) within 25m (measured horizontally) of the ground directly above an underground rail corridor.

(2) Before determining a development application for development to which this clause applies, the consent authority must:
(a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and
(b) take into consideration:

(i) any response to the notice that is received within 21 days after the notice is given, and
(ii) any guidelines issued by the Director-General for the purposes of this clause and published in the Gazette.

(3) Subject to subclause (4), the consent authority must not grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor to which the development application relates, unless that rail authority is ARTC.
(4) In deciding whether to provide concurrence, the chief executive officer must take into account:
(a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
(i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
(ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and

(b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

(5) The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor if:
(a) the consent authority has given the chief executive officer notice of the development application, and
(b) 21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant concurrence.

Comment:

The building is not situated within 25 metres to the railway line and no excavation work is proposed close to or adjacent to the railway line. It is determined that the clause will not apply to the development application.

87 - Impact of rail noise or vibration on non-rail development

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:
(a) a building for residential use,
(b) a place of public worship,
(c) a hospital,
(d) an educational establishment or child care centre.

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.
(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

(a) in any bedroom in the building-35 dB(A) at any time between 10.00 pm and 7.00 am,
(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)-40 dB(A) at any time.

Comment:

The site is situated some 75 metres from the fence of the railway line. There is a row of single storey and two storey commercial premises facing Railway Street to the north including a hotel at 46 to 50 Railway Street. The lower floors would receive some protection from passing trains due to the arrangement of the buildings facing Railway Street however the residents across the upper floors would hear passing trains.

The interim guidelines for 'Development near Rail Corridors and Busy Roads" Page 15 provides a guide to the level of assessment required when noise sensitive developments are located in the vicinity of rail lines. Zone A and B are indicative acoustic assessment zones where sensitive land uses are likely to be affected.

The railway line is used for transporting freight and passengers. In this regard:-

- Zone A is 40 metres.
- Zone B is 80 metres.

Developments within Zone A would require a full noise assessment.

The site is situated within Zone B but within the outer reaches of the zone.

Generally:-

In locations where trains are obscured from view by impervious objects such as the ground, noise barriers or other buildings, acoustic treatment may not be required. Trees or non lapped paling fences are not good noise barriers and noise mitigation is still advisable in these circumstances.

In regard to the site, the matter of railway noise has been considered and an acoustic report has been prepared by Acoustic Logic and dated 24 July 2014

The following conclusions and recommendations are made by the report:-

- The use of 6 mm float glazing for all glazed elements facing a noise source.
- The use of 6.3 mm laminated glass for certain windows facing a noise source.
- Window mullions, perimeter seals and the installation of the windows / doors in the building openings shall not reduce the STC rating of the glazing assembly below the values nominated in Table 4 (Page 11) of the report.
- The glazing installer should certify that the windows / doors have been constructed and installed in a manner equivalent to the tested samples.

It is identified that apartments along the northern side of the building will require mechanical ventilation in accordance with AS1668. Any ventilation system should be acoustically designed to ensure that the acoustic performance of the treatment outlined is not reduced and does not exceed Council criteria for noise emission to nearby properties.

The report addresses noise and vibration from passing trains and it is determined that vibration is not a significant issue for the site.

It is considered appropriate to include the acoustic report into any consent that may be issued.

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

A review of the Department of Planning Website in relation to proposed changes to State Environmental Planning Policy 65 identifies that a Public Consultation Draft has been prepared and exhibited. The draft document identifies changes including the rewording of the design principles governing residential flat development.

The submissions received still require review and changes to the State Policy still requires approval from the Minister. As at 21/5/2015, the public consultation Draft has not been finalised or approved by the Minister.

It is considered appropriate to assess the residential flat building using the current version.

The State Environmental Planning Policy requires a design verification statement to be provided from a qualified designer verifying that he / she has undertaken the design of the residential flat development and that the design principles are achieved.

A design verification statement from Urban Link and signed by Zaid Boumelhem and dated 19 August 2014 has been prepared and submitted with the development application.

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

Requirement	Yes	No	N/A	Comment
2 Aims, objectives etc (1) This Policy aims to improve the design quality of residential flat development in New South Wales. (2) This Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. (3) Improving the design quality of residential flat development aims: (a) to ensure that it contributes to the sustainable development of NSW: (i) by providing sustainable housing in social and environmental terms (ii) by being 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 benefit of its occupants and wider community (e) to minimise consumption of energy from non-renewable resources to conserve environment and reduce greenhouse gas emissions	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	The development proposal would contribute to the availability of housing stock within an area of the Lidcombe Town Centre. The contemporary design would make a positive contribution to the locality and proposes apartments with suitable levels of amenity. If constructed, the building would be of a larger scale compared with other development existing within the immediate vicinity of the site, however, the locality is considered to be in transition and the building is generally consistent with the broader intentions for this zone as expressed in the Auburn LEP 2010.

Requirement	Yes	No	N/A	Comment
30 Determination of development applications				
(1) After receipt of a development application for consent to carry out residential flat development (other than State significant development) and before it determines the application, the consent authority is to obtain the advice of the relevant design review panel (if any) concerning the design quality of the residential flat development.	☐	☐	☒	No formalised Design Review Panel exists in respect of the Auburn LGA.
(2) In determining a development application for consent to carry out residential flat development, 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 in accordance with subclause (1), and (b) the design quality of the residential flat development when evaluated in accordance with the design quality principles, and	☒	☐	☐	Refer to discussion of design quality principles below.
(c) the publication Residential Flat Design Code (a publication of the Department of Planning, September 2002).	☒	☐	☐	Refer to the discussion under the Residential Flat Design Code below.
(3) However, if the relevant design review panel fails to inform the consent authority of its advice concerning the design quality of the residential flat development within 31 days after the request for its advice is made by the consent authority, the consent authority may determine the development application without considering any such advice and a development consent so granted is not voidable on that ground.	☐	☐	☒	
(4) The 31-day period referred to in subclause (3) does not increase or otherwise affect the period within which a development application is required to be determined by a consent authority.	☐	☐	☒	
Part 2 Design quality principles				

Requirement	Yes	No	N/A	Comment
Principle 1: Context Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.	☒	☐	☐	The site is bound by Taylor Street to the south and a laneway to the north and west. The area is in transition in which the current urban form is being replaced with high density living which is likely to continue for the foreseeable future. There is a residential flat building situated on land to the immediate east which is three storeys high. There are a number of developments occurring within the town centre of Lidcombe which is changing the dynamics of the town centre. This is an ongoing process that will continue for some time. This development continues the changes that are occurring within or close to the Lidcombe Town Centre.
Principle 2: Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.	☒	☐	☐	The development application is seeking consent for a ten storey residential flat building. The building will present a strong façade to Taylor Street and the laneway. Similar floor plates are used for each residential floor above the ground level / Level 1 although the Level 9 floor plate is smaller in area. The apartments on the ground floor facing south are provided with courtyards which allows for the introduction of planter boxes for landscaping elements. The level one floor area incorporates a void space which allows light to penetrate into a common area situated on the ground floor. The ground floor common area features planter boxes and seating.

Requirement	Yes	No	N/A	Comment
Principle 3: Built form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	☒	☐	☐	The building has a strong built form to Taylor Street and the laneway. The building observes a setback of 3.2 metres from Taylor Street at ground level which decreases to nil for the upper levels (The setback is taken to the edge of the balcony). The upper levels include balconies facing the street which have no setback. The building observes a nil setback from the laneway although there are some minor variations to the setback for the upper levels. The variations provide some relief to the built form. The variations vary from 200 mm to 400 mm. The street elevation of the building features balconies, blade walls and louvre screens. There are other balconies facing internal of the site and towards the void space central to the building. The ground level common space is situated below the void space. The area is accessible via an internal common walkway / access way. It is considered that the treatment of the building, the building materials and colours is satisfactory.

Requirement	Yes	No	N/A	Comment
Principle 4: Density Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area, or in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.	☒	☐	☐	The floor space ratio for the whole development is calculated at 4.95:1 which is compliant with the Auburn Local Environmental Plan 2010. The specifics of the development are:- • 12 x 1 bedroom apartments. • 76 x 2 bedroom apartments. • 2 x 3 bedroom apartments. Of those there are 9 adaptable apartments out of a total of 90 apartments although all the adaptable apartments have one bedroom. There are no isolated allotments within the immediate locality. The adjoining site to the east has been redeveloped with a three storey residential flat building dominating the site. There are 21 south facing apartments within the development. This represents some 23.3% of the total number of apartments that face the south. The apartments range in size from 55 square metres to 58 square metres for the one bedroom apartment, 75 to 84 square metres for the 2 bedroom apartments and 99.7 square metres for the three bedroom apartments.

Requirement	Yes	No	N/A	Comment
Principle 5: Resource, energy and water efficiency Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.	☒	☐	☐	The development meets the targets established by the BASIX Certificate. There are 21 south facing apartments within the development representing 23.3% of the total number. There are two apartments situated on the top floor that have skylights to allow sunlight penetration. This reduces the number of south facing apartments that receive no direct sunlight from 21 to 19 or 21.1%. A majority of the south facing apartments are provided with obscured glazed doors or glass blocks to promote some light penetration into the apartments. Suitable floor to ceiling heights for the apartments are provided with floor to ceiling heights of 2.7 metres. The site is located within the Lidcombe Town Centre in close proximity to services such as bus lines and rail. This would to some degree reduce car use and dependence for future residents of the building. The development achieves a Nathers Star rating of 6.2 (Average for all the apartments). There are 17 apartments that achieve a Star rating of 7 or above. However there are 12 apartments that achieve a Star rating of less than 5 but in terms of average, an acceptable outcome is achieved.

Requirement	Yes	No	N/A	Comment
Principle 6: Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbour's amenity, and provide for practical establishment and long term management	☒	☐	☐	The provision of basement car park limits the opportunity for deep soil zones. There is no deep soil zone provided for the site due to the basement arrangement. The site is provided with common area occupying some 168.8 square metres across the ground level. There is a second common area situated on the roof top occupying an area of 220.6 square metres. Some landscaping is introduced at the ground level common area in the form of planter boxes. The planter boxes across the ground level common area will be capable of supporting shrubs including:- • Bambusa Lako (Timor Black). • Gardenia Augusta "Florida" (Gardenia). • Draceana Marginata (Draceana). • Rhaphis Excelsa (Lady Palm). The shrubs are acceptable for the location. The planter box on the upper common area (Level 9) will support Murraya Paniculata (Murraya).
Principle 7: Amenity Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.	☒	☐	☐	A range of apartment sizes are proposed in the development, most of which have satisfactory aspect and natural ventilation in conjunction with suitable floor to ceiling heights. The site is provided with the relevant services including storage areas, mail boxes, garbage room and two common areas. All the apartments have suitably sized outdoor areas such as balconies or terraces. The development is considered to provide an appropriate level of amenity for future residents.

Requirement	Yes	No	N/A	Comment
Principal 8: Safety and security Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.	☒	☐	☐	External areas to the site and street views are overseen by the orientation of external balconies and or windows creating casual surveillance opportunities for the locality. Private open spaces such as terraces and balconies are clearly defined and screened where appropriate. The main entrance to the building is at the southern side with pedestrian access from Taylor Street. The main pedestrian entrance is visible from the street. Safety is achieved by separating the pedestrian paths from the vehicular driveway. All access paths shall be suitably illuminated at night. Lighting shall be provided to all common areas including the car parking areas as well as the stairs and access areas to external courtyards. Dark unlit areas and entrapment areas within the basement have been avoided or minimised.
Principal 9: Social dimensions Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or in the case of precincts undergoing transition, provide for the desired future community.	☒	☐	☐	The apartment mix is considered to be satisfactory. The specifics of the building are:- • 12 x 1 bedroom apartments. • 76 x 2 bedroom apartments. • 2 x 3 bedroom apartments. Of those there are 9 adaptable apartments out of a total of 90 apartments. However all the adaptable apartments have one bedroom. The site is within the Lidcombe Town Centre and close to associated services. Services are readily available close by such as shopping facilities, public transport, schools, healthcare and religious activities. The mix of apartments is satisfactory.

Requirement	Yes	No	N/A	Comment
Principle 10: Aesthetics Quality aesthetics reflect the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	☒	☐	☐	The development has been suitably treated and includes appropriate finishes. A combination of building materials will be used such as masonry, glass, steel and concrete. A flat roof is proposed.
Clause 30 Determination of DAs After receipt of a DA, the advice of the relevant design review panel (if any) is to be obtained concerning the design quality of the residential flat development. In determining a DA, the following is to be considered: • The advice of the design review panel (if any); • The design quality of the residential flat development when evaluated in accordance with the design quality principles; The publication "Residential Flat Design Code" - Department of Planning, September 2002.	☐ ☐ ☒ ☒	☐ ☐ ☐ ☐	☒ ☒ ☐ ☐	Auburn City Council does not employ a formal design review panel. The design quality principles are considered above and the Residential Flat Design Code is considered in the assessment table immediately below.

Residential Flat Design Code

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

Requirement	Yes	No	N/A	Comment
Part 01 - Local Context				
Building Type				
• **Residential Flat Building** • Terrace • Townhouse • Mixed-use development • Hybrid	☒ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☐ ☒ ☒ ☒ ☒	A residential flat building is proposed.
Subdivision and Amalgamation				
Objectives • Subdivision/amalgamation pattern arising from the development site suitable given surrounding local context and future desired context. • Isolated or disadvantaged sites avoided.	☒ ☒	☐ ☐	☐ ☐	Three lots are proposed to be amalgamated which may be addressed as a condition attached to any consent that may be issued. Adjoining sites will not be isolated as a result of the development.
Building Height				

Requirement	Yes	No	N/A	Comment
Objectives • To ensure future development responds to the desired scale and character of the street and local area. • To allow reasonable daylight access to all developments and the public domain.	☒ ☒	☐ ☐	☐ ☐	The building is generally contained within the height limit established by the Auburn Local Environmental Plan 2010. There is one elevation showing the building reaching a height of 48.3 metres AHD being the 32 metre height limit. All the drawings show a building contained within the 32 metre height limit. It would be appropriate to condition any consent to reflect the maximum height limit not to be exceeded. In this regard, an appropriate survey should be provided to the Council confirming that the maximum height limit of 32 metres is not exceeded.
Building Depth				
Objectives • To ensure that the bulk of the development is in scale with the existing or desired future context. • To provide adequate amenity for building occupants in terms of sun access and natural ventilation. • To provide for dual aspect apartments.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	
Controls • The maximum internal plan depth of a building should be 18 metres from glass line to glass line. • Freestanding buildings (the big house or tower building types) may have greater depth than 18 metres only if they still achieve satisfactory daylight and natural ventilation. • Slim buildings facilitate dual aspect apartments, daylight access and natural ventilation. • In general an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	☒ ☐ ☒ ☒	☐ ☐ ☐ ☐	☐ ☒ ☐ ☐	A “U shape” design is proposed to facilitate dual aspect apartments. Depth of northern wing (north-south axis) = 12.5 metres. Depth of southern wing (north-south axis) = 12.5 metres. Depth of western section (east-west axis) = 18.2 metres.
Building Separation				
Objectives • To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings. • To provide visual and acoustic privacy for existing and new residents. • To control overshadowing of adjacent properties and private or shared open space. • To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants. • To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow.	☒ ☒ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☒	There is no capacity on site for deep soil zone using the design chosen.

Requirement	Yes	No	N/A	Comment

Controls
• For buildings over three storeys, building separation should increase in proportion to building height:
  ○ **9 storeys and above/over 25 metres:**
  ▪ **24m between habitable rooms/balconies**
  ▪ **18m between habitable rooms/balconies and non-habitable rooms**
  ▪ 12m between non habitable rooms
• Allow zero separation in appropriate contexts, such as in urban areas between street wall building types (party walls)
• Where a building step back creates a terrace, the building separation distance for the floor below applies.
• Coordinate building separation controls with side and rear setback controls - in a suburban area where a strong rhythm has been established between buildings, smaller building separations may be appropriate.
• Coordinate building separation controls with controls for daylight access, visual privacy and acoustic privacy.
• Protect the privacy of neighbours who share a building entry and whose apartments face each other by designing internal courtyards with greater building separation
• Developments that propose less than the recommended distances apart must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved.
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				<u>Internal building separation</u>
				
				The separation distance between the north wing and south wing is 14 metres between habitable rooms on the first floor. The separation distance on the upper floors is 14 metres which is between habitable rooms and non habitable rooms.
				
				The separation distance between opposing apartments of both wings is acceptable and appropriate levels of privacy is retained.
				
				Generally, no resident will have direct view lines within the development to other apartments due to the arrangements of windows, rooms and balconies. As such, the separation distance between the north wing and south wing is supported.
				
				<u>External building separation</u>
				
				• **1.8 to 2.2 metres to the adjoining three storey residential flat building to the east.**
				
				<u>Justification</u>
				
				The applicant has provided the following justification which may be supported:
				
				**"*The site is located within the urban centre of Lidcombe and all surrounding properties are located in the B4 - Mixed Use zone. It is therefore reasonably foreseeable that the adjoining building to the east, when redeveloped, would be constructed to a nil boundary within the subject site. As such, the separation proposed to the eastern boundary is appropriate in the urban centre location where a street wall building could reasonably be expected.*
				
				Notwithstanding the above, the separation requirements that apply to the eastern boundary of the site are limited to the provision relating to a 3 storey building with opposing non-habitable spaces. This is due to the proposed building containing a blank facade, akin to a party wall which opposes a blank faced wall of the adjoining building up to 3 storeys.
				
				The privacy impacts on the adjoining property are suitably mitigated by orientation of the proposed dwellings to the north and south.
				
				*The adjoining eastern residential flat building contains north facing dwellings that are orientated towards the central courtyard and the adjacent lane. Windows that face the subject site are limited to glass blocks".***

Street Setbacks				

Requirement	Yes	No	N/A	Comment
Objectives • To establish the desired spatial proportions of the street and define the street edge. • To create a clear threshold by providing a transition between public and private space. • To assist in achieving good visual privacy to apartments from the street. • To create good quality entry spaces to lobbies, foyers or individual dwelling entrances. • To allow an outlook to and surveillance of the street. • To allow for street landscape character.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	It is considered that the objectives are complied with.
Controls • Minimise overshadowing of the street and/or other buildings.	☒	☐	☐	Taylor Street being an east-west street will be overshadowed by the development.
• In general no part of a building or above ground structure may encroach into a setback zone - exceptions are underground parking structures no more than 1.2 metres above ground where this is consistent with the desired streetscape, awnings, balconies and bay windows.	☐	☐	☒	A majority of the building to the edges of the balconies and blade walls present a nil setback to the property boundaries. This is considered to be reasonable for a high density town centre urban environment and one which is supported.
Side & Rear Setbacks				
Objectives *Side Setbacks:* • To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings. • To retain or create a rhythm or pattern of development that positively defines the streetscape so that space is not just what is left over around the building form. *Rear Setbacks:* • To maintain deep soil zones to maximise natural site drainage and protect the water table. • To maximise the opportunity to retain and reinforce mature vegetation. • To optimise the use of land at the rear and surveillance of the street at the front. • To maximise building separation to provide visual and acoustic privacy.	☒ ☒ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☒ ☒ ☒ ☒	There are no rear setbacks to consider.

Requirement	Yes	No	N/A	Comment
Controls • Where setbacks are limited by lot size and adjacent buildings, 'step in' the plan on deep building to provide internal courtyards and to limit the length of walls facing boundaries.	☒	☐	☐	
• In general no part of a building or above ground structure may encroach into a setback zone - exceptions are underground parking structures no more than 1.2 metres above ground where this is consistent with the desired streetscape, awnings, balconies and bay windows.	☐	☐	☒	A setback of 3.2 metres to 4.3 metres from Taylor Street is provided for the ground floor apartments that are facing towards the south however this decreases for the upper levels where a nil setback is provided to the edges of the balconies. For clarity the apartments on the upper levels being the wall face / glazing elements are setback as close as 1 metre from the street. The setbacks are supported which is consistent with the desired streetscape for Taylor Street.
Floor Space Ratio				
Objectives • To ensure that development is in keeping with the optimum capacity of the site and the local area.	☒	☐	☐	A FSR of 4.95:1 is identified which would comply with the maximum 5.0:1 prescribed for the site under ALEP2010.
• To define allowable development density for generic building types.	☒	☐	☐	
• To provide opportunities for modulation and depth of external walls within the allowable FSR.	☒	☐	☐	
• To promote thin cross section buildings, which maximise daylight access and natural ventilation.	☒	☐	☐	
• To allow generous habitable balconies.	☒	☐	☐	
Part 02 Site Design				
Site Analysis				
• Site analysis should include plan and section drawings of the existing features of the site, at the same scale as the site and landscape plan, together with appropriate written material.	☒	☐	☐	
• A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the application.	☒	☐	☐	
Deep Soil Zones				
Objectives • **To assist with management of the water table.**	☐	☒	☐	**The basement is proposed to occupy the entire site prohibiting the provision of any deep soil zones. This design is considered acceptable in this instance as the development site is located within the Lidcombe Town Centre. This area is a relatively dense urban area which restricts the provision of deep soil zones. Suitable stormwater management measures are proposed and soft landscaping and planter boxes accommodating shrubs and small trees form an integral part of the podium communal open space areas at the ground level and level 9.**
• **To assist with management of water quality.**	☐	☒	☐	
• **To improve the amenity of developments through the retention and/or planting of large and medium size trees.**	☐	☒	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • **Optimise the provision of consolidated deep soil zones within a site by the design of basement and sub-basement car parking so as not to fully cover the site; and the use of front and side setbacks.** • **Optimise the extent of deep soil zones beyond the site boundaries by locating them with the deep soil zones of adjacent properties.** • **Promote landscape health by supporting for a rich variety of vegetation type and size.** • **Increase the permeability of paved areas by limiting the area of paving and/or using impervious materials.** • **A minimum of 25% of the open space area of a site should be a deep soil zone.**	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	**The provisions stated here cannot be complied with due to the basement car park occupying the entire footprint of the site.**
Fences and Walls				
Objectives • To define the edges between public and private land. • To define the boundaries between areas within the development having different functions or owners. • To provide privacy and security. • To contribute positively to the public domain.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The terraces to the Level 1 apartments adjoin the void space. There are planter boxes providing suitable separation distance and privacy between apartments.

Requirement	Yes	No	N/A	Comment
Design Practice • Respond to the identified architectural character for the street and/or the area. • Clearly delineate the private and public domain without compromising safety and security by designing fences and walls which provide privacy and security while not eliminating views, outlook, light and air; and limiting the length and height of retaining walls along street frontages. • Contribute to the amenity, beauty and useability of private and communal open spaces by incorporating benches and seats; planter boxes; pergolas and trellises; BBQs; water features; composting boxes and worm farms. • Retain and enhance the amenity of the public domain by avoiding the use of continuous blank walls at street level; and using planting to soften the edges of any raised terraces to the street, such as over sub-basement car parking and reduce their apparent scale. • Select durable materials which are easily cleaned and graffiti resistant.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	A fence wall like structure faces Taylor Street which varies in height from 650 mm to 2 metres due to the slope of the land. The design achieves an acceptable balance for allowing for casual surveillance and providing a level of privacy for dwelling occupants. The roof top common space is provided with BBQ facilities and shade. The development site has three frontages as follows: • North elevation - presents to a laneway which services the retail strip to the north. • West elevation - presents to a laneway. A Telstra operations building is situated on land to the west of the laneway. • South elevation - Taylor Street. Solid masonry walls are presented to the laneway at ground level interspersed with access doors and vehicle servicing areas. The masonry walls are to be constructed of smooth faced bricks and sandstone material which gives the base of the building a different finish when compared to the upper floors. There are planter boxes proposed facing Taylor Street which provides some greenery towards the road frontage. The most important street frontage has the most decoration while the servicing areas are at the side and rear.
Landscape Design				
Objectives • To add value to residents' quality of life within the development in the forms of privacy, outlook and views. • To provide habitat for native indigenous plants and animals. • To improve stormwater quality and reduce quantity. • To improve the microclimate and solar performance within the development. • To improve urban air quality. • To contribute to biodiversity.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Improve the amenity of open space with landscape design which: provides appropriate shade from trees or structures; provides accessible routes through the space and between buildings; screens cars, communal drying areas, swimming pools and the courtyards of ground floor units; allows for locating art works where they can be viewed by users of open space and/or from within apartments.	☒	☐	☐	
• Contribute to streetscape character and the amenity of the public domain by: relating landscape design to the desired proportions and character of the streetscape; using planting and landscape elements appropriate to the scale of the development; mediating between and visually softening the bulk of large development for the person on the street.	☒	☐	☐	
• Improve the energy efficiency and solar efficiency of dwellings and the microclimate of private open spaces.	☒	☐	☐	
• Design landscape which contributes to the site's particular and positive characteristics.	☒	☐	☐	
• Contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management.	☒	☐	☐	
• Provide a sufficient depth of soil above paving slabs to enable growth of mature trees.	☒	☐	☐	
• Minimise maintenance by using robust landscape elements.	☒	☐	☐	
Open Space				
Objectives • To provide residents with passive and active recreational opportunities.	☒	☐	☐	Two communal open areas are proposed as follows:-
• To provide an area on site that enables soft landscaping and deep soil planting.	☒	☐	☐	• A landscaped communal open space area on the ground level. The common space features planter boxes and seating which delineates its area.
• To ensure that communal open space is consolidated, configured and designed to be useable and attractive.	☒	☐	☐	• A roof top communal open space area is proposed on level 9 (northern wing). This area is proposed to accommodate two tables, benches, two BBQs and a pergola for some shade.
• To provide a pleasant outlook.	☒	☐	☐	It is determined that the objectives are complied with.

Requirement	Yes	No	N/A	Comment
Design Practice • Provide communal open space with is appropriate and relevant to the building's setting.	☒	☐	☐	
• Where communal open space is provided, facilitate its use for the desired range of activities by locating it in relation to buildings to optimise solar access to apartments; consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape; designing its size and dimensions to allow for the program of uses it will contain; minimising overshadowing; carefully locating ventilation duct outlets from basement car parks.	☒	☐	☐	
• Provide open space for each apartment capable of enhancing residential amenity in the form of balcony, deck, terrace, garden, yard, courtyard and/or roof terrace.	☒	☐	☐	All apartments are provided with a private open space in the form of a balcony or terrace.
• Locate open space to increase the potential for residential amenity by designing apartment buildings which: are sited to allow for landscape design; are sited to optimise daylight access in winter and shade in summer; have a pleasant outlook; have increased visual privacy between apartments.	☒	☐	☐	
• Provide environmental benefits including habitat for native fauna, native vegetation and mature trees, a pleasant microclimate, rainwater percolation and outdoor drying area.	☒	☐	☐	
• The area of communal open space required should generally be at least 25-30% of the site area. Larger sites and brown field sites may have potential for more than 30%.	☒	☐	☐	Site area = 1433.5 square metres. Communal open space = 27.16% (389.4 square metres). The figure quoted is within the range of 25% to 30%.
• Where developments are unable to achieve the recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space and/or a contribution to public open space.	☐	☐	☒	
• Minimum recommended area of private open space for each apartment at ground level or similar space on structure is 25sqm and the minimum preferred dimension is 4 metres.	☒	☐	☐	All ground floor apartments are provided with a well sized courtyard from their living area and are screened from the street by planter boxes. The ground floor courtyards range from 25 square metres to 31.5 square metres in area.
Orientation				
Objectives • To optimise solar access to residential apartments within the development and adjacent development.	☒	☐	☐	
• To contribute positively to desired streetscape character.	☒	☐	☐	
• To support landscape design of consolidated open space areas.	☒	☐	☐	
• To protect the amenity of existing development.	☒	☐	☐	
• To improve the amenity of existing development.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Plan the site to optimise solar access by: positioning and orienting buildings to maximise north facing walls (within 30^0 east and 20^0 west of north) where possible; and providing adequate building separation within the development and to adjacent buildings. • Select building types or layouts which respond to the streetscape while optimising solar access. Where streets are to be edged and defined by buildings: align buildings to the street on east-west streets; and use courtyards, L-shaped configurations and increased setbacks to northern side boundaries on north-south streets. • Optimise solar access to living spaces and associated private open spaces by orienting them to the north. • Detail building elements to modify environmental conditions as required to maximise sun access in winter and sun shading in summer.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	
Planting on Structures				
Objectives • To contribute to the quality and amenity of communal open space on roof tops, podiums and internal courtyards. • To encourage the establishment and healthy growth of trees in urban areas.	☒ ☒	☐ ☐	☐ ☐	
Design Practice • Design for optimum conditions for plant growth by: providing soil depth, soil volume and soil area appropriate to the size of the plants to be established; providing appropriate soil conditions and irrigation methods, providing appropriate drainage. • Design planters to support the appropriate soil depth and plant selection by: ensuring planter proportions accommodate the largest volume of soil possible; and providing square or rectangular planting areas rather than long narrow linear areas. Minimum soil depths will vary depending on the size of the plant however soil depths greater than 1.5 metres are unlikely to have any benefits for tree growth.	☒ ☒	☐ ☐	☐ ☐	

Requirement	Yes	No	N/A	Comment
• Increase minimum soil depths in accordance with: -the mix of plants in a planter -the level of landscape management anchorage requirements of large and medium trees -soil type and quality. • Small trees (canopy diameter of up to 4 metres at maturity): Minimum soil volume 9cum; Minimum soil depth 800mm; Approximate soil area 3.5 metres by 3.5 metres. • Shrubs: Minimum soil depths 500-600mm • Ground cover: Minimum soil depths 300-450mm • Turf: Minimum soil depth 100-300mm Any subsurface drainage requirements are in addition to the minimum soil depths.	☒	☐	☐	A Landscape Plan, prepared by a suitably qualified professional, providing a schedule of planting and nominating the following soil depths is submitted as follows: • Ground level and Level 9 podium communal open space area - between 700 mm and 1,000 mm in depth. • Planters to ground floor courtyards - 700 mm in depth. Compliance is achieved.
Stormwater Management				
Objectives • To minimise the impacts of residential flat development and associated infrastructure on the health and amenity of natural waterways. • To preserve existing topographic and natural features including waterways and wetlands. • To minimise the discharge of sediment and other pollutants to the urban stormwater drainage system during construction activity.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The stormwater system is determined as being satisfactory by Council's Drainage and Development Engineers.
Design Practice • Reduce the volume impact of stormwater on infrastructure by retaining it on site. • **Optimise deep soil zones. All development must address the potential for deep soil zones**. • On dense urban sites where there is no potential for deep soil zones to contribute to stormwater management, seek alternative solutions. • Protect stormwater quality by providing for stormwater filters, traps or basins for hard surfaces, treatment of stormwater collected in sediment traps on soils containing dispersive clays. • Reduce the need for expensive sediment trapping techniques by controlling erosion. • Consider using grey water for site irrigation.	☒ ☐ ☒ ☒ ☒ ☒	☐ ☒ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	**Due to the basement occupying the entire site, it is identified that no deep soil zone is capable of being provided within the site.**
Safety				
Objectives • To ensure residential flat developments are safe and secure for residents and visitors. • To contribute to the safety of the public domain.	☒ ☒	☐ ☐	☐ ☐	
Design Practice • Reinforce the development boundary to strengthen the distinction between public and private space. This can be actual or symbolic and may include: employing a level change at the site and/or building threshold; signage; entry awnings; fences; walls and gates; change of material in paving between the street and the development.	☒	☐	☐	A fence wall like structure faces Taylor Street which varies in height from 650 mm to 2 metres due to the slope of the land. The fence features horizontal slats to provide some relief to the hard surface structure.

Requirement	Yes	No	N/A	Comment
• Optimise the visibility, functionality and safety of building entrances by: orienting entrances towards the public street; providing clear lines of sight between entrance foyers and the street; providing direct entry to ground level apartments from the street rather than through a common foyer; direct and well lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances.	☒	☐	☐	The entrance foyer is orientated towards Taylor Street. Direct entry to ground level apartments is proposed.
• Improve the opportunities for casual surveillance by: orienting living areas with views over public or communal open spaces where possible; using bay windows and balconies which protrude beyond the main façade and enable a wider angle of vision to the street; using corner windows which provide oblique views of the street; providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks.	☒	☐	☐	
• Minimise opportunities for concealment by: avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor car parking, along corridors and walkways; providing well lit routes throughout the development; providing appropriate levels of illumination for all common areas; providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard.	☒	☐	☐	
• Control access to the development by: making apartments inaccessible from the balconies, roofs and windows of neighbouring buildings; separating the residential component of a development's car parking from any other building use and controlling car park access from public and common areas; providing direct access from car parks to apartment lobbies for residents; providing separate access for residents in mixed-use buildings; providing an audio or video intercom system at the entry or in the lobby for visitors to communicate with residents, providing key card access for residents.	☒	☐	☐	
• Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	☒	☐	☐	A Crime Risk Analysis Report prepared by Urban Link Pty Ltd dated August 2014 is submitted with the application. The report recommends:- • The main ground level entry off Taylor Street will be secured and fitted with a telecom for visitors. • All ground floor apartments facing the street are to be fitted with secure doors. • Access to the basement is via a secured roller shutter door which is fitted with an intercom for visitors. • Each apartment entry door is self closing.

Requirement	Yes	No	N/A	Comment
				Appropriate conditions are provided for any consent that may be issued regarding crime prevention and safety.
Visual Privacy				
Objectives • To provide reasonable levels of visual privacy externally and internally during the day and night. • To maximise outlook and views from principal rooms and private open space without compromising visual privacy.	☒ ☒	☐ ☐	☐ ☐	
Design Practice • Locate and orient new development to maximise visual privacy between buildings on site and adjacent buildings by providing adequate building separation, employing appropriate rear and side setbacks, utilise the site layout to increase building separation. • Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments by: balconies to screen other balconies and any ground level private open space; separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms; changing the level between ground floor apartments with their associated private open space, and the public domain or communal open space. • Use detailed site and building design elements to increase privacy without compromising access to light and air.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	**Internal building separation** Separation between north and south wing - level 1. • 14 metres between habitable rooms. • 1.8 metres between terraces. Separation between north and south wing - level 2-7. • 14m between habitable balcony and non habitable room. **External building separation** • 2 - 2.2m separation to adjoining 3 storey residential flat building. Building separation and rear and side setbacks are not used to achieve visual privacy. The following measures to protect visual privacy are proposed: • orientating the dwellings to the north and south. • the provision of a blank east facing wall. This replicates the pattern of development on the adjoining eastern property at 9 to 11 Taylor Street.
Building Entry				
Objectives • To create entrances which provide a desirable residential identity for the development. • To orient the visitor. • To contribute positively to the streetscape and building facade design.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Compliance is achieved.

Requirement	Yes	No	N/A	Comment
Design Practice • Improve the presentation of the development to the street by: locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network; designing the entry as a clearly identifiable element of the building in the street; utilising multiple entries where it is desirable to activate the street edge or reinforce a rhythm of entries along a street.	☒	☐	☐	No street tree planting proposed. The south facing apartments are provided with separate entries from Taylor Street with each entry being visible and clearly defined.
• Provide as direct a physical and visual connection as possible between the street and the entry.	☒	☐	☐	
• Achieve clear lines of transition between the public street, the shared private circulation spaces and the apartment unit.	☒	☐	☐	
• Ensure equal access for all.	☒	☐	☐	
• Provide safe and secure access.	☒	☐	☐	
• Provide separate entries from the street for pedestrians and cars; different uses and ground floor apartments.	☒	☐	☐	
• Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces.	☒	☐	☐	
• Provide and design mailboxes to be convenient for residents and not to clutter the appearance of the development from the street.	☒	☐	☐	
Parking				
Objectives • To minimise car dependency for commuting and recreational transport use and to promote alternative means of transport - public transport, bicycling and walking.	☒	☐	☐	There is adequate car parking provided to support the development although an appropriate condition will be required to ensure the car park split between residential and visitor car parking is suitable to meet the expected population of the building. Generally, the objectives are complied with.
• To provide adequate car parking for the building's users and visitors depending on building type and proximity to public transport.	☒	☐	☐	
• To integrate the location and design of car parking with the design of the site and the building.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Determine the appropriate car parking spaces in relation to the development's proximity to public transport, shopping and recreational facilities; the density of the development and the local area; the site's ability to accommodate car parking.	☒	☐	☐	The development provides adequate car parking although some changes to the allocation will be required. The plans show the following car parking allocation:-
• Limit the number of visitor parking spaces, particularly in small developments where the impact on landscape and open space is significant.	☒	☐	☐	• 103 residential spaces and 18 visitor spaces. • 10 spaces for people with disabilities. • Vehicular access from the laneway.
• Give preference to underground parking wherever possible. Design considerations include: retaining and optimising the consolidated areas of deep soil zones; facilitating natural ventilation to basement and sub-basement car parking areas; integrating ventilation grills or screening devices of car park openings into the façade design and landscape design; providing safe and secure access for building users, including direct access to residential apartments where possible; provide a logical and efficient structural grid.	☒	☐	☐	The development is required to have a minimum of 107 residential spaces and a minimum of 8 visitor spaces. An appropriate condition (Numbered as 81 in the Condition set) will be required for any consent issued to ensure the car park split between residential and visitor car parking is suitable to meet the expected population of the building.
• Where aboveground enclosed parking cannot be avoided ensure the design of the development mitigates any negative impact on streetscape and street amenity by avoiding exposed parking on the street frontage; hiding car parking behind the building façade – where wall openings occur, ensure they are integrated into the overall façade scale, proportions and detail; wrapping the car parks with other uses.	☐	☐	☒	
• Minimise the impact of on grade parking by: locating parking on the side or rear of the lot away from the primary street frontage; screening cars from view of streets and buildings; allowing for safe and direct access to building entry points; incorporating parking into the landscape design of the site.	☐	☐	☒	
• Provide bicycle parking which is easily accessible from ground level and from apartments.	☒	☐	☐	Bicycle parking for 18 bikes is provided within Basement 1 and Basement 2.
Pedestrian Access				
Objectives • To promote residential flat development which is well connected to the street and contributes to the accessibility of the public domain.	☒	☐	☐	
• To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their apartments and use communal areas via minimum grade ramps, paths, access ways or lifts.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Utilise the site and its planning to optimise accessibility to the development. • Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entries, lobbies, communal open space, site facilities, parking areas, public streets and internal roads. • Promote equity by ensuring the main building entrance is accessible for all from the street and from car parking areas; integrating ramps into the overall building and landscape design. • Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space. • Maximise the number of accessible, visitable and adaptable apartments in a building. • Separate and clearly distinguish between pedestrian access ways and vehicle access ways. • Consider the provision of public through site pedestrian access ways in large development sites. • Identify the access requirements from the street or car parking area to the apartment entrance. • Follow the accessibility standard set out in AS1428 as a minimum. • Provide barrier free access to at least 20% of dwellings in the development.	☒ ☒ ☒ ☒ ☒ ☒ ☐ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☐	All 4 ground floor apartments have separate private entries to Taylor Street. There are nine (9) adaptable apartments proposed within the development.
Vehicle Access				
Objectives • To integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety. • To encourage the active use of street frontages.	☒ ☒	☐ ☐	☐ ☐	Vehicular access is from the rear laneway which is supported. The vehicle access way is determined as being appropriate and functional for the building.

Requirement	Yes	No	N/A	Comment
Design Practice • Ensure that pedestrian safety is maintained by minimising potential pedestrian/vehicle conflicts.	☒	☐	☐	
• Ensure adequate separation distances between vehicular entries and street intersections.	☒	☐	☐	The vehicle access way and the main pedestrian access point are separate to avoid vehicle / pedestrian conflict.
• Optimise the opportunities for active street frontages and streetscape design by: making vehicle access points as narrow as possible; limit the number of vehicle access ways to a minimum; locating car park entry and access from secondary streets and lanes.	☒	☐	☐	
• Improve the appearance of car parking and service vehicle entries by: screening garbage collection, loading and servicing areas visually away from the street; setback or recess car park entries from the main façade line; avoid 'black holes' in the façade by providing security doors to car park entries; where doors are not provided, ensure that the visible interior of the car park is incorporated into the façade design and materials selection and that building services - pipes and ducts - are concealed; return the façade material into the car park entry recess for the extent visible from the street as a minimum.	☒	☐	☐	
• **Generally limit the width of driveways to a maximum of 6 metres.**	☐	☒	☐	**Driveway width is = 7.9 metres. The driveway is larger but appropriate for the site.**
• Locate vehicle entries away from main pedestrian entries and on secondary frontages.	☒	☐	☐	This is achieved where all vehicle access including the loading / unloading area is from the laneway and not Taylor Street.
Part 03 Building Design				
Apartment Layout				
Objectives • To ensure the spatial arrangement of apartments is functional and well organised.	☒	☐	☐	
• To ensure that apartment layouts provide high standards of residential amenity.	☒	☐	☐	
• To maximise the environmental performance of apartments.	☒	☐	☐	
• To accommodate a variety of household activities and occupants' needs.	☒	☐	☐	
Design Practice • Determine appropriate sizes in relation to: geographic location and market demands; the spatial configuration of an apartments; affordability.	☒	☐	☐	The Residential Flat Design Code details apartment sizes that can be used as a comparative tool for recognising well-organised, functional, and high quality apartment layouts.
• Ensure apartment layouts are resilient over time by accommodating a variety of furniture arrangements; providing for a range of activities and privacy levels between different spaces within the apartment; utilising flexible room sizes and proportions or open plans; ensuring circulation by stairs, corridors and through rooms is planned as efficiently as possible thereby increasing the amount of floor space in rooms.	☒	☐	☐	The Residential Flat Design Codes also sets out the minimum apartment sizes, which can contribute to housing affordability. The majority of the 90 apartments are proposed at the minimum apartment size for affordability. Notwithstanding this, the development complies with the other requirements contained in the Residential Flat Design Code that address residential amenity including apartment widths and circulation
• Design apartment layouts which respond to the natural and built environments and optimise site opportunities by: providing private open space in the form of a balcony, terrace, courtyard or garden for every	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
apartment; orienting main living areas toward the primary outlook and aspect and away from neighbouring noise sources or windows.				space requirements.
• Locating main living spaces adjacent to main private open space; locating habitable rooms, and where possible kitchens and bathrooms, on the external face of buildings; maximising opportunities to facilitate natural ventilation and to capitalise on natural daylight by providing corner apartments, cross-over/cross-through apartments; split-level/maisonette apartments, shallow/single aspect apartments.	☒	☐	☐	
• Avoid locating kitchen as part of the main circulation spaces of an apartment, such as a hallway or entry space.	☒	☐	☐	
• Include adequate storage space in apartment	☒	☐	☐	
• Ensure apartment layouts and dimensions facilitate furniture removal and placement.	☒	☐	☐	
• Single aspect apartments should be limited in depth to 8 metres from a window.	☒	☐	☐	
• The back of a kitchen should be no more than 8 metres from a window.	☒	☐	☐	
• The width of cross-over/cross-through apartments over 15 metres deep should be 4 metres or greater.	☐	☐	☒	There are no apartments that are 15 metres in depth.
• Buildings not meeting the minimum standards must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly for habitable rooms.	☒	☐	☐	
• If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggests minimum apartment sizes: 1 bed = 50sqm, 2 beds = 70sqm, 3 beds = 95sqm.	☒	☐	☐	All the apartments are proposed at the minimum apartment size for affordability and compliance is achieved.
Apartment Mix				
Objectives • To provide a diversity of apartment types, which cater for different household requirements now and in the future.	☒	☐	☐	
• To maintain equitable access to new housing by cultural and socio-economic groups.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Provide a variety of apartment types particularly in large apartment buildings. Variety may not be possible in smaller buildings (up to 6 units).	☒	☐	☐	The following apartment mix is proposed:- • 12 x 1 bed (13.3%). • 76 x 2 bed (84.5%). • 2 x 3 bed (2.2%).
• Refine the appropriate mix for a location by considering population trends in the future as well as present market demands; noting the apartment's location in relation to public transport, public facilities, employment areas, schools, universities and retail centres.	☒	☐	☐	Apartment mix is considered appropriate for a town centre site in close proximity to the Lidcombe train station.
• Locate a mix of 1 and 3 bed apartments on the ground level where accessibility is more easily achieved.	☒	☐	☐	The following apartment mix is proposed on the ground floor:- • 2 x 1 bed. • 2 x 2 bed.
• Optimise the number of accessible and adaptable units to cater for a wider range of occupants.	☒	☐	☐	There are nine adaptable apartments proposed within the development.
• Investigate the possibility of flexible apartment configurations which support change in the future.	☒	☐	☐	
Balconies				
Objectives • To provide all apartments with private open space.	☒	☐	☐	The balconies are identified as being functional and have appropriate dimensions to ensure their use. The main balconies vary in size from 8.5 square metres to 19 square metres. A small number of apartments are provided with smaller secondary balconies attached to bedrooms which is supported.
• To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for apartment residents.	☒	☐	☐	
• To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings.	☒	☐	☐	
• To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.	☒	☐	☐	
Design Practice • Where other private open space is not provided, provide at least one primary balcony.	☒	☐	☐	This is achieved.
• Primary balconies should be: located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space; sufficiently large and well-proportioned to be functional and promote indoor/outdoor livening – a dining table and 2 chairs (small apartment) and 4 chairs (larger apartment) should fit on the majority of balconies in the development.	☒	☐	☐	The main balconies vary in size from 8.5 square metres to 19 square metres and are determined as being useable entities.
• Consider secondary balconies, including Juliet balconies or operable walls with balustrades, for additional amenity and choice: in larger apartments; adjacent to bedrooms; for clothes drying, site balconies off laundries or bathrooms and they should be screened from the public domain.	☒	☐	☐	Some apartments are provided with smaller secondary balconies that are smaller in area being 7.6 to 8.3 square metres but this is appropriate as the design of the building is improved.
• Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies by: locating balconies which predominantly face north, east or west to provide solar access; utilising sun screens, pergolas, shutters ad operable walls to control sunlight and wind; providing	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
balconies with operable screens, Juliet balconies or operable walls in special locations where noise or high windows prohibit other solutions; choose cantilevered balconies, partly cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy; ensuring balconies are not so deep that they prevent sunlight entering the apartment below.				
• Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy.	☒	☐	☐	It is determined that the balconies comply with the stated provisions.
• Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design.	☒	☐	☐	
• Consider supplying a tap and gas point on primary balconies.	☒	☐	☐	
• Provide primary balconies for all apartments with a minimum depth of 2 metres (2 chairs) and 2.4 metres (4 chairs). Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context – noise, wind, cannot be satisfactorily ameliorated with design solutions.	☒	☐	☐	The balconies are at least 2 metres wide.
• Require scale plans of balcony with furniture layout to confirm adequate, useable space when an alternate balcony depth is proposed.	☐	☐	☒	
Ceiling Heights				
Objectives				
• To increase the sense of space in apartments and provide well-proportioned rooms.	☒	☐	☐	The floor to ceiling heights are appropriate being 4 metres for the ground level apartments decreasing to 2.7 metres for the upper floors.
• To promote the penetration of daylight into the depths of the apartment.	☒	☐	☐	
• To contribute to flexibility of use.	☒	☐	☐	
• To achieve quality interior spaces while considering the external building form requirements.	☒	☐	☐	
Design Practice				
• Design better quality spaces in apartments by using ceilings to define a spatial hierarchy between areas of an apartment using double height spaces, raked ceilings, changes in ceiling heights and/or the location of bulkheads; enable better proportioned rooms; maximise heights in habitable rooms by stacking wet areas from floor to floor; promote the use of ceiling fans for cooling/heating distribution.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
• Facilitate better access to natural light by using ceiling heights which enable the effectiveness of light shelves in enhancing daylight distribution into deep interiors; promote the use of taller windows, highlight windows and fan lights. This is particularly important for apartments with limited light access such as ground floor apartments and apartments with deep floor plans.	☒	☐	☐	
• Design ceiling heights which promote building flexibility over time for a range of other uses, including retail or commercial, where appropriate.	☒	☐	☐	
• Coordinate internal ceiling heights and slab levels with external height requirements and key datum lines.	☒	☐	☐	
• Count double height spaces with mezzanines as two storeys.	☒	☐	☐	
• Cross check ceiling heights with building height controls to ensure compatibility of dimensions, especially where multiple uses are proposed.	☒	☐	☐	
• Minimum dimensions from finished floor level to finished ceiling level:	☐	☐	☒	
• Mixed use buildings: 3.3 metres minimum for ground floor retail/commercial and for first floor residential, retail or commercial.	☐	☐	☒	
• For RFBs in mixed use areas 3.3 metres minimum for ground floor;	☒	☐	☐	Ground floor ceiling height = 4 metres.
• For RFBs or other residential floors in mixed use buildings: 2.7 metres minimum for all habitable rooms on all floors, 2.4 metres preferred minimum for non-habitable rooms but no less than 2.25 metres;	☒	☐	☐	Levels 1 - 9 ceiling heights = 2.7 metres.
• 2 storey units: 2.4 metres for second storey if 50% or more of the apartments has 2.7 metres minimum ceiling heights;	☐	☐	☒	
• 2 storey units with a 2 storey void space: 2.4 metres minimum;	☐	☐	☒	
• Attic spaces: 1.5 metres minimum wall height at edge of room with a 300 minimum ceiling slope.	☐	☐	☒	
Developments which seek to vary the recommended ceiling heights must demonstrate that apartments will receive satisfactory daylight.	☐	☐	☒	
Flexibility				
Objectives • To encourage housing designs which meet the broadest range of the occupants' needs possible.	☒	☐	☐	
• To promote 'long life loose fit' buildings, which can accommodate whole or partial changes of use.	☒	☐	☐	
• To encourage adaptive reuse.	☒	☐	☐	
• To save the embodied energy expended in building demolition.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Provide robust building configurations, which utilise multiple entries and circulation cores, especially in larger buildings over 15 metres long – thin building cross sections, which are suitable for residential or commercial uses – a mix of apartment types (see Apartment Mix) – higher ceilings in particular on the ground floor and – first floor (see Ceiling Heights) – separate entries for the ground floor level and the upper levels – sliding and/or movable wall systems.	☒	☐	☐	Every apartment is designed to allow an appropriate furniture layout to be achieved and kitchens do not form part of the circulation space.
• Provide apartment layouts which accommodate the changing use of rooms. Design solutions may include: – windows in all habitable rooms and to the maximum number of non-habitable rooms – adequate room sizes or open-plan apartments, which provide a variety of furniture layout opportunities – dual master-bedroom apartments, which can support two independent adults living together or a live/work situation.	☒	☐	☐	
• Utilise structural systems which support a degree of future change in building use or configuration. Design solutions may include: – a structural grid, which accommodates car parking dimensions, retail, commercial and residential uses vertically throughout the building – the alignment of structural walls, columns and services cores between floor levels – the minimisation of internal structural walls – higher floor to floor dimensions on the ground floor and possibly the first floor – knock-out panels between apartments to allow two adjacent apartments to be amalgamated.	☒	☐	☐	
• Promote accessibility and adaptability by ensuring: the number of accessible and visitable apartments is optimised; and adequate pedestrian mobility and access is provided.	☒	☐	☐	
Ground Floor Apartments				
Objectives • To contribute to the desired streetscape of an area and to create active safe streets.	☒	☐	☐	
• To increase the housing and lifestyle choices available in apartment buildings.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Design front gardens or terraces which contribute to the spatial and visual structure of the street while maintaining adequate privacy for apartment occupants. • Ensure adequate privacy and safety of ground floor units located in urban areas with no street setbacks by: stepping up the ground floor level from the level of the footpath a maximum of 1.2 metres; designing balustrades and establishing window sill heights to minimise site lines into apartments, particularly in areas with no street setbacks; determining appropriateness of individual entries; ensuring safety bars or screens are integrated into the overall elevation design and detailing. • Promoting house choice by: providing private gardens, which are directly accessible from the main living spaces of the apartment and support a variety of activities; maximising the number of accessible and visitable apartments on the ground floor; supporting a change or partial change in use, such as a home office accessible from the street or a corner shop. • Increase opportunities for solar access in ground floor units, particularly in denser areas by: providing higher ceilings and taller windows; choosing trees and shrubs which provide solar access in winter and shade in summer. • Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. • Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	All ground floor apartments are provided with a well sized courtyard from their living area and are screened from the street by planter boxes. Ground floor courtyards range in size from 25 square metres to 31.5 square metres.
Internal Circulation				
Objectives • To create safe and pleasant spaces for the circulation of people and their personal possessions. • To facilitate quality apartment layouts, such as dual aspect apartments. • To contribute positively to the form and articulation of the building façade and its relationship to the urban environment. • To encourage interaction and recognition between residents to contribute to a sense of community and improve perceptions of safety.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Increase amenity and safety in circulation spaces by: providing generous corridor widths and ceiling heights particularly in lobbies, outside lifts and apartment entry doors; providing appropriate levels of lighting, including the use of natural daylight where possible; minimising corridor lengths to give short, clear sight lines; avoiding tight corners; providing legible signage noting apartment numbers, common areas and general directional finding; providing adequate ventilation.	☒	☐	☐	The development features the following:- • Two lifts with one servicing the northern wing and one servicing the southern wing. • Two stairwells for the northern wing. • A stairwell for the southern wing. • Two stairs from the basement to the ground floor level.
• Support better apartment building layouts by designing buildings with multiple cores which: increase the number of entries along a street; increase the number of vertical circulation points; give more articulation to the façade; limiting the number of units off a circulation core on a single level. • Articulate longer corridors by: utilising a series of foyer areas and/or providing windows along or at the end of a corridor. • Minimise maintenance and maintain durability by using robust materials in common circulation areas. • Where units are arranged off a double loaded corridor, the number of units accessible from a single core/corridor should be limited to 8 - exceptions for: adaptive reuse buildings; where developments can demonstrate the achievement of the desired streetscape character and entry response; where developments can demonstrate a high level of amenity for common lobbies, corridors and units.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	There are two cores servicing a maximum of five apartments.
Mixed Use				

Requirement	Yes	No	N/A	Comment
Objectives • To support a mix of uses that complements and reinforces the character, economics and function of the local area. • Choose a compatible mix of uses. • Consider building depth and form in relation to each use's requirements for servicing and amenity. • Design legible circulation systems, which ensure the safety of users by: isolating commercial service requirements such as loading docks from residential access, servicing needs and primary outlook; locating clearly demarcated residential entries directly from the public street; clearly distinguishing commercial and residential entries and vertical access points; providing security entries to all entrances into private areas, including car parks and internal courtyards; providing safe pedestrian routes through the site, where required. • Ensure the building positively contributes to the public domain and streetscape by: fronting onto major streets with active uses; avoiding the use of blank walls at the ground level. • Address acoustic requirements for each use by: separate residential uses, where possible, from ground floor retail or leisure uses by utilising an intermediate quiet-use barrier, such as offices; design for acoustic privacy from the beginning of the project to ensure that future services, such as air conditioning, do not cause acoustic problems later. • Recognising the ownership/lease patterns and separating requirements for purposes of BCA.	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒	A mixed use development is not proposed.
Storage				
Objectives • To provide adequate storage for everyday household items within easy access of the apartment. • To provide storage for sporting, leisure, fitness and hobby equipment.	☒ ☒	☐ ☐	☐ ☐	All the apartments are provided with adequate storage space including internal space and storage space in the form of cages situated within the basement car park.

Requirement	Yes	No	N/A	Comment
Design Practice • Locate storage conveniently for apartments including: at least 50% of the required storage within each apartment and accessible from either the hall or living area - best provided as cupboards accessible from entries and hallways and/or under internal stairs; dedicated storage rooms on each floor within the development, which can be leased by residents as required; providing dedicated and/or leasable storage in internal or basement car parks.	☒	☐	☐	All the apartments are provided with adequate storage space including internal space and storage space in the form of cages situated within the basement car park. There are 94 storage rooms (cages) situated within the basement car park. The cages are provides across all three levels of the basement.
• Provide storage which is suitable for the needs of residents in the local area and able to accommodate larger items such as sporting equipment and bicycles.	☒	☐	☐	
• Ensure that storage separated from apartments is secure for individual use.	☒	☐	☐	
• Where basement storage is provided: ensure that it does not compromise natural ventilation in car parks or create potential conflicts with fire regulations; exclude it from FSR calculations.	☒	☐	☐	
• Consider providing additional storage in smaller apartments in the form of built-in cupboards to promote a more efficient use of small spaces.	☒	☐	☐	
• In addition to kitchen cupboards and wardrobes, provide accessible storage facilities at the following rates: ○ Studio = 6cum; ○ 1 bed = 6cum; ○ 2 bed = 8cum; ○ 3+ bed = 10cum.	☒	☐	☐	
Acoustic Privacy				
Objectives • To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private open spaces.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings. • Arrange apartments within a development to minimise noise transition between flats by: locating busy, noisy areas next to each other and quieter areas next to other quieter areas (kitchen near kitchen, bedroom near bedroom); using storage or circulation zones within an apartment to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas; minimising the amount of party walls with other apartments. • Design the internal apartment layout to separate noisier from quieter spaces by: grouping uses within an apartment – bedrooms with bedrooms and service areas like kitchen, bathroom, and laundry together. • Resolve conflicts between noise, outlook and views by using design measures including: double glazing, operable screened balconies; continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements. • Reduce noise transmission from common corridors or outside the building by providing seals at entry doors.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	An Acoustic Assessment report prepared by Acoustic Logic, dated, 24 July 2014 has been submitted with the application. The following recommendations are made:- • The use of 6 mm float glazing for all glazed elements facing a noise source. • The use of 6.3 mm laminated glass for certain windows facing a noise source. • Window mullions, perimeter seals and the installation of the windows / doors in the building openings shall not reduce the STC rating of the glazing assembly below the values nominated in Table 4 (Page 11) of the report. • The glazing installer to certify that the windows / doors have been constructed and installed in a manner equivalent to the tested samples. It is identified that the apartments along the northern side of the building will require mechanical ventilation in accordance with AS1668. Any ventilation system should be acoustically designed to ensure that the acoustic performance of the treatment outlined is not reduced and does not exceed Council criteria for noise emission to nearby properties. The report addresses noise and vibration from passing trains and it is determined that vibration is not a significant issue for the site.
Daylight Access				
Objectives • To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development. • To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours. • To provide residents with the ability to adjust the quantity of daylight to suit their needs.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	
Design Practice • Plan the site so that new residential flat development is oriented to optimise northern aspect. • **Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.**	☒ ☐	☐ ☒	☐ ☐	**The common open space located at the ground level will be significantly overshadowed by the northern wing and the western wing of the building.** **The roof top communal open space on level 9 has a northern aspect**

Requirement	Yes	No	N/A	Comment
				and is not overshadowed by adjoining development to the north. **The roof top communal open space allows the development, in part to achieve this design practice requirement. Accordingly, the proposal is considered acceptable because a counter balance is offered for the upper floor common area.**
• Optimise the number of apartments receiving daylight access to habitable rooms and principal windows: ensure daylight access to habitable rooms and private open space, particularly in winter; use skylights, clerestory windows and fanlights to supplement daylight access; promote two storey and mezzanine, ground floor apartments or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces; limit the depth of single aspect apartments; ensure single aspect , single storey apartments have a northerly or easterly aspect; locate living areas to the north and service areas to the south and west of development; limit the number of south acing apartments and increase their window area; use light shelves to reflect light into deeper apartments.	☒	☐	☐	The lower floors of southern wing will be overshadowed by northern and western wing. Notwithstanding this, the proposal achieves the minimum 2 hour direct sunlight requirement.
• Design for shading and glare control, particularly in summer: using shading devices such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting; optimising the number of north facing living spaces; providing external horizontal shading to north facing windows; providing vertical shading to east or west windows; using high performance glass but minimising external glare off windows (avoid reflective films, use a glass reflectance below 20%, consider reduced tint glass).	☒	☐	☐	
• Limit the use of light wells as a source of daylight by prohibiting their use as the primary source of daylight in habitable rooms. Where light wells are used: relate light well dimensions to building separation; conceal building services and provide appropriate detail and materials to visible walls; ensure light wells are fully open to the sky; allow exceptions for adaptive reuse buildings, if satisfactory performance is demonstrated.	☐	☐	☒	
• Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter. In dense urban areas, a minimum of 2 hours may be acceptable.	☒	☐	☐	A minimum of 2 hours direct sunlight is provided for 74.4% of apartments within the development which is considered to be acceptable. The development site is situated within the Lidcombe Town Centre which is a relatively dense urban area.
• **Limit the number of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constrains and**	☐	☒	☐	**There are 21 south facing apartments within the development which represents 23.3% of the total number. There are two top floor south facing apartments that are provided with skylights. As a result, there are 19 south facing apartments (21.1%) that will not**

Requirement	Yes	No	N/A	Comment
orientation prohibits the achievement of these standards and how energy efficiency is addressed.				**receive direct sunlight. A wide variation is identified.** **A majority of the south facing apartments are provided with obscured glazed doors or glass blocks to promote some light penetration into the apartments.** **The number of south facing apartments is minimised as much as possible. Other layout options have been explored to reduce the number but additional issues of shadowing across Number 9 to 11 Taylor Street were identified and as such the alternative design solutions were not progressed further.** **The layout presented to the Joint Regional Planning Panel provides an appropriate layout while minimising adverse shadow impacts across Number 9 to 11 Taylor Street.**
Natural Ventilation				
Objectives • To ensure that apartments are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants. • To provide natural ventilation in non-habitable rooms, where possible. • To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Plan the site to promote and guide natural breezes by: determining prevailing breezes and orient buildings to maximise use, where possible; locating vegetation to direct breezes and cool air as it flows across the site and by selecting planting or trees that do not inhibit air flow.	☒	☐	☐	
• Utilise the building layout and section to increase the potential for natural ventilation.	☒	☐	☐	
• Design the internal apartment layout to promote natural ventilation by: minimising interruptions in air flow through an apartment; grouping rooms with similar usage together.	☒	☐	☐	
• Select doors and operable windows to maximise natural ventilation opportunities established by the apartment layout.	☒	☐	☐	
• Coordinate design for natural ventilation with passive solar design techniques.	☒	☐	☐	
• Explore innovative technologies to naturally ventilate internal building areas or rooms.	☒	☐	☐	
• Building depths which support natural ventilation typically range from 10-18 metres.	☒	☐	☐	Building depth is 12.5 metres which is satisfactory.
• 60% of residential units should be naturally cross ventilated.	☒	☐	☐	Up to 61% of apartments are ventilated.
• 25% of kitchens within a development should have access to natural ventilation.	☒	☐	☐	A total of 42 of the kitchens have access to natural ventilation being 46%.
• Developments which seek to vary from the minimum standards must demonstrate how natural ventilation can be satisfactorily achieved particularly in relation to habitable rooms.	☐	☐	☒	
Awnings and Signage				
Objectives • To provide shelter for public streets.	☐	☐	☒	There are no awnings proposed within the development.
• To ensure signage is in keeping with desired streetscape character and with the development in scale, detail and overall design	☐	☐	☒	
Design Practice *Awnings* • Encourage pedestrian activity on streets by providing awnings to retail strips, where appropriate, which: give continuous cover in areas which have a desired pattern of continuous awnings; complement the height, depth and form of the desired character or existing pattern of awnings; provide sufficient protection for sun and rain.	☐	☐	☒	
• Contribute to the legibility of the residential flat development and amenity of the public domain by locating local awnings over building entries.	☐	☐	☒	
• Enhance safety for pedestrians by providing under-awning lighting.	☐	☐	☒	
Signage • Councils should prepare guidelines for signage based on the desired character and scale of the local area.	☐	☐	☒	
• Integrate signage with the design of the development by responding to scale, proportions and architectural detailing.	☐	☐	☒	
• Provide clear and legible way finding for residents and visitors.	☐	☐	☒	

Requirement	Yes	No	N/A	Comment
Facades				
Objectives • To promote high architectural quality in residential flat buildings. • To ensure that new developments have facades which define and enhance the public domain and desired street character. • To ensure that building elements are integrated into the overall building form and façade design.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The building materials to be used in the development are appropriate. The base of the building is well defined using smooth brick and sandstone. The materials for the upper floors vary.
Design Practice • Consider the relationship between the whole building form and the façade and/or building elements. • Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. • Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the façade orientation. • Express important corners by giving visual prominence to parts of the façade. • Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design. • Coordinate security grills/screens, ventilation louvres and car park entry doors with the overall façade design.	☒ ☒ ☒ ☐ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☐ ☐	
Roof Design				
Objectives • To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings. • To integrate the design of the roof into the overall façade, building composition and desired contextual response. • To increase the longevity of the building through weather protection.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Excluding the roof top common area, the roof of the building is generally flat.

Requirement	Yes	No	N/A	Comment
Design Practice • Relate roof design to the desired built form. Some design solutions may include: - articulating the roof, or breaking down its massing on large buildings, to minimise the apparent bulk or to relate to a context of smaller building forms - using a similar roof pitch or material to adjacent buildings, particularly in existing special character areas or heritage conservation areas. Avoid directly copying the elements and detail of single family houses in larger flat buildings; this often results in inappropriate proportion, scale and detail for residential flat buildings - minimising the expression of roof forms gives prominence to a strong horizontal datum in the adjacent context, such as an existing parapet line - using special roof features ,which relate to the desired character of an area, to express important corners.	☒	☐	☐	
• Design the roof to relate to the size and scale of the building, the building elevations and three dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials.	☒	☐	☐	
• Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access.	☒	☐	☐	
• Minimise the visual intrusiveness of service elements (lift overruns, service plants, chimneys, vent stacks, telecommunication infrastructure, gutters, downpipes, and signage) by integrating them into the design of the roof.	☒	☐	☐	The lift over runs and intrusions are limited. Generally the intrusions will be difficult to visualize from the road due to their position within the site. There are blade walls provided along the western elevation of the building but these provide additional design elements to the façade. The blades do not breach the 32 metres height limit.
• Support the use of roofs for quality open space in denser urban areas by: -providing space and appropriate building systems to support the desired landscape design; -incorporating shade structures and wind screens to encourage open space use -ensuring open space is accessible.	☒	☐	☐	
• Facilitate the use or future use of the roof for sustainable functions e.g. rainwater tanks, photovoltaics, water features.	☒	☐	☐	
• Where habitable space is provided within the roof optimise residential amenity in the form or attics or penthouse apartments.	☒	☐	☐	
Energy Efficiency				
Objectives • To reduce the necessity for mechanical heating and cooling. • To reduce reliance on fossil fuels. • To minimise greenhouse gas emissions. • To support and promote renewable energy initiatives.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	
Design Practice Requirements superseded by BASIX.	☒	☐	☐	A BASIX Certificate has been submitted with the development application and determined to be acceptable.
Maintenance				
Objectives • To ensure long life and ease of maintenance for the development.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Design windows to enable cleaning from inside the building, where possible. • Select manually operated systems in preference to mechanical systems. • Incorporate and integrate building maintenance systems into the design of the building form, roof and façade. • Select durable materials, which are easily cleaned and are graffiti resistant. • Select appropriate landscape elements and vegetation and provide appropriate irrigation systems. • For developments with communal open space, provide a garden maintenance and storage area, which is efficient and convenient to use and is connected to water and drainage.	☒	☐	☐	
Waste Management				
Objectives • To avoid the generation of waste through design, material selection and building practices. • To plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development. • To encourage waste minimisation, including source separation, reuse and recycling. • To ensure efficient storage and collection of waste and quality design of facilities.	☒	☐	☐	A waste management room and adjacent collection area at the ground floor, with direct access to the service laneway is proposed.
Design Practice • Incorporate existing built elements into new work, where possible. • Recycle and reuse demolished materials, where possible. • Specify building materials that can be reused and recycled at the end of their life. • Integrate waste management processes into all stages of the project, including the design stage. • Support waste management during the design stage by: specifying modestly for the project needs; reducing waste by utilising the standard product/component sizes of materials to be used; incorporating durability, adaptability and ease of future service upgrades. • Prepare a waste management plan for green and putrescible waste, garbage, glass, containers and paper. • Locate storage areas for rubbish bins away from the front of the development where they have a significant negative impact on the streetscape, on the visual presentation of the building entry and on the amenity of residents, building users and pedestrians. • Provide every dwelling with a waste cupboard or temporary storage area of sufficient size to hold a single day's waste and to enable source separation. • Incorporate on-site composting, where possible, in self-contained composting units on balconies or as part of the shared site	☒	☐	☐	A waste management plan has been prepared showing waste removal from the site during demolition and construction work. The waste storage room is accessible from the laneway. The waste storage room and loading area has adequate dimensions to allow waste collection by garbage service vehicles from within the building and not the street frontage.

Requirement	Yes	No	N/A	Comment
facilities. • Supply waste management plans as part of the DA submission.	☒	☐	☐	
Water Conservation				
Objectives • To reduce mains consumption of potable water. • To reduce the quantity of urban stormwater runoff.	☒ ☒	☐ ☐	☐ ☐	
Design Practice • Requirements superseded by BASIX.	☒	☐	☐	A 5,000 litre rainwater tank is provided on site for rainwater collection and use for watering the landscaped common areas.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways.

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the hydrological catchment of the harbour. It also defines and contains specific provisions for the 'Foreshores and Waterways Area', strategic foreshore sites, heritage items and wetlands protection areas.

The development site does not fall within the foreshores and waterways area. Accordingly, the detailed provisions of the Sydney Harbour Foreshores and Waterways Area planning instrument and the development control plan 2005 do not apply to the site.

Auburn Local Environmental Plan 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*.	☒	☐	☐	
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.

Clause	Yes	No	N/A	Comment
1.6 Consent authority The consent authority for the purposes of this Plan is (subject to the Act) the Council.	☐	☒	☐	The cost of works according to the applicant is quoted at $22,878,097. As such, the Joint Regional Planning Panel is the consent authority for the development.
1.9 Application of SEPPs and REPs (1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.	☒	☐	☐	There are a number of State Environmental Planning Policies that will apply to the development application. These are addressed earlier in the report.
(2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies: State Environmental Planning Policy No 1—Development Standards Sydney Regional Environmental Plan No 24—Homebush Bay Area	☐	☐	☒	The state policies stated below are not relevant to this application.
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.	☐	☐	☒	The clause will not need to apply to the development application. A survey plan shows no easements passing through the site.
(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.	☐	☐	☒	

Clause	Yes	No	N/A	Comment
(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (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 which permits the type of development that is proposed being a high density residential flat building with an associated basement car park. The proposed development is permissible with consent in the zone.
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 objectives of the zone 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 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	☒	☐	☐	

Clause	Yes	No	N/A	Comment
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 consent for particular development.				
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 within the B4 Mixed Use zone.
2.5 Additional permitted uses for particular land (1) Development on particular land that is described or referred to in Schedule 1 may be carried out: (a) with consent, or (b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development. (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.	☐ ☐	☐ ☐	☒ ☒	
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*	☒	☐	☐	A subdivision of the land is not proposed. The development application

Clause	Yes	No	N/A	Comment
development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent. 2 *Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development*. (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.	☐	☐	☒	includes the Strata Subdivision of the building complex into 90 Strata Title allotments. Appropriate conditions will be required addressing the Strata Subdivision of the building.
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 remaining dwelling house on one of the allotments and associated outbuildings will be demolished as part of the redevelopment of the whole site. The works will facilitate the redevelopment of the site for a residential flat building with a basement car park. The demolition forms part of the development application.
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.	☒ ☒	☐ ☐	☐ ☐	The relevant objectives are complied with in that the development encompasses a high density residential development within an appropriate zone.

Clause	Yes	No	N/A	Comment
• To encourage high density residential development. • To encourage appropriate businesses that contribute to economic growth. • To achieve an accessible, attractive and safe public domain. **2 Permitted without consent** Nil	☒ ☐ ☒	☐ ☐ ☐	☐ ☒ ☐	
3 Permitted with consent Backpackers' accommodation; Boarding houses; Business Premises, Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; **Residential flat buildings**; Retail premises; Roads; Self-storage units; Seniors housing; Serviced apartments; 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	☒	☐	☐	Residential flat buildings are permitted with consent within the B4 Mixed Use zone. It is identified that no retail or commercial uses are proposed within the development. The applicant has justified the matter in correspondence dated 16 March in which the following is stated:- Floor to ceiling heights is 4 metres which allows for future conversion of the apartments to commercial uses subject to demand. Each apartment at the ground floor level is capable of being converted to a home office due to the flexible arrangements and availability of amenities. Residential flat buildings are permitted outright within the B4 Mixed Use zone and as such it is a reasonable expectation that a residential flat building could be located on the site. The site is not identified as requiring an active street frontage and as such the development is within the expectations of the planning controls. The site is positioned in an area that will not have an active street frontage due to the type of developments already existing in the locality. Any commercial space would be isolated in nature and likely to be unviable at the location. <u>Final planners comment</u>: The comments provided are supported given the context of the site and immediate land uses that are identified. As such, a residential flat building such as this is

Clause	Yes	No	N/A	Comment
				considered a reasonable outcome for the site.
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	☐	☐	☒	A subdivision of the site is not proposed. A minimum allotment size is not designated for the site or immediate locality under the Auburn Local Environmental Plan 2010.
(b) to ensure that subdivision of land is capable of supporting a range of development types.				
(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.	☐	☐	☒	
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	☐	☐	☒	
(3A) Despite subclause (3), the minimum lot size for dwelling houses is 450 square metres.				
(3B) Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle.				
(3C) Despite subclauses (3)–(3B), the minimum lot size for development on land within the Former Lidcombe Hospital Site, as shown edged blue on the Lot Size Map, is as follows in relation to development for the purpose of:				
(a) dwelling houses:				
(i) 350 square metres, or				
(ii) if a garage will be accessed from the rear of the property - 290 square metres, or				
(iii) if the dwelling house will be on a zero lot line - 270 square metres,				
(b) semi-detached dwellings - 270 square metres,				
(c) multi dwelling housing - 170 square metres for each dwelling,				
(d) attached dwellings - 170 square metres.				

Clause	Yes	No	N/A	Comment
(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 (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. (2A) Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is: (a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres, (b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map—14 metres.	☒ ☒ ☐	☐ ☐ ☐	☐ ☐ ☒	The maximum height of buildings specific on the map is identified as being 32 metres. The building is generally contained within the height limit established by the Auburn Local Environmental Plan 2010. There is one elevation showing the building reaching a height of 48.3 metres AHD being the 32 metre height limit. All the drawings show a building contained within the 32 metre height limit. It would be appropriate to condition any consent to reflect the maximum height limit not to be exceeded. In this regard, an appropriate survey should be provided to the Council confirming that the maximum height limit of 32 metres is not exceeded. This is identified as being Condition Number 26(c) of the Condition set.
4.4 Floor space ratio (1) The objectives of this clause are as follows: To establish a maximum floor space ratio to enable appropriate development density to be achieved, and To ensure that development intensity reflects its locality. (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. (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,	☒ ☒ ☐	☐ ☐ ☐	☐ ☐ ☒	The permitted floor space ratio for the three sites combined is 5:0. The floor space ratio of the building is 4.95:1 which would comply with the provision. The floor space ratio is calculated as per the definition specified below. *"The sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:* *(a) the area of a mezzanine, and* *(b) habitable rooms in a basement or an attic, and* *(c) any shop, auditorium, cinema, and the like, in a basement or attic,* *but excludes:*

Clause	Yes	No	N/A	Comment
(c) for sites that are 1,800 square metres or greater—0.85:1. (2B) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows: (a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and (b) 3:1 for office premises and hotel or motel accommodation. (2C) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Floor Space Ratio Map, is as follows: (a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and (b) 2:1 for office premises and hotel or motel accommodation. (2D) Despite subclause (2), the maximum floor space ratio for retail premises on land in Zone B6 Enterprise Corridor within the Commercial Precinct, as shown edged green on the Floor Space Ratio Map is 1.5:1.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	*(d) any area for common vertical circulation, such as lifts and stairs, and* *(e) any basement:* *(i) storage, and* *(ii) vehicular access, loading areas, garbage and services, and* *(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and* *(g) car parking to meet any requirements of the consent authority (including access to that car parking), and* *(h) any space used for the loading or unloading of goods (including access to it), and* *(i) terraces and balconies with outer walls less than 1.4 metres high, and* *(j) voids above a floor at the level of a storey or storey above"*.
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.	☒ ☒	☐ ☐	☐ ☐	

Clause	Yes	No	N/A	Comment
(3) Site area In determining the site area of proposed development for the purpose of applying a floor space ratio, the ***site area*** is taken to be: (a) if the proposed development is to be carried out on only one lot, the area of that lot, or (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.				
In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.	☐	☐	☒	
(4) Exclusions from site area The following land must be excluded from the site area: (a) land on which the proposed development is prohibited, whether under this Plan or any other law, (b) community land or a public place (except as provided by subclause (7)).	☒	☐	☐	
(5) Strata subdivisions The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.	☒	☐	☐	Strata subdivision of the development is proposed into 90 Strata Title allotments.
(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.	☐	☐	☒	Only the lots affected by the development are included in the floor space ratio calculation.
(7) Certain public land to be separately considered For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.	☒	☐	☐	
(8) Existing buildings				

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

Clause		Yes	No	N/A	Comment
	of this clause.				
(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.	☐	☐	☒	
(4)	Consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that: (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and (b) the concurrence of the Director-General has been obtained.	☐	☐	☒	
(5)	In deciding whether to grant concurrence, the Director-General must consider: (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and (b) the public benefit of maintaining the development standard, and (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.	☐	☐	☒	
(6)	Development consent must not be granted under this clause for a subdivision of land in Zone RUI Primary				

Clause	Yes	No	N/A	Comment
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.	☐	☐	☒	
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).	☐	☐	☒	
(8) This clause does not allow consent to be granted for development that would contravene any of the following: (a) a development standard for complying development, (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated, (c) clause 5.4.	☐	☐	☒	
Part 5 Miscellaneous provisions				
5.6 Architectural roof features (1) The objectives of this clause are: (a) To ensure that any decorative roof element does not detract from the architectural design of the building, and (b) To ensure that prominent architectural roof features are contained within the height limit.	☐	☐	☒	The maximum height of buildings specific on the map is identified as being 32 metres. There are parapet walls on the roof that encroaches to the 32 metre height limit but does not exceed the 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.	☐	☐	☒	In addition, two small blade wall elements encroach to the 32 metre height limit along the western elevation of the building but do not exceed the limit.
(3) Development consent must not be granted to any such development unless	☐	☐	☒	Generally, Clause 5.6 will not be relevant to the development

Clause	Yes	No	N/A	Comment
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.				application because no formal architectural roof feature is proposed.
5.9 Preservation of trees or vegetation (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council. **Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner. (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by: (a) development consent, or (b) a permit granted by the Council. (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought. (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna. (6) This clause does not apply to a tree or	☒ ☒ ☒ ☐ ☐	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☒	There are no significant trees on site that are affected by the proposed works. A landscape plan submitted with the development application shows new trees to be planted on site which includes:- <u>Trees</u>: 10 x Magnolia Little Gem (Magnolia). 6 x Howea Forsteriana (Kentia Palm). <u>Shrubs</u>: 5 x Draceana Marginata (Draceana). 10 x Bambusa Lako (Timor Black). 14 x Gardenia Augusta “Florida” (Gardenia). 11 x Rhaphis Excelsa (Lady Palm). The landscaping is supported given the context of the development and site within the town centre of Lidcombe.

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

Clause	Yes	No	N/A	Comment
determined by or under any of these Acts. (9) Not adopted				
5.10 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 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	☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☒ ☒ ☒ ☒ ☒ ☒ ☒	The site is not listed in the Auburn Local Environmental Plan 2010 as containing items of heritage. The provisions of the clause will not apply to the development application. The development site is located within the vicinity of the following heritage item: I38 - Royal Oak Hotel - 46–50 Railway Street to the north of the site and laneway. There is another heritage listed item situated at nearby 1A Taylor Street being the Lidcombe Post office (Item I34). There is a building at Number 1 Taylor Street forming a buffer. A heritage impact statement has been submitted with the development application which is prepared by Urbis and dated August 2014. The report identifies that the site and remaining dwelling at 3 Taylor Street has no heritage value. There is a buffer between the site and the hotel being the Royal Oak Hotel comprising of a roadway and a car park. The buffer between the site and Number 1A Taylor Street to the west comprises a roadway and a building. It is determined that the development will have no direct impact onto the heritage listed items due to buffers. The report also determines that sightlines are acceptable from the heritage listed items.

Clause	Yes	No	N/A	Comment
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 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	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	

Clause	Yes	No	N/A	Comment
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). (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. (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. (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	☒ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☒ ☒ ☒ ☒ ☒	

Clause	Yes	No	N/A	Comment
(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 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.	☐ ☐	☐ ☐	☒ ☒	
Part 6 Additional local provisions				

<table>
<tr><th>Clause</th><th>Yes</th><th>No</th><th>N/A</th><th>Comment</th></tr>
<tr><td>

6.1 Acid sulfate soils

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate 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 watertable 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 watertable 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 that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td></tr>
</table>

(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.

(1) 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.

</td><td>☒

☒</td><td>☐

☐</td><td>☐

☐</td><td>The land is given a Class 5 rating but situated some 550 metres from land given another rating.

There is excavation to a depth of 9.5 metres.

A preliminary Site Investigation Audit prepared by S and N Environmental Engineers and Contractors addresses acid sulphate soils on Page 7. The report identifies that the soils have a low probability of acid sulphate soils and as such the matter is not a significant issue.</td></tr>
<tr><td></td><td>☐</td><td>☐</td><td>☒</td><td></td></tr>
<tr><td></td><td>☐</td><td>☐</td><td>☒</td><td></td></tr>
</table>

Clause	Yes	No	N/A	Comment
(2) 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).	☐	☐	☒	
(3) Despite subclause (2), development consent is not required under this clause to carry out any works if: (a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or (b) the works are likely to lower the watertable.	☐	☐	☒	
6.2 Earthworks (1) The objectives of this clause are as follows: (a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land, (b) to allow earthworks of a minor nature without separate development consent.	☒	☐	☐	To facilitate the construction of the basement, some 15,200 cubic metes of spoil will need to be removed to a maximum depth of 9.5 metres to facilitate the construction of a basement car park. Significant excavation is proposed which forms part of the development application.
(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	☒	☐	☐	The earthworks proposed will change the nature and topography of the land and impact on stormwater drainage. Should the development application be approved, a dilapidation report will be required to ascertain the impacts of work on surrounding developments. This will be

Clause	Yes	No	N/A	Comment
(c) the work is ancillary to other development for which development consent has been given. (3) Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability 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.	☒	☐	☐	addressed as a condition attached to any consent issued.
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. (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	☒ ☐ ☐	☐ ☐ ☐	☐ ☒ ☒	The site is not prone to flooding or overland flow during a 1 in 100 year event as shown on the flood map. However based on levels, the site is potentially affected by a rare PMF flood event. As such an appropriate condition is provided requiring a flood evacuation plan in the event that such an event occurs during the life of the building.

Clause	Yes	No	N/A	Comment
(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.	☒	☐	☐	Services are provided to the site. An electricity substation is likely to be required for this development. The applicant has shown the provision for an electricity substation situated at the north west portion of the development with access from the laneway. A Section 73 certificate will be required for the development from Sydney Water. The matter may be addressed as a condition attached to any consent that may be issued.
(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.	☐	☐	☒	
Schedule 1 Additional permitted uses "Nil"				

There are no issues that need to be reviewed under the planning instrument.

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 (DCP) 2010

Local Centres

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

Requirement	Yes	No	N/A	Comments
2.0 Built Form				
Objectives a. To provide richness of detail and architectural interest, especially to visually prominent parts of buildings such as lower storeys and street facades. b. To establish the scale, dimensions, form and separation of buildings appropriate for local centre locations. c. To encourage mixed use development with residential components that achieve active street fronts with good physical and visual connection between buildings and the street, and maintain residential amenity. d. To achieve active street frontages with good physical and visual connections between buildings and the street. e. To ensure consistency in the main street frontages of buildings. f. To ensure building depth and bulk appropriate to the environmental setting and landform. g. To ensure building separation is adequate to protect amenity, daylight penetration and privacy between adjoining developments. h. To ensure that the form, scale, design and nature of development enhances the streetscape and visual quality of commercial areas. i. To ensure that the built form and density of a new development respects the scale, density and desired future character of the area. j. j. To ensure development appropriately supports the centres hierarchy.	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	The development has been suitably treated and includes appropriate finishes. A combination of building materials will be used such as masonry, glass, steel and concrete. The materials to be used for the base of the building are different to those of the upper floors. It is determined that the objectives stated here are complied with.
Development controls **D1** To allow for their adaptive use, mixed use buildings are to incorporate the following flexible design requirements: • the number of internal apartment structural walls are to be minimised; and • ceiling heights for the ground floor is to be a minimum of 3.6 metres. **D2** Residential components are to be provided with direct access to street level with entrances clearly distinguishable from entries to commercial premises.	☒ ☒	☐ ☐	☐ ☐	A multi storey residential flat building is proposed within a B4 Mixed use zone. The relevant provisions are complied with.

D3 Secure entries are to be provided to all entrances to private areas, including car parks and internal courtyards.	☒	☐	☐	
D4 Car parking provided for the residential component of the development is to be clearly delineated and provided separate to general customer 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.	☒	☐	☐	
D6 Vehicular circulation areas must be legible and must differentiate between the commercial service requirements, such as loading areas, and residential access.	☒	☐	☐	
D7 Mechanical plant is to be located on the roof or visually and acoustically isolated from residential uses.	☒	☐	☐	
2.1 Number of storeys **Performance criteria**				
P1 To ensure an acceptable level of amenity and future flexibility is provided for new commercial and residential developments.	☒	☐	☐	
Development controls				
D1 The minimum finished floor level (FFL) to finished ceiling level (FCL) shall be as follows:				
• 3300mm for ground level (regardless of the type of development);	☒	☐	☐	Ground floor ceiling height = 4 metres.
• 3300mm for all commercial/retail levels; and	☐	☐	☒	
• 2700mm for all residential levels above ground floor.	☒	☐	☐	Levels 1 - 9 ceiling heights = 2.7 metres.
2.2 Articulation and design **Performance criteria**				
P2 The bulk, scale and intensity of development is consistent with the scale of surrounding existing and planned developments.	☒	☐	☐	A ten storey building is proposed which is supported by the planning controls for the location. Crucially, the building has a height and floor space ratio that is compliant with the Auburn Local Environmental Plan 2010. The building is appropriately designed with an appropriate array of building materials and colours. It is identified that if the building is approved and built, it will become the tallest in the immediate locality but over the long term, the form of building is one that is envisaged by the planning controls. It is also identified that other major developments of similar height have been approved nearby and in John Street and as such this development continues the trend that is occurring. Some of the
P3 Existing horizontal or vertical rhythms in a streetscape are complemented by new facades. Visual interest in a building is achieved by: articulation of facade into horizontal divisions of base, middle and top; balcony and fenestration details; and proportion, spacing and modelling of the surface through detail and relief.	☒	☐	☐	
P4 New facades complement the predominant horizontal and vertical proportions in the street and are compatible with surrounding buildings.	☒	☐	☐	
P5 Ensure infill development is well articulated makes a positive contribution to the streetscape and responds to local urban character.	☒	☐	☐	

P6 Retain the use of awnings as visually dominant and coordinating townscape features. **P7** Ensure new development maintains a pedestrian scale, and provides weather protection at street level	☐ ☒	☐ ☐	☒ ☐	developments are proceeding while others have not commenced. Given the change that is occurring with the Lidcombe Town Centre, it is determined that the development is consistent with the performance criteria specified. **<u>Awnings</u>** No awnings are proposed within the development.
Development controls **D1** Buildings shall incorporate: • balanced horizontal and vertical proportions and well spaced and proportioned windows; • a clearly defined base, middle and top; • modulation and texture; and • architectural features which give human scale at street level such as entrances and porticos. **D2** The maximum width of blank walls for building exteriors along key retail streets shall be 5m or 20% of the street frontage, whichever is the lesser. **D3** Articulation of the building exterior shall be achieved through recesses in the horizontal and vertical plane, adequate contrasts in materials, design features and the use of awnings. **D4** Features such as windows and doors shall be in proportion with the scale and size of the new building and any adjoining buildings which contribute positively to the streetscape. **D5** Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development. **D6** Where development has two (2) street frontages the streetscape should be addressed by both facades.	☒ ☐ ☒ ☒ ☐ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☒ ☐ ☐ ☒ ☐	The design and appearance of the building is determined as being satisfactory and appropriate for the locality.
2.3 Materials **Performance criteria** **P1** Materials enhance the quality and character of the business precinct. **P2** The use of face brick (smooth faced) is encouraged. **P3** The use of cement render on building facades is discouraged due to high ongoing maintenance issues. **Development controls** **D1** New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the character of buildings in the locality. The use of cement rendering shall be minimalized. **D2** Building materials and finishes complement the finishes predominating in the area. Different	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	Some façade treatment consists of cement rendering with paint finish but the amount of rendering is now reduced to an acceptable level. The building materials include:- • Taubmans Akimbo (White colour). • Taubmans Casino (Dark grey). • Taubmans Éclair (Reddish / brown). • Taubmans Citrus (Yellow). Masonry construction features with glazed elements. The base of the building features brickwork and a sandstone which is different from the upper levels. This is supported and achieves a suitable finish to

materials, colours or textures may be used to emphasise certain features of the building.				the building.
D3 Building facades at street level along primary streets and public places consist of a minimum of 80% for windows/glazed areas and building and tenancy entries.	☐	☐	☒	This applies to retail establishments at grade. In this development, no retail establishments are proposed.
D4 Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.	☒	☐	☐	
2.4 Roofs **Performance criteria** **P1** Roof design is integrated into the overall building design. **Development controls**	☒	☐	☐	A flat roof is proposed. The lift over runs cannot be seen from the roadways due to their position on the roof area.
D1 Design of the roof shall achieve the following: • concealment of lift overruns and service plants; • presentation of an interesting skyline; • enhancing views from adjoining developments and public places; and • complementing the scale of the building.	☒	☐	☐	
D2 Roof forms shall not be designed to add to the perceived height and bulk of the building.	☒	☐	☐	
D3 Where outdoor recreation areas are proposed on flat roofs, shade structures and wind screens shall be provided.	☒	☐	☐	
2.5 Balconies **Performance criteria** **P1** Balconies contribute positively to the amenity of residents and the visual quality of the local centre. **Development controls**	☒	☐	☐	
D1 Opaque glazing and/or masonry for balconies is encouraged	☒	☐	☐	The balustrades of the balconies are to be finished with opaque glazed elements or masonry material. As such compliance is achieved.
D2 Clear glazing for balconies is prohibited	☒	☐	☐	
D3 Verandas and balconies shall not be enclosed.	☒	☐	☐	There are no enclosed balconies within the development.
D4 Balconies and terraces shall be oriented to overlook public spaces.	☒	☐	☐	
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.	☒	☐	☐	
D6 Screens, louvers or similar devices shall be provided to balconies so as to visually screen any drying of laundry.	☒	☐	☐	Some vertical and horizontal louvre screens are proposed where appropriate to compliment the design of the building. The use of louvres is not excessive.
2.6 Interface with schools, places of public worship, and public precincts **Development controls**				
D1 Where a site adjoins a school, place of public worship or public open space: • This interface shall be identified in the site analysis	☒	☐	☐	A place of worship is located on the opposite side of Taylor Street. The

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.	☐ ☒	☐ ☐	☒ ☐	proposal complies with the applicable provisions.
D2 The potential for overlooking of playing areas of schools shall be minimised by siting, orientation or screening.	☐	☐	☒	There are no schools situated adjacent to or adjoining to the site.
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				
Objectives a. To ensure development integrates well with the locality and respects the streetscape, built form and character of the area. b. To encourage innovative development which is both functional and attractive in its context.	☒ ☒	☐ ☐	☐ ☐	
3.1 Streetscape **Performance criteria**				
P1 New and infill development respects the integrity of the existing streetscape and is sympathetic in terms of scale, form, height, shopfront character, parapet, verandah design, and colours and materials, in a manner which interprets the traditional architecture, albeit in modern forms and materials.	☒	☐	☐	No retail developments are proposed in the development. The material sheet provided (Issue F) shows a building with an appropriate massing including suitable use of horizontal and vertical projections. The balconies are well defined and oriented towards the street and laneway. This is a significant building with a strong projection towards the street but it is a built form envisaged by the planning controls.
P2 New development conserves and enhances the existing character of the street with particular reference to architectural themes.	☒	☐	☐	
P3 To ensure that a diversity of active street frontages is provided which are compatible with the scale, character and architectural treatment of Auburn's local area.	☒	☐	☐	
P4 To maintain the surviving examples of original whole shop frontages where the shop frontages contribute to the local character.	☐	☐	☒	There are no retail establishments within the street and as such Subpart P4 is not relevant.
P5 To encourage new or replacement shop fronts to be compatible with the architectural style or period of the building to which they belong and the overall character of the local centre.	☐	☐	☒	No shops are proposed within the development.
Development controls				
D1 Applicants shall demonstrate how new development addresses the streetscape and surrounding built environment.	☒	☐	☐	

D2 New shopfronts shall be constructed in materials which match or complement materials used in the existing building.	☐	☐	☒	
D3 Development shall provide direct access between the footpath and the shop.	☐	☐	☒	
D4 Development shall avoid the excessive use of security bars.	☒	☐	☐	
D5 Block-out roller shutters are not permitted.	☒	☐	☐	No shutters are proposed within the development.
D6 Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	☐	☐	☒	No signs are proposed within the development.
3.2 Setbacks **Performance criteria**				
P1 The setback of new buildings is consistent with the setback of adjoining buildings.	☒	☐	☐	
P2 The built edge of development at the street frontage contributes to a sense of enclosure and scale within the centre.	☒	☐	☐	The planning controls allow the form of development that is proposed. It is determined that the controls are complied with.
P3 Building design minimises building bulk within streetscape through use of setbacks, architectural features, and variations in materials and colour palette.	☒	☐	☐	Bulk and scale is minimized via the use of balconies, blade walls and varying the setbacks across the higher levels. There are three vertical blade walls along the western elevation. The north west corner projection is appropriately designed with emphasis on solid elements.
Development controls **D1 New development or additions to existing development shall adopt front setbacks, as shown in Figure 2 (refer to section 14.2 Setbacks for Auburn Town Centre) and Figure 8 (refer to section 15.2 Setbacks for Lidcombe Town Centre).**	☐	☒	☐	**A front setback of 4-6m applies to the development site as per Figure 7 of Section 15.2.** **The applicant has provided the following justification to support the development:** **<u>Applicants response</u>** ***The building has a nil setback to Taylor Street and a 4-6m front setback is inconsistent with the street wall provisions applying to the subject site.*** ***A variation to the setback provisions are necessary in achieving a suitable building envelope on the site to accommodate the height and density desired under the recently revised LEP.*** ***The setback controls limit the ability to provide the applicable density at the site and are inconsistent and incompatible with the provisions of Section 74C(5)(b) of the EP&A Act.*** ***The proposed variations are acceptable for the following reasons:*** • ***The proposal is logical from an architectural point of view in that it***

				presents as an integrated high density building form to the street edge. There would be no significant additional solar or amenity based impacts associated with maintaining a 10 storey building when compared to a 4 storey building at a nil setback alignment to the street frontage; • ***Proposed built form is entirely consistent with the nil setback employed at the adjoining commercial building to the west being the Telstra Exchange;*** • ***The proposed development is designed to a high standard and will set the standard for future redevelopment within the remainder of Taylor Street;*** • ***The proposal is entirely consistent with the objective of the B4 Mixed Use zone under the LEP and successfully enclose the streetscape which is a primary objective of the DCP setback controls.*** • ***Given that Council has previously accepted setback and street wall variations to meet the additional 5:1 FSR provisions within the Auburn town centre, the subject proposal should be afforded the same flexibility; and*** • ***The reduction of the building form to comply with the 4 storey street wall control, would force the reduction of floor space to the upper 6 levels of the building and would be counterproductive and contravene the desired higher densities established by the new FSR controls;*** **<u>Planners Comment</u>** Despite the variation, the proposed front boundary setback is considered acceptable in that it encloses the streetscape, provides a greatly enhanced visual outlook for Taylor Street and provides a built form which is entirely consistent with the desired future character of the Lidcombe town centre. As such, the variation to street wall height and setback is considered to be appropriate in the circumstances. Furthermore, when considering the appearance of the building and materials and how the building projects to the streetscape, it is determined that the comments made by the architect may be supported.
4.0 Mixed Use Developments				
Objectives a. To encourage sustainable development by permitting services and employment-generating uses in conjunction with	☐	☐	☒	A mixed use development is not proposed and as such the provisions under Part 4.0 for mixed use developments are not

residential uses. b. To provide affordable residential development within close proximity to transport, employment and services. c. To enhance the vitality and safety of commercial centres by encouraging further residential development. d. To achieve a lively and active street frontage by encouraging the integration of appropriate retail and commercial uses with urban housing. e. To manage the bulk, scale and traffic generation of mixed use developments. f. To ensure that mixed use developments are designed having adequate regard for the amenity of occupants and surrounding development.	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	explored.
4.1 Building design **Performance criteria** **P1** Mixed use developments are designed to architecturally express the different functions of the building while sympathetically integrating into the local centre streetscape. **P2** Ensure key landmark corner sites are developed to ensure distinctive and unique design of buildings that will form gateways and entrance statements to commercial centres.	☐ ☐	☐ ☐	☒ ☒	
Development controls **D1** The architecture of ground level uses shall reflect the commercial/retail function of the centre. **D2** Buildings shall achieve a quality living environment that sympathetically integrates into the character of the commercial precinct. **D3** Commercial and retail servicing, loading and parking facilities shall be separated from residential access and servicing and parking. **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 **Performance criteria** **P1** Active frontage uses are defined as one of a combination of the following at street level: • front entry to shopfront; • shop front; • café or restaurant if accompanied by an entry from the street; • active office uses, such as reception, if visible from the street; and • public building if accompanied by an entry.	☐	☐	☒	
Development controls **D1** Retail outlets and restaurants are located at the street frontage on the ground level. **D2** A separate and defined entry shall be	☐	☐	☒	

provided for each use within a mixed use development.	☐	☐	☒	
D3 Only open grill or transparent security (at least 70% visually transparent) shutters are permitted to retail frontages.	☐	☐	☒	
4.3 Awnings **Performance criteria** **P1** Street frontage awnings are to be provided in all areas with active frontage	☐	☐	☒	
Development controls **D1** Awning dimensions shall generally be: • horizontal in form; • minimum 2.4m deep (dependent on footpath width); • minimum soffit height of 3.2m and maximum of 4m; • steps for design articulation or to accommodate sloping streets are to be integral with the building design and should not exceed 700mm; • low parole, with slim vertical fascia or eaves (generally not to exceed 300mm height); • 1.2m setback from kerb to allow for clearance of street furniture, trees, and other public amenity elements; and • In consideration of growth pattern of mature trees.	☐	☐	☒	
D2 Awning design must match building facades, be complementary to those of adjoining buildings and maintain continuity.	☐	☐	☒	
D3 Awnings shall wrap around corners for a minimum 6m from where a building is sited on a street corner.	☐	☐	☒	
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.	☐	☐	☒	
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.	☐	☐	☒	
D6 Soft down lighting is preferred over up lighting to minimise light pollution.	☐	☐	☒	
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.	☐	☐	☒	
4.4 Arcades **Performance criteria** **P1** Provide safe and convenient connections to enhance the pedestrian network and to provide linkages	☐	☐	☒	

between shopping areas, public spaces and car parking. **P2** Encourage the use of parking at the rear of a development site by providing good access to the front of the site. **P3** Encourage activity within 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 **Performance criteria** **P1** The amenity provided for residents of a mixed use development is similar to that expected in residential zones in terms of visual and acoustic privacy, solar amenity and views.	☐	☐	☒	
Development controls **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.	☐	☐	☒	
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.	☒	☐	☐	The applicant has considered the Residential Flat Building part of the development control plan. A separate assessment is provided below.
5.0 Privacy and Security				
Objectives a. To provide personal and property security for residents and visitors and enhance perceptions of community safety. b. To ensure that new development achieves adequate visual and acoustic privacy levels for neighbours and residents.	☒ ☒	☐ ☐	☐ ☐	A Crime Risk Analysis Report prepared by Urban Link Pty Ltd dated August 2014 is submitted with the application. The report recommends:- • The main ground level entry off Taylor Street will be secured and fitted with a telecom for visitors.

c. To create a balance of uses that are safe and easily accessible. d. To ensure there is adequate lighting and signage to provide a safe environment. e. To enhance the architectural character of buildings at night, improve safety and enliven the town centre at night.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	• All ground floor apartments facing the street are to be fitted with secure doors. • Access to the basement is via a secured roller shutter door which is fitted with an intercom for visitors. • Each apartment entry door is self closing. A number of conditions are provided should the application be supported by the Joint Regional Planning Panel.
Performance criteria **P1** Private open spaces and living areas of adjacent dwellings are protected from overlooking. **P2** Site layout and design of buildings, including height of front fences and use of security lighting, minimises the potential for crime, vandalism and fear.	☒ ☒	☐ ☐	☐ ☐	The degree of privacy is acceptable within and external to the site. It is identified that an east facing parapet wall enclosing the roof top communal area should be increased in height from 900 mm to 1.5 metres to provide an acceptable level of privacy towards the residential flat building at 9 and 11 Taylor Street. This may be addressed as a condition.
Development controls **D1** Views onto adjoining private open space shall be obscured by: • Screening with a maximum area of 25% openings is permanently fixed and made of durable materials; or • Incorporating planter boxes into walls or balustrades to increase visual separation between areas. Existing dense vegetation or new planting may be used as a secondary measure to further improve privacy. **D2** Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings. **D3** Shared pedestrian entries to buildings shall be lockable. **D4** Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area. **D5** Pedestrian walkways and car parking shall be direct, clearly defined, visible and provided with adequate lighting, particularly those used at night. **D6** Landscaping and site features shall not block sight lines and are to be minimised. **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	☒ ☒ ☒ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☒	It is identified that an east facing parapet wall enclosing the roof top communal area should be increased in height from 900 mm to 1.5 metres to provide an acceptable level of privacy towards the residential flat building at 9 and 11 Taylor Street. This will ensure a line of sight into the courtyards or balconies of that building are avoided. This may be addressed as a condition which is numbered as Condition 19)e) in the Condition set. Other than this, the level of visual and acoustic privacy is satisfactory. Apartments numbered 101 and 110 on Level one are provided with large terraces with planter boxes providing strong levels of privacy towards the east. Hence, the residents of the two apartments will be viewing a landscape element and not an adjoining building.

minimise shadows and concealment spaces.	☒	☐	☐	
D9 All entrances and exits shall be made clearly visible.	☒	☐	☐	
D10 Buildings shall be arranged to overlook public areas and streets to maximise surveillance.	☒	☐	☐	The building is presented towards Taylor Street and the laneway with main habitable rooms and balconies facing the road network. As such the U shaped design adopted allows for surveillance of all three road ways.
D11 Development shall be consistent with Council's Policy on Crime Prevention Through Environmental Design.	☒	☐	☐	
5.1 Lighting **Performance criteria**				
P1 Lighting is provided to highlight the architectural features of a building and enhance the identity and safety of the public domain but does not floodlight the facade.	☐	☐	☒	Generally Part 5.1 will not apply to the development because a retail or commercial component is not proposed.
P2 The use of integrated lighting systems in retail shops is both functional and decorative.	☐	☐	☒	
P3 Lighting is sufficient for its purpose and used to make bold design statements.	☐	☐	☒	
P4 Lighting does not interfere with amenity of residents or safety of motorists.	☐	☐	☒	
Development controls				
D1 Lighting design shall be integrated with the interior design of a retail/commercial premise. The use of low voltage track lighting, recesses spotlighting and designer light fittings is encouraged.	☐	☐	☒	
D2 Lighting systems shall incorporate specific display lighting to reinforce merchandise and provide a contrast against the street lighting generally.	☐	☐	☒	
D3 Surface mounted fluorescent fixtures shall not be considered in any part of the retail areas of the premises.	☐	☐	☒	
D4 The light source shall be selected to provide the desired light effect; however, fitting and methods shall be chosen produce the highest energy efficiency.	☐	☐	☒	
D5 Lighting shall not interfere with the amenity of residents or affect the safety of motorists.	☐	☐	☒	
D6 Excessive lighting shall not be permitted. Light spill onto the street into the public domain shall be minimised.	☐	☐	☒	
5.2 Shutters and grilles **Performance criteria**				
P1 Security shutters, grilles and screens allow the viewing of shopfront windows and light to spill out onto the footpath.	☐	☐	☒	No shutters or grills are proposed for this development.
P2 Shutters, grilles and screens are to be made from durable, graffiti-resistant materials and compatible with the building style.	☐	☐	☒	
Development controls				
D1 Windows and doors of existing shopfronts shall not be filled in with	☐	☐	☒	

	solid materials.			
D2	Security shutters, grilles and screens shall: • be at least 70% visually permeable (transparent); • not encroach or project over Council's footpaths; and • be made from durable, graffiti-resistant materials.	☐	☐	☒	
D3	Solid, external roller shutters shall not be permitted.	☐	☐	☒	
5.3 Noise **Performance criteria**				
P1	New commercial developments within major arterial roads or railway lines are designed to mitigate noise and vibration impacts.	☐	☐	☒	A commercial use is not proposed as part of the development.
P2	Commercial uses in the local centres must minimise noise impacts on adjoining residential areas caused by loading/unloading, late night operations, use of plant and equipment and entertainment activities.	☐	☐	☒	
Development controls				
D1	New commercial development (whether part of a mixed use development or not) shall comply with the provisions of the relevant acts, regulations, environmental planning instruments, Australian Standards and guidelines produced by the NSW Department of Environment, Climate Change and Water, the NSW Roads and Traffic Authority and the NSW Department of Planning as applicable for noise, vibration and quality assurance. This includes: • Development Near Rail Corridors and Busy Roads, NSW Department of Planning, December 2008 – Interim Guidelines. • NSW Industrial Noise Policy; • Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and • Environmental Criteria for Road and Traffic Noise. 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.	☐	☐	☒	
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.	☐	☐	☒	
5.4 Wind Mitigation					

Performance Criteria **P1** New developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians. **Development Controls**	☐	☐	☒	The building is less than 35 metres in height and as such a report is not required.
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; • ensure that tower buildings are well spaced from each other to allow breezes to penetrate local centres; • consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level; and • ensure useability of open terraces and balconies.	☐	☐	☒	
D2 A Wind Effects Report is to be submitted with the DA for all buildings greater than 35m in height.	☐	☐	☒	
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 In addition to this section, applicants shall consult the Parking and Loading Part of this DCP for other access, parking and loading requirements for all development within local centres.				
6.1 Access, loading and car parking requirements **Development controls**				
D1 Car parking rates shall be provided in accordance with the Parking and Loading Part of this DCP.	☒	☐	☐	The development provides adequate car parking although some changes to the allocation will be required. The plans show the following car parking allocation:- • 103 residential spaces and 18 visitor spaces. • 10 spaces for people with disabilities. • Vehicular access from the laneway. The development is required to have a minimum of 107 residential spaces and a minimum of 8 visitor spaces. Proposed condition 81 of the condition set addresses the car parking allocation between residential use and visitor use.
6.2 Creation of new streets and laneways **Performance criteria**				
P1 All new proposed roads are designed to convey the primary function of the street, including: • Safe and efficient movement of vehicles and pedestrians; • Provision for parked vehicles and landscaping, where appropriate;	☐	☐	☒	No new roads or streets are being created.

• Location, construction and maintenance of public utilities; and • Movement of service and delivery vehicles.				
Development controls				
D1 On some sites, new streets may be able to be introduced. Where a new street shall be created, the street shall be built to Council's standards, Road Design Specification D1 and relevant Quality Assurance requirements while having regards to the circumstances of each proposal. Consideration will be given to maintaining consistency and compatibility with the design of existing roads in the locality.	☐	☐	☒	
D2 On site car parking shall be provided below ground or located within the building and well screened.	☐	☐	☒	
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 Council. The area of any land dedicated to Council shall be included in the site area for the purpose of calculating the floor space ratio.	☐	☐	☒	
7.0 Landscaping				
Objectives				
a. To create attractive buildings, public spaces and walkways.	☒	☐	☐	Landscaping is provided across the ground floor common area, the courtyards of the ground floor apartments that are oriented towards Taylor Street and the Level 9 common area. The landscaping is appropriate for a development within the Lidcombe Town Centre where high density living is promoted.
b. To improve visual quality and contribute to a more positive local centre experience.	☒	☐	☐	
c. To reduce impacts on climate change at the local level and improve the natural environmental features and local ecology of the local centre.	☒	☐	☐	
d. To improve the amenity of business and commercial precincts through preserving and retaining existing mature trees where practical.	☒	☐	☐	
e. To support landscape design that incorporates the planting of endemic landscape species wherever possible.	☒	☐	☐	
f. To ensure that new street furniture is coordinated with existing street furniture and does not create clutter and obstacles in public spaces.	☒	☐	☐	
g. To ensure that public areas respond to	☒	☐	☐	

the needs of people with sensory and other disabilities.				
Performance criteria				
P1 Landscaping forms an integral part of the overall design concept.	☒	☐	☐	It is determined that the landscaping achieves the performance criteria.
P2 Landscape reinforces the architectural character of the street and positively contributes to maintaining a consistent and memorable character.	☒	☐	☐	
P3 Landscaped areas are used to soften the impact of buildings and car parking areas as well as for screening purposes.	☒	☐	☐	
P4 Landscaped areas are provided for passive and recreational use of workers.	☒	☐	☐	
P5 Enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings.	☒	☐	☐	
P6 Encourage the planting of low water consumption plants and trees.	☒	☐	☐	
Development controls				
D1 Development shall incorporate landscaping in the form of planter boxes to soften the upper level of buildings.	☒	☐	☐	This is achieved. All landscaping is contained within planter boxes which softens the impact of the building.
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.	☐	☐	☒	The landscape plan shows the use of shrubs to achieve an appropriate landscape solution for the building.
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 provide associated site security.	☒	☐	☐	
D5 Paving and other hard surfaces shall be consistent with architectural elements.	☒	☐	☐	
7.1 Street trees				
D1 Street trees shall be planted at a rate of one (1) tree per lineal metre of street frontage, even in cases where a site has more than one street frontage, excluding frontage to laneways.	☐	☐	☒	The landscape plan submitted with the development application does not identify any street tree planting at the front of the site.
D2 Street tree planning shall be consistent with Council's Street Tree Masterplan or relevant Public Domain Plan or Infrastructure Manual.	☐	☐	☒	Council's Street Tree Master Plan does not identify any requirement for street tree planting along the street.
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.	☐	☐	☒	It is considered unnecessary to have street tree planting at the front of the site.
D4 Where street trees and the provision of awnings are required, cut-outs shall be included in the awning design to accommodate existing and future street trees.	☐	☐	☒	
D5 Driveways and services shall be				

located to preserve significant trees. **D6** At the time of planting, street trees shall have a minimum container size of 200 litres and a minimum height of 3.5m, subject to species availability. **D7** Planter boxes (or similar) surrounding trees in the footpath shall be 1.2m x 1.2m, filled with approved gravel and located 200mm from the back of the kerb line.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	
8.0 Energy Efficiency and Water Conservation				
Objectives a. To achieve energy efficient commercial and retail developments. b. To encourage site planning and building design which optimises site conditions to achieve energy efficiency. c. To minimise overshadowing of the public domain including streets and open space. d. To give greater protection to the natural environment by reducing greenhouse gas emissions. e. To encourage the installation of energy efficient and water conserving appliances. f. To reduce the consumption of non-renewable energy sources for the purposes of heating, water, lighting and temperature control. g. To minimise potable water mains demand of non residential development by implementing water efficiency measures.	☐ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☐ ☐ ☐ ☐ ☐ ☐	A commercial development component is not proposed. The shadows created by the development fall southwards onto the road surfaces and the following properties:- • Retail properties at 31 to 33 Joseph Street. • A community centre at 2 Taylor Street. • The RSL Club and car park at 6 Taylor Street. There are some late afternoon shadowing across Number 9 to 11 Taylor Street. Generally, it is determined that the level of shadowing is acceptable.
8.1 Energy efficiency **Performance criteria** **P1** Internal building layouts are designed to minimise use of fossil fuel for heating and cooling and to encourage use of renewable energy in their running. Building materials and insulation assist thermal performance. **Development controls** **D1** Any hot water heaters to be installed, as far as practicable, shall be solar and, to the extent that this is not practicable, shall be greenhouse gas friendly systems that achieve a minimum 3.5 Hot Water Greenhouse Score. **D2** The practicability of all external lighting and common areas (e.g. undercover car parking) being lit utilising renewable energy resources generated on site shall be investigated. Larger developments (buildings exceeding 400m^2 in area) shall investigate the viability of utilising renewable energy resources for all lighting on site. A statement shall be included with the development application addressing these requirements.	☒ ☐ ☐	☐ ☐ ☐	☐ ☒ ☒	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the proposal in respect of energy efficiency. The development is required to comply with the BASIX requirements and as such the certificate is required to be incorporated into the bundle of plans to be approved.
8.2 Water conservation **Performance criteria** **P1** Water efficiency is increased by				State Environmental Planning Policy

appropriate building design, site layout, internal design and water conserving appliances.	☒	☐	☐	(Building Sustainability Index: BASIX) 2004 applies to the proposal in respect of water conservation.
Development controls				
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.	☐	☐	☒	
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.	☒	☐	☐	The plans show a 5,000 litre rainwater tank proposed for the site. The tank is situated within the ground floor garbage room. The facility will provide a water supply for watering the planter boxes within the common areas.
D3 Development shall install all water using fixtures that meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.	☐	☐	☒	
8.3 Stormwater drainage Applicants shall consult the Stormwater Drainage Part of this DCP for requirements for stormwater management.	☒	☐	☐	The storm water drainage system is determined as being acceptable by Council's Drainage and Development Engineer.
8.4 Rainwater tanks **Performance criteria**				
P1 Adequate measures are incorporated into new development to encourage the collection and reuse of stormwater and reduce stormwater runoff.	☒	☐	☐	The plans show a 5,000 litre rainwater tank proposed for the site. The tank is situated within the ground floor garbage room.
Development controls				
D1 Rainwater tanks shall be installed as part of all new development in accordance with the following: • The rainwater tank shall comply with the relevant Australian Standards; • The rainwater tank shall be constructed, treated or finished in a non-reflective material that blends in with the overall tones and colours of the subject and surrounding development; • Rainwater tanks shall be permitted in basements provided that the tank meets applicable Australian Standards; • The suitability of any type of rainwater tanks erected within the setback area of development shall be assessed on an individual case by case basis. Rainwater tanks shall not be located within the front setback; and • The overflow from rainwater tanks shall discharge to the site stormwater disposal system. For details refer to	☒	☐	☐	

the Stormwater Drainage Part of this DCP.				
8.5 Ventilation **Performance criteria** **P1** Natural ventilation is incorporated into the building design. **Development controls** **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.	☒ ☒	☐ ☐	☐ ☐	It is identified that 61% of the apartments are ventilated.
8.6 Solar amenity **Performance criteria** **P1** New buildings are designed to protect solar amenity for the public domain and residents. **Development controls** **D1** Shadow diagrams shall accompany development applications for buildings which demonstrate that the proposal will not reduce sunlight to less than 3 hours between 9.00 am and 3.00 pm on 21 June for: • public places or open space; • 50% of private open space areas; • 40% of school playground areas; or • windows of adjoining residences. **D2** Lighter colours in building materials and exterior treatments shall be used on the western facades of buildings.	☒ ☒ ☐ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☒ ☐ ☐	The building generates a substantial shadow towards the south but the shadows fall across road surfaces and non residential development including a car park. It is determined that the level of shadowing is acceptable.
9.0 Ancillary Site Facilities				
9.1 Provision for goods and mail deliveries **Performance criteria** **P1** New development incorporates adequate provision in its design for the delivery of goods and mail to both business and residential occupants. **Development controls** **D1** Provision shall be made on-site for courier car parking spaces in a convenient and appropriately signposted location, preferably with access off the principal street frontage, for developments incorporating greater than 3,000m^2 of 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.	☒ ☐ ☒	☐ ☐ ☐	☐ ☒ ☐	This is achieved. The plans show the provision of letter boxes situated at the main pedestrian entrance to the building facing Taylor Street.
10.0 Other Relevant Controls				
10.1 Waste **D1** Applicants shall consult the Waste Part of this DCP for requirements for disposal.	☒	☐	☐	This is achieved.

10.2 Access and amenity **D1** Applicants shall consult the relevant provisions within the Access and Mobility Part of this DCP.	☒	☐	☐	
11.0 Public Domain				
Objectives a. To ensure private development contributes to a safe, attractive and useable urban environment within the local centres of the Auburn local government area. b. To ensure the public domain forms an integrated part of the urban fabric of commercial centres. c. To encourage both night and day pedestrian activity in the commercial centres. d. To ensure private development contributes to a positive pedestrian environment. e. To ensure that outdoor dining areas do not interfere with pedestrian amenity. f. To encourage public art in new development. **Development controls** **D1** Any works within the public domain or which present to the public domain shall be consistent with Council's Public Domain Manual and/or the Town Centre Infrastructure Manual and Council's Policy on Crime Prevention Through Environmental Design. **D2** New buildings shall contribute to the public domain through the provision of awnings, sheltered building entries, verandahs and canopies, safe pedestrian linkages to car parks, landscaping, and open space, where appropriate. **D3** Outdoor dining on footpaths shall be limited. Refer to Council's relevant Public Domain Plan, Outdoor Dining Policy and Public Art Policy. **Note:** Refer to the relevant Public Domain Plan and Council's Public Art Policy.	☒ ☒ ☒ ☒ ☐ ☐ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☒ ☒ ☐ ☐ ☒	The Public Domain Manual does not address Taylor Street. However, it is identified that the footpath on Taylor Street will require rebuilding upon conclusion of works. Appropriate engineering conditions are provided to address the matter.
12.0 Subdivision				
Objectives: a. To ensure development sites are of a reasonable size to efficiently accommodate architecturally proportioned buildings and adequate car parking, loading facilities, etc. b. To provide lots which are of sufficient size to satisfy user requirements and to facilitate development of the land while having regard to site opportunities and constraints.	☒ ☒	☐ ☐	☐ ☐	The development application includes the Strata Title subdivision of the residential flat building into 90 strata title allotments. Strata concept plans have not been submitted. It is appropriate to address the Strata Subdivision of the development as conditions attached to any consent issued.
12.1 Size and dimensions **Performance criteria** **P1** The size and dimension of proposed lots contribute to the orderly development of the commercial centres.	☒	☐	☐	The three allotments will require consolidation into one allotment to facilitate the development.

Development controls **D1** Proposed lots shall be of sufficient area and dimension to allow a high standard of architectural design, the appropriate siting of buildings and the provision of required car parking, loading facilities, access and landscaping.	☒	☐	☐	Should the development application be approved, a condition would be required addressing land consolidation.
12.2 Utility services **Performance criteria** **P1** All essential public utility services are provided to the development to the satisfaction of relevant authorities. **Development controls** **D1** The applicant shall demonstrate that each proposed allotment can be connected to appropriate utility services including water, sewerage, power and telecommunications and (where available) gas. This may include advice from the relevant service authority or a suitably qualified consultant as to the availability and capacity of services. **D2** Common trenching for gas, electricity and telecommunications shall be provided in accordance with agreements between the relevant servicing authorities in NSW.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	An electricity substation is proposed at the north west corner of the site facing the laneway. Conditions will be required addressing the servicing of the building with water, sewer and electricity.
13.0 Residential Interface **Objectives:** a. To ensure that commercial development does not have adverse impacts on the amenity of adjoining and nearby residential zones. b. To ensure that commercial buildings are appropriately setback from nearby residential zones. c. To ensure that heavy vehicles associated with commercial development do not adversely impact upon the residential amenity.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	Part 13 is not applicable to the development application.
Development controls **D1** Buildings adjoining residential zones and/or open space shall be setback a minimum of 3 metres 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. **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. **D4** External lighting shall be positioned to avoid light spillage to adjoining residential zones.	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	

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.	☐	☐	☒	
14.0 Auburn Town Centre - N/A				
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, RE1 Public Recreation and RE2 Private Recreation under the Auburn LEP 2010. Refer to Figure 7. 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 development site is located within the Lidcombe Town Centre.
15.2 Setbacks **Performance criteria** **P1** The built edge of development fronting the street contributes to a sense of enclosure, scale and appropriate transition within the town centre.	☒	☐	☐	
Development controls **D1** Setbacks within the town centre shall be consistent with Figure 7.	☐	☒	☐	**The matter has been addressed earlier in the report under Part 3.2 above.** **A variation is identified but it is determined that the variation may be supported. The proposed front boundary setback is considered acceptable because it encloses the streetscape and greatly enhances the visual outlook for Taylor Street and provides a built form which is entirely consistent with the desired future character for the Lidcombe town centre.** **As such, the variation to the street wall height and setback is considered to be entirely appropriate in the circumstances.**
15.3 Active Frontages **Development controls** **D1** As a minimum, buildings shall provide active street frontages consistent with Figure 8.	☐	☐	☒	An active street frontage is not nominated for the site.
15.4 Laneways **Development controls** **D1** Redevelopment within the Lidcombe Town Centre shall make provision for the creation of new laneways as shown in Figure 9.	☐	☐	☒	
15.10 Site 6 - Railway Street **Objectives** a. To encourage a mix of uses within the retail core. b. To reinforce Joseph Street as the main	☒	☐	☐	

street of the southern area of the Lidcombe Town Centre. c. To ensure architectural design recognises the strategic significance of the site within the Lidcombe Town Centre and the visual prominence of the site from public areas, particularly the Lidcombe train station. d. To ensure development is sensitive in scale and character to the heritage items within the site. e. To improve pedestrian access and circulation within the town centre. f. To improve the amenity and safety of Taylor Street.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	A heritage impact statement prepared by Urbis dated August 20104 has been submitted with the development application. It is determined that the development will have no direct impact onto the heritage listed items due to buffers. The report also determines that sightlines are acceptable from the heritage listed items.
Development controls **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.**	☒ ☐ ☐	☐ ☐ ☒	☐ ☒ ☐	There are no through site linkages proposed and the design chosen does not allow for such linkages. It is considered appropriate not to have a through site linkage traversing the site.
16.0 Newington Small Village – This is not applicable to the development application.				

Residential Flat Buildings

The relevant objectives and requirements of the Residential Flat Buildings part of Auburn Development Control Plan 2010 have been considered in the following assessment table:

Requirement	Yes	No	N/A	Comments
1.0 Introduction				
Development to which this Part applies This part applies to residential flat building development. It does not apply to Newington and Wentworth Point (formerly Homebush Bay West) areas. Please refer to the Newington Parts of this DCP or the Wentworth Point DCPs listed in Section 1.6 of the Introduction Part of this DCP.	☒	☐	☐	
2.0 Built Form				
Objectives a. To ensure that all development contributes to the improvement of the character of the locality and streetscape 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.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The finished appearance of the building achieves the built form objectives stated here.

Requirement	Yes	No	N/A	Comments
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 the 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 different character areas.	☒	☐	☐	
j. To minimise the impacts of buildings overshadowing 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.	☒	☐	☐	
2.1 Site area **Performance criteria**				
P1 The site area of a proposed development is of sufficient size to accommodate residential flat development 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 1000m^2 and a street frontage of 20 metres in the B4 Zone or 26 metres in the R4 Zone.	☒	☐	☐	Zoning = B4 Mixed Use. Site area = 1433.5 square metres. Site frontage (Taylor Street) = 36.39 metres.
D2 Where lots are deep and have narrow street frontages the capacity for maximising residential development is limited. Two or more sites may need to be amalgamated to provide a combined site with sufficient width for good building design.	☒	☐	☐	The three allotments will need to be amalgamated into one allotment to facilitate the development. This may be addressed as a condition attached to any consent that may be issued.
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 recreation.	☒	☐	☐	The drainage system for the site is determined as being acceptable.
P2 Minimise impacts in relation to overshadowing, privacy and view loss.	☒	☐	☐	
P3 Ensure through-site links for pedestrians are incorporated where applicable.	☐	☐	☒	There are no through site pedestrian links provided within the development site. Given that a residential flat building is proposed with no commercial or retail outlets provided, it is considered that pedestrian links is not necessary for the
Development controls				
D1 The built upon area shall not exceed 50% of the total site area.	☐	☒	☐	

Requirement	Yes	No	N/A	Comments
D2 The non-built upon area shall be landscaped and consolidated into one communal open space and/or a series of courtyards.	☐	☐	☒	development. **<u>Site coverage</u> - The building occupies the entire site resulting in site coverage of 100%. A significant variation is identified. It is not feasible to achieve compliance with the stated provision due to the zoning, position of the site within the Lidcombe Town Centre and the applicable planning controls that allows a high floor space ratio. It is considered appropriate to permit a variation to the stated provision.**
2.3 Building envelope **Performance criteria** **P1** The height, bulk and scale of a residential flat building development is compatible with neighbouring development and the locality. Residential flat buildings: • addresses both streets on corner sites; • align with the existing street frontages and/or proposed new streets; and • **form an L shape or a T shape where there is a wing at the rear.** **<u>Note</u>:** The development control diagrams in section 10.0 illustrate building envelope controls**.**	☒ ☒ ☐	☐ ☐ ☒	☐ ☐ ☐	It is determined that the form of the development is acceptable. Variations and alternative concept designs have been explored however any change will result in significant overshadowing of a residential flat building to the east. The development does not form an L shape or T shape as suggested by this Part. The development takes the form of a "U" shape building to reduce the impact of shadowing and privacy into a smaller residential flat building to the east at 9 to 11 Taylor Street.
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 3,000m2** **D3** The tower component of any building above the podium or street wall height is to have a maximum floor plate of 850m^2.	☒ ☐ ☒	☐ ☒ ☐	☐ ☐ ☐	**A building with a footprint of 24 metres x 45 metres occupies an area of 1,080 square metres.** **At ground level, the building occupies an area of 1,294.3 square metres.** **This results in a building with a large volume. The figure includes the common open space which is open to the elements.** **Excluding the common open space area, the building occupies a footprint of 1,125.5 square metres. The figure quoted includes the driveway access, fire storage tank, pump room and common pathways and linkages.** **The ground floor level is considered to be appropriately designed notwithstanding its size.**

Requirement	Yes	No	N/A	Comments
				The tower above level 1 inclusive of balconies occupies a footprint of 816.1 square metres which is significantly less than that of the ground floor. The tower building component is determined as being acceptable. **Generally, it is determined that the building is acceptable when considered under Subpart D1 and D2.**
2.4 Setbacks **Performance criteria**				
P1 Impact on the streetscape is minimised by creating a sense of openness, providing opportunities for landscaping and semi-private areas, and providing visual continuity and building pattern.	☒	☐	☐	The built edge of development at the street frontage contributes to a sense of enclosure and scale within the building.
P2 Integrate new development with the established setback character of the street.	☒	☐	☐	
P3 Ensure adequate separation between buildings, consistent with the established character and rhythm of built elements in the street.	☒	☐	☐	
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.	☐	☒	☐	**The proposed front boundary setback of "nil" is considered acceptable because it encloses the streetscape and greatly enhances the visual outlook for Taylor Street and provides a built form which is entirely consistent with the desired future character for the Lidcombe town centre.**
D2 Where a site has frontage to a lane, the minimum setback shall be 2m, however, this will vary depending on the width of the lane.	☐	☒	☐	**The site has a frontage to a laneway but a 2 metre setback from the lane is not provided. The setback from the lane (Western and northern boundary) is "nil".**
D3 Where a new building is located on a corner, the main frontage shall be determined on the existing streetscape patterns. Where the elevation is determined as the 'secondary' frontage, the setback may be reduced to 3m except where it relates to a primary frontage on that street.	☐	☒	☐	**The building at ground level occupies the whole site except for some landscape planter boxes along the southern curtilage which provides some greenery to the built form.**
D4 Front setbacks shall ensure that the distance between the front of one building to the front of the building on the opposite side of the street is a minimum of 10m for buildings up to 3 storey high. For example, 2m front setback is required where a 6m wide laneway is a shareway between the	☒	☐	☐	This is achieved despite no residential flat buildings situated on the southern side of Taylor Street. **Should the development be supported, then a variation to Part D1, D2 and D3 will need to be granted.** **A variation may be supported on**

Requirement	Yes	No	N/A	Comments
front of 2 buildings. Where a footpath is to be incorporated a greater setback shall be required.				**grounds that the site is within a town centre location in which the applicable controls allow for high density living.**
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 1m.	☒	☐	☐	
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 3 metres.	☐	☐	☒	The site is not situated within a residential zone.
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.	☐	☐	☒	
D2 Where there is a frontage to a street and a rear laneway the setback to the rear laneway shall be a minimum of 2m.	☐	☒	☐	**The setbacks nominated are not complied with. The setbacks are more appropriate to a residential area rather than a town centre location. As such, the nominated setbacks should not apply to the development given its location within the B4 Mixed Use zone.**
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.	☐	☐	☒	
2.4.4 Haslam's creek setback				
D1 A minimum 10m setback from the top of the creek bank of Haslam's Creek and its tributaries shall be required. Refer to the Stormwater Drainage Part of this DCP for additional controls.	☐	☐	☒	The site is not close to Haslam's Creek.
2.4.5 Setbacks at Olympic Drive, Lidcombe				
Performance criteria				
P1 Sites with frontage to Olympic Drive, Lidcombe, address this road and provide an appropriately landscaped setback.	☐	☐	☒	Part 2.4.5 will not apply to the development application.
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				Depth of northern wing (north-south axis) = 12.5 metres.
Performance criteria				
P1 A high level of amenity is provided for residents including solar and daylight access.	☒	☐	☐	Depth of southern wing (north-south axis) = 12.5 metres.
Development controls				
D1 The maximum depth of a residential flat building shall be 24m (inclusive of	☒	☐	☐	Depth of western section (east-west axis) = 18.2 metres.

Requirement	Yes	No	N/A	Comments
balconies and building articulation but excluding architectural features).				This is considered as being acceptable for such a development.
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.	☒ ☒ ☐	☐ ☐ ☐	☐ ☐ ☒	Ground floor ceiling height = 4 metres. Levels 1 - 9 ceiling heights = 2.7 metres.
2.7 Head height of windows **Performance criteria** **P1** Window heights allow for light penetration into rooms and well-proportioned elevations. **Development controls** **D1** The head height of windows and the proportion of windows shall relate to the floor to ceiling heights of the dwelling. **D2** For storeys with a floor to ceiling height of 2.7 metres, the minimum head height of windows shall be 2.4 metres. **D3** For storeys with a floor to ceiling height of 3 metres, the minimum head height of windows shall be 2.7 metres.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The head height of the windows is 2.4 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. **Development controls** **D1** All development adjacent to and/or adjoining a heritage item shall be: • responsive in terms of the curtilage and design; • accompanied by a Heritage Impact Statement; and • respectful of the building's heritage significance in terms of the form, massing, roof shapes, pitch, height and setbacks.	☒ ☒	☐ ☐	☐ ☐	The development site is located within the vicinity of two heritage listed items. The matters concerning heritage is addressed under the Auburn Local Environmental Plan 2010. As such, the matter does not require further review.

Requirement	Yes	No	N/A	Comments
2.9 Building design **Performance criteria** **P1** Building design, detailing and finishes provide an appropriate scale to the street and add visual interest. **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.	☒ ☒	☐ ☐	☐ ☐	The development has been suitably treated and includes appropriate finishes. A combination of building materials will be used such as masonry, glass, steel and concrete. The base of the building is well defined using materials that are different from those to be used for the upper floors.
Development controls				
2.9.1 Materials **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 costs. **D1** All developments shall be constructed from durable, high quality materials.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Some façade treatment consists of cement rendering with paint finish but the amount of rendering is now reduced to an acceptable level. The building materials include:- • Taubmans Akimbo (White colour). • Taubmans Casino (Dark grey). • Taubmans Éclair (Reddish / brown). • Taubmans Citrus (Yellow). Masonry construction features with glazed elements. The base of the building features brickwork and a sandstone which is different from the upper levels. This is supported and achieves a suitable finish to the building.
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. **D2** 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.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	An appropriate quality of finish is provided to the locality. The material sheet provided (Issue F) shows a building with an appropriate massing including suitable use of horizontal and vertical projections. The balconies are well defined and oriented towards the street and laneway. The north west corner of the building is appropriately finished using masonry material. This is a significant building with a strong projection towards the street but it is a built form envisaged by the planning controls.
2.9.3 Roof form **D1** Roof forms shall be designed in a way that the total form does not add unnecessary height and bulk of the building.	☒	☐	☐	The roof of the building is flat.
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.	☒ ☒	☐ ☐	☐ ☐	Balconies are orientated to the street frontages providing casual surveillance over Taylor street and the adjoining laneway. This will be reinforced with a condition on any development consent requiring the underside of balconies within the development to be designed to prevent

Requirement	Yes	No	N/A	Comments
D2 Opaque glazing and/or masonry for balustrading and balconies is encouraged.	☒	☐	☐	exposed pipes and utilities being visible. A variety of balustrades are proposed including opaque glazed balustrades and cement rendered balustrades.
D3 Clear glazing for balustrading and balconies is prohibited.	☒	☐	☐	
2.10 Dwelling size **Performance criteria**				
P1 Internal dwelling sizes and shapes are suitable for a range of household types.	☒	☐	☐	All the apartments comply with the provisions of the Residential Flat Design Code.
P2 All rooms are adequate in dimension and accommodate their intended use.	☒	☐	☐	The apartments range in size from 55 square metres to 58 square metres for the one bedroom apartment, 75 to 84 square metres for the 2 bedroom apartments and 99.7 square metres for the three bedroom apartments.
Development controls				
D1 The size of the dwelling shall determine the maximum number of bedrooms permitted.				
Number of bedrooms — Dwelling size				A wide variation is identified at this part under the Council adopted development control plan. However it is identified that 42 of the apartments within the building comply with the Council requirement.
Studio — 50m²	☒	☐	☐	
1 bedroom (cross through) — 50m²	☐	☐	☒	
1 bedroom (maisonette) — 62m²	☐	☐	☒	
1 bedroom (single aspect) — 63m²	☐	☒	☐	
2 bedrooms (corner) — 80m²	☐	☒	☐	It is considered appropriate to promote affordable housing as much as possible and as such it is considered appropriate to support the variation to the development control plan standard.
2 bedrooms (cross through or over) 90m²	☐	☒	☐	
3 bedrooms — 115m²	☐	☒	☐	
4 bedrooms — 130m²	☐	☐	☒	
D2 At least one living area shall be spacious and connect to private outdoor areas.	☒	☐	☐	Taken from the Residential Flat Design Code, the Affordable Housing Service suggests minimum apartment sizes to be - 1 bed = 50sqm, 2 beds = 70sqm and 3 beds = 95sqm.
2.11 Apartment mix and flexibility **Performance criteria**				
P1 A diversity of apartment types are provided, which cater for different household requirements now and in the future.	☒	☐	☐	
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 following apartment mix is proposed:- • 12 x 1 bed (13.3%). • 76 x 2 bed (84.4%). • 2 x 3 bed (2.2%).
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.	☒	☐	☐	Apartment mix is considered appropriate for a town centre site in close proximity to the Lidcombe train station.

Requirement	Yes	No	N/A	Comments
D3 A mix of one (1) and three (3) bedroom apartments shall be located on the ground level where accessibility is more easily achieved for disabled, elderly people or families with children.	☒	☐	☐	The following apartment mix is proposed on the ground floor:- • 2 x 1 bed. • 2 x 2 bed.
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.	☒	☐	☐	This is determined as being satisfactory.
D5 Robust building configurations which utilise multiple entries and circulation cores shall be provided especially in larger buildings over 15m long.	☒	☐	☐	
D6 Apartment layouts which accommodate the changing use of rooms shall be provided.	☒	☐	☐	The internal living spaces are arranged to allow an appropriate furniture layout to be achieved.
D7 Design solutions may include: • windows in all habitable rooms and to the maximum number of non-habitable rooms; • adequate room sizes or open-plan apartments, which provide a variety of furniture layout opportunities; and • dual master bedroom apartments, which can support two independent adults living together or a live/work situation.	☒	☐	☐	
D8 Structural systems that support a degree of future change in building use or configuration shall be used. Design solutions may include: • a structural grid, which accommodates car parking dimensions, retail, commercial and residential uses vertically throughout the building; • the alignment of structural walls, columns and services cores between floor levels; • the minimisation of internal structural walls; • higher floor to ceiling dimensions on the ground floor and possibly the first floor; and • knock-out panels between apartments to allow two adjacent apartments to be amalgamated.	☒	☐	☐	
3.0 Open space and landscaping				
Objectives				
a. To provide sufficient and accessible 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	☒	☐	☐	

Requirement	Yes	No	N/A	Comments
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. 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.	☐ ☒ ☒ ☒ ☐ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☐ ☐ ☐ ☒ ☐ ☐ ☒	There are no trees situated across the site of any significance. There are planter boxes provided in which shrubs and small trees will be planted. This will promote some sense of greenery for the development.
3.1 Development application requirements A landscape plan shall be submitted with all development applications for residential flat buildings. The landscape plan should specify landscape themes, vegetation (location and species), paving and lighting that provide a safe, attractive and functional environment for residents, integrates the development with the neighbourhood and contributes to energy efficiency and water management. A landscape plan prepared by a professionally qualified landscape architect or designer shall be submitted with the development application which shows: • proposed site contours and reduced levels at embankments, retaining walls and other critical locations; • existing vegetation and the proposed planting and landscaping (including proposed species); • general arrangement of hard landscaping elements on and adjoining the site; • location of communal facilities; • proposed lighting arrangements; • proposed maintenance and irrigation systems; and • proposed street tree planting.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	A landscape plan is prepared by Vision Dynamics Landscape Design. The landscape plan is adequate for the development and details matters of:- • Planting methods. • Species to be used. • Irrigation. The landscape plan also shows the need for waterproof membranes where appropriate and drainage.
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	☒	☐	☐	The landscape plan provides details of the paving to be used for the common areas.

Requirement	Yes	No	N/A	Comments
from the public street; and • encourage shared use of access driveways between pedestrians, cyclists and vehicles. **Development controls**				
D1 If an area is to be paved, consideration shall be given to selecting materials that will reduce glare and minimise surface run-off.	☒	☐	☐	
D2 All landscaped podium areas shall maintain a minimum soil planting depth of 600mm for tree provision and 300mm for turf provision.	☒	☐	☐	
3.3 Deep soil zone **Performance criteria**				
P1 A deep soil zone allows adequate opportunities for tall trees to grow and spread. **Note:** Refer to the development control diagrams in section 10.0.	☐	☒	☐	**The basement occupies the entire site prohibiting the provision of any deep soil zone. The design is considered acceptable in this instance as the development site is located within the Lidcombe Town Centre. The area is a relatively dense urban area which restricts the provision of deep soil zones. Suitable stormwater management measures are proposed and soft landscaping and planter boxes accommodating shrubs and small trees form an integral part of the podium communal open space areas at level 1 and level 9.**
Development controls				
D1 A minimum of 30% of the site area shall be a deep soil zone.	☐	☒	☐	
D2 The majority of the deep soil zone shall be provided as a consolidated area at the rear of the building.	☐	☒	☐	
D3 Deep soil zones shall have minimum dimensions of 900mm.	☐	☒	☐	
D4 Deep soil zones shall not include any impervious (hard) surfaces such as paving or concrete.	☐	☒	☐	
3.4 Landscape setting **Performance criteria**				
P1 Development does not unreasonably intrude upon the natural landscape, particularly on visually prominent sites or sites which contribute to the public domain.	☒	☐	☐	
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.	☐	☐	☒	The site is not steeply sloping.
D2 Existing significant trees shall be retained within the development.	☐	☐	☒	
D3 The minimum soil depth for terraces where tree planting is proposed is 800mm.	☒	☐	☐	

Requirement	Yes	No	N/A	Comments
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.	☒	☐	☐	
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.	☒	☐	☐	Every apartment above the ground level are provided with terraces or balconies. A small number of apartments are provided with secondary balconies attached to bedrooms.
D2 Dwellings on the ground floor shall be provided with private open space that has a minimum area of $9m^2$ and a minimum dimension of 2.5m.	☒	☐	☐	All ground floor apartments are provided with a well sized courtyard off their living area and are screened from the street by planter boxes. Ground floor courtyards range in size from 25 square metres to 31.5 square metres.
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.	☒	☐	☐	The main terrace or balcony for each apartment occupies an area exceeding 8 square metres.
D4 Balconies may be semi enclosed with louvres and screens.	☒	☐	☐	Apartments Numbered 101 and 110 are provided with terraces occupying an area of 41 square metres and 31.3 square metres respectively which enhances their living environments. The terraces are delineated with planter boxes which enhances the levels of privacy.
D5 Private open space shall have convenient access from the main living area.	☒	☐	☐	
D6 Part of the private open space shall be capable of serving as an extension of the dwelling for relaxation, dining, recreation, entertainment and children's play.	☒	☐	☐	
D7 Additional small, screened service balconies may be provided for external clothes drying areas and storage.	☐	☐	☒	

Requirement	Yes	No	N/A	Comments
D8 Private open space and balconies shall take advantage of mid to long distance views where privacy impacts will not arise.	☒	☐	☐	
3.6 Communal open space **Performance criteria** **P1** The site layout provides communal open spaces which: • contribute to the character of the development; • provide for a range of uses and activities; • allows cost-effective maintenance; and • contributes to stormwater management. **Development controls**	☒	☐	☐	Site area = 1433.5 square metres. Communal open space = 27.13% (389.4 square metres). This is the combined area of the common space situated on the ground level and on Level 9.
D1 Communal open space shall be useable, and where possible have a northern aspect and contain a reasonable proportion of unbuilt upon (landscaped) area and paved recreation area.	☒	☐	☐	This is achieved for the Level 9 rooftop common space which is provided with additional features such as BBQs and seating.
D2 The communal open space area shall have minimum dimensions of 10m.	☒	☐	☐	
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**	☐	☐	☒	There are no significant trees situated across the subject site.
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.	☐	☐	☒	
P2 Plantings are a mix of native and exotic water-wise plant species. **Development controls**	☒	☐	☐	The shrubs to be planted on site are determined as being satisfactory.
D1 The planting of indigenous species shall be encouraged.	☒	☐	☐	
3.9 Street trees **Performance criteria** **P1** Existing street landscaping is maintained and where possible enhanced. **Development controls**	☐	☐	☒	Council's Street Tree Master Plan does not identify any requirement for street tree planting along the street.
D1 Driveways and services shall be located to preserve existing significant	☐	☐	☒	It is considered unnecessary to have street tree planting at the front of the site.

Requirement	Yes	No	N/A	Comments
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				
4.1 Access and car parking requirements 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.	☐ ☒ ☒ ☐ ☒	☒ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☐	**The basement occupies the whole site which prohibits the provision of any deep soil zones. The design is considered acceptable in this instance as the development site is located within the Lidcombe Town Centre. The area is a relatively dense urban area which restricts the provision of deep soil zone. Suitable stormwater management measures are proposed and soft landscaping and planter boxes accommodating shrubs and small trees form an integral part of the podium communal open space areas at level 1 and level 9.**
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.	☒ ☒	☐ ☐	☐ ☐	The development is determined as complying with the stated objectives specific to privacy.
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.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Distance between windows of northern and southern wing on the level 1 podium is 14 metres. The level of internal privacy across the upper levels is determined as being satisfactory. <u>Top floor common space</u> The top floor common space is provided with a solid parapet wall that is 900 mm

Requirement	Yes	No	N/A	Comments
D3 Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings. **D4** Views onto adjoining private open space shall be obscured by: • Screening that has a maximum area of 25% openings, shall be permanently fixed and made of durable materials; or • Existing dense vegetation or new planting.	☒ ☒	☐ ☐	☐ ☐	high. It would be appropriate to increase the wall height to 1.5 metres to promote additional privacy towards the residential flat building situated at 9 to 11 Taylor Street to the east. This is addressed as Condition 19(e) attached to the Condition set.
5.1 Noise **Performance criteria** **P1** The transmission of noise between adjoining properties is minimised. **P2** New dwellings are protected from existing and likely future noise sources from adjoining residential properties and other high noise sources (such as busy roads, railway corridors and industries) and the transmission of intrusive noise to adjoining residential properties is minimised. **Development controls** **D1** For acoustic privacy, buildings shall: • be designed to locate noise sensitive rooms and private open space away from the noise source or by use of solid barriers where dwellings are close to high noise sources; • minimise transmission of sound through the building structure and in particular protect sleeping areas from noise intrusion; and • all shared floors and walls between dwellings to be constructed in accordance with noise transmission and insulation requirements of the BCA. **Note:** For development within or adjacent to a rail corridor, or major road corridor with an annual average daily traffic volume of more than 40,000 vehicles, applicants must consult *State Environmental Planning Policy (Infrastructure) 2007* and the NSW Department of Planning's Development Near Rail Corridors and Busy Roads - Interim Guidelines, 2008.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The matter of noise has been addressed earlier in the assessment under State Environmental Planning Policy Infrastructure 2007. It is determined that subject to conditions, the matter of noise is determined as being satisfactory.
5.2 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. **P3** Ensure a development is integrated with the public domain and contributes to an active pedestrian-orientated	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The matter of crime prevention and security has been addressed earlier in the report. It is determined that Part 5.2 is satisfied.

Requirement	Yes	No	N/A	Comments
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).	☒	☐	☐	
Development controls				
D1 Shared pedestrian entries to buildings shall be lockable.	☒	☐	☐	
D2 Ensure lighting is provided to all pedestrian paths, shared areas, parking areas and building entries.	☒	☐	☐	
D3 High walls which obstruct surveillance are not permitted.	☒	☐	☐	
D4 The front door of a residential flat building shall be visible from the 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.	☒	☐	☐	
D6 A council approved street number should be conspicuously displayed at the front of new development or the front fence of such development.	☒	☐	☐	
D7 Fences higher than 900mm shall be of an open semitransparent design.	☒	☐	☐	
D8 Balconies and windows shall be positioned to allow observation of entrances.	☒	☐	☐	
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.	☒	☐	☐	
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.	☒	☐	☐	
D13 Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	☒	☐	☐	
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.	☐	☐	☒	
5.3 Fences				

Requirement	Yes	No	N/A	Comments
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.	☒	☐	☐	
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.	☐	☒	☐	**A fence wall like structure faces Taylor Street which varies in height from 650 mm to 2 metres due to the slope of the land. The fence features horizontal slats above a solid base. The design achieves an acceptable balance between allowing for casual surveillance and providing a level of privacy for dwelling occupants.**
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.	☒	☐	☐	**The design is compatible with the B4 Mixed Use town centre setting of the site.**
D3 All fences forward of the building alignment shall be treated in a similar way.	☒	☐	☐	
D4 Solid pre-coated metal fences shall be discouraged and shall not be located forward of the front building line.	☒	☐	☐	No colourbond fencing is proposed at ground level.
D5 Front fences shall satisfy the acoustic abatement criteria and be provided with a landscaped area on the street side of the fence.	☐	☐	☒	
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.	☐	☐	☒	
D7 Fencing and associated walls must be positioned so as not to interfere with any existing trees.	☒	☐	☐	
D8 Gates and doors are to be of a type which does not encroach over the street alignment during operation.	☒	☐	☐	
6.0 Solar amenity and stormwater reuse				
Objectives a. To minimise overshadowing of	☒	☐	☐	This is achieved.

Requirement	Yes	No	N/A	Comments
adjoining residences and to achieve energy efficient housing in a passive solar design that provides residents with year round comfort and reduces energy consumption.	☒	☐	☐	
b. To create comfortable living environments.	☒	☐	☐	
c. To provide greater protection to the natural environment by reducing the amount of greenhouse gas emissions.	☒	☐	☐	
d. To reduce the consumption of non-renewable energy sources for the purposes heating water, lighting and temperature control.	☒	☐	☐	
e. To encourage installation of energy efficient appliances that minimise greenhouse gas generation.	☒	☐	☐	
6.1 Solar amenity **Performance criteria**				
P1 Buildings are sited and designed to ensure daylight to living rooms in adjacent dwellings and neighbouring open space is not significantly decreased.	☒	☐	☐	**The common open space on the ground level will be significantly overshadowed by northern and western wing of the building.**
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.	☒	☐	☐	**The roof top communal open space on level 9 has a northern aspect and is not overshadowed by adjoining development to the north.** **The roof top communal open space allows the development, in part to achieve this design practice requirement. Accordingly, the proposal is considered acceptable because an appropriate solution is offered.**
Development controls				
D1 Solar collectors proposed as part of a new development shall have unimpeded solar access between 9:00am to 3:00pm on June 21.	☐	☐	☒	
Solar collectors existing on the adjoining properties shall not have their solar access impeded between 9:00am to 3:00pm on June 21.	☐	☐	☒	The lower floors of southern wing will be overshadowed by northern wing. Notwithstanding this, the proposal achieves minimum 2 hour direct sunlight requirement.
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.	☒	☐	☐	It would be possible for the Strata Managers of 9 to 11 Taylor Street to place solar panels onto the roof of their building without undue shadowing.
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.	☒	☐	☐	The "U" shape design of the building provides the least amount of shadowing to 9 to 11 Taylor Street.
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.	☐	☐	☒	

Requirement	Yes	No	N/A	Comments
D4 New buildings and additions shall be designed to maximise direct sunlight to north-facing living areas and all private open space areas.	☒	☐	☐	
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.	☒	☐	☐	
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.	☐	☐	☒	
D7 Internal living areas and external recreation areas shall have a north orientation for the majority of units in the development, where possible.	☒	☐	☐	
D8 The western walls of the residential flat building shall be appropriately shaded.	☒	☐	☐	
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				
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.	☐	☒	☐	**The southern side of the building is presented towards the street. Accordingly, the positioning of habitable rooms on the southern side takes precedence in this instance. This allows the development to achieve a better street presentation and comply with safety requirements.**
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.	☒	☐	☐	Several cross through apartments are proposed. Single aspect apartments are limited in depth to 8m from a window. The kitchens are generally 8 metres or less from a window.
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.	☒	☐	☐	Bathrooms, laundries and kitchens are predominantly proposed to be mechanically ventilated. Natural ventilation is available for a select few apartments.
6.3 Rainwater tanks **Performance criteria**				
P1 The development design reduces stormwater runoff.	☒	☐	☐	A 5000L rainwater tank, to be located within the building in the ground floor garbage room. This will allow water to be collected for use for watering common area planting.
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	☐	☐	☒	

Requirement	Yes	No	N/A	Comments
material which blends in with the overall tones and colours of the building and the surrounding developments.				
D3 The suitability of rainwater tanks erected within the side setback areas of development will be assessed on an individual case by case basis.	☐	☐	☒	
D4 Rainwater tanks shall not be located within the front setback.	☒	☐	☐	
D5 The overflow from the domestic rain water tank shall discharge to the site stormwater disposal system. For additional details refer to the Stormwater Drainage Part of this DCP.	☒	☐	☐	
D6 The rain water tank shall comply with the applicable Australian Standards AS/NZ 2179 and AS 2180 for rainwater goods and installation.	☒	☐	☐	
6.4 Stormwater drainage Applicants shall refer to the stormwater drainage requirements in the Stormwater Drainage Part of this DCP.	☒	☐	☐	Stormwater drainage is determined as being satisfactory by Council's Drainage and Development Engineer.
7.0 Ancillary site facilities				
Objectives a. To ensure that site facilities are effectively integrated into the development and are unobtrusive.	☒	☐	☐	The building is provided or capable of being provided with an appropriate level of services.
b. To maintain and enhance the character of streetscapes.	☒	☐	☐	
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.	☒	☐	☐	
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.	☐	☒	☐	**The site is situated within the Lidcombe town centre, being a relatively dense urban environment. Accordingly, the provision of adequate open-air clothes drying facilities is limited in this instance.**
Development controls **D1** Each dwelling shall be provided with individual laundry facilities located within the dwelling unit.	☒	☐	☐	Every apartment is provided with a laundry facility.
D2 Open air clothes drying facilities shall be provided in a sunny, ventilated and convenient location which is adequately screened from streets and other public places, where possible.	☐	☐	☒	
7.2 Storage **Performance criteria** **P1** Dwellings are provided with adequate storage areas.	☒	☐	☐	There are 94 store rooms situated within the basement car park. As such there is an adequate number of storage rooms provided for the development. The store rooms within the basement take the form of cages.
Development controls **D1** Storage space of 8m3 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				

Requirement	Yes	No	N/A	Comments
the minimum area to be provided for parking spaces.	☒	☐	☐	Every apartment is provided with internal storage space of appropriate size.
7.2 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.	☒	☐	☐	An electricity substation is likely to be required for this development. The applicant has shown the provision for an electricity substation situated at the north west portion of the development with access from the laneway.
Development controls				
D1 Where possible, services shall be underground.	☒	☐	☐	A Section 73 certificate will be required for the development from Sydney Water. The matter may be addressed as a condition attached to any consent that may be issued.
7.3 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.	☒	☐	☐	
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.	☒	☐	☐	The landscape plan shows the provision of letterboxes to the front of the development on Taylor Street. A condition will be imposed on any development consent to address this requirement.
D3 Individual letterboxes can be provided where ground floor residential flat building units have direct access to the street.	☒	☐	☐	
7.4 Waste disposal Applicants shall refer to the requirements held in the Waste Part of this DCP.	☒	☐	☐	A waste management plan has been provided to address waste during demolition and construction. The plans should be incorporated into any consent that may be issued.
8.0 Subdivision				
Objectives a. To ensure that subdivision and new development is sympathetic to the landscape setting and established character of the locality.	☒	☐	☐	The development application includes the Strata Subdivision of the building into 90 Strata Title allotments.
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.	☒	☐	☐	A detailed Strata Plan has not been submitted. The matter of Strata Subdivision may be addressed as a condition attached to any consent that may be issued.
8.1 Lot amalgamation **Performance criteria**				
P1 Lot amalgamations within development sites are undertaken to ensure better forms of housing development and design.	☒	☐	☐	The site will require amalgamation to ensure the development is capable of proceeding. This may be addressed as a condition attached to any consent that may be issued.
Development controls				
D1 Development sites involving more than one lot shall be consolidated.	☒	☐	☐	
D2 Plans of Consolidation shall be submitted to, and registered with, the office of the NSW Land and Property	☒	☐	☐	

Requirement	Yes	No	N/A	Comments
Management Authority. Proof of registration shall be produced prior to release of the Occupation Certificate.				
D3 Adjoining parcels of land not included in the development site shall be capable of being economically developed.	☒	☐	☐	
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.	☒	☐	☐	A detailed Strata Plan has not been submitted. The matter of Strata Subdivision may be addressed as a condition attached to any consent that may be issued.
D2 Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part.	☐	☐	☒	
8.3 Creation of new streets **Performance criteria**				
P1 On some sites, where appropriate, new streets are introduced.	☐	☐	☒	There are no new streets to be created.
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.	☐	☐	☒	

Requirement	Yes	No	N/A	Comments
9.0 Adaptable housing				
Objectives a. To ensure a sufficient proportion of dwellings include accessible layouts and features to accommodate changing requirements of residents. b. To encourage flexibility in design to allow people to adapt their home as their needs change due to age or disability.	☒ ☒	☐ ☐	☐ ☐	The development provides for adaptable housing.
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.	☒	☐	☐	
9.2 Design guidelines **Performance criteria** **P1** Residential flat building developments allow for dwelling adaptation that meets the changing needs of people. **Development controls** **D1** The required standard for Adaptable Housing is AS 4299. Wherever the site permits, developments shall include adaptive housing features into the design. External and internal considerations shall include: • access from an adjoining road and footpath for people who use a wheel chair; • doorways wide enough to provide unhindered access to a wheelchair; • adequate circulation space in corridors and approaches to internal doorways; • wheelchair access to bathroom and toilet; • electrical circuits and lighting systems capable of producing adequate lighting for people with poor vision; • avoiding physical barriers and obstacles; • avoiding steps and steep end gradients; • visual and tactile warning techniques; • level or ramped well lit uncluttered approaches from pavement and parking areas; • providing scope for ramp to AS 1428.1 at later stage, if necessary; • providing easy to reach controls, taps, basins, sinks, cupboards, shelves, windows, fixtures and doors; • internal staircase designs for adaptable housing units that	☒ ☒	☐ ☐	☐ ☐	There are nine (9) adaptable apartments within the development which is an adequate amount.

<table>
<tr><th>Requirement</th><th>Yes</th><th>No</th><th>N/A</th><th>Comments</th></tr>
<tr><td>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.</td><td></td><td></td><td></td><td></td></tr>
<tr><td>D1 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

<table>
<tr><th>Number of dwellings</th><th>Number of units</th></tr>
<tr><td>5-10</td><td>1</td></tr>
<tr><td>11-20</td><td>2</td></tr>
<tr><td>21 – 30</td><td>3</td></tr>
<tr><td>31- 40</td><td>4</td></tr>
<tr><td>41 - 50</td><td>5</td></tr>
<tr><td>Over 50</td><td>6</td></tr>
</table>
(Plus 10% of additional dwellings beyond 60, rounded up to the nearest whole number)

<u>Note</u>: Adaptable Housing Class C incorporates all essential features listed in Appendix A - Schedule of Features for Adaptable Housing in AS 4299.</td><td>☒

☒</td><td>☐

☐</td><td>☐

☐</td><td>There are 90 apartments proposed within the development and as such at least nine (9) apartments are adaptable. This is the correct figure for any such development.</td></tr>
<tr><td>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.</td><td>☒

☐</td><td>☐

☐</td><td>☐

☒</td><td>The development is supported by two lift cores with one servicing the northern wing and one servicing the southern wing. The lifts connect all floors and the basement levels.

The lifts provide appropriate access across the building for people with disabilities.</td></tr>
<tr><td>9.4 Physical barriers
Development controls
D1 Physical barriers, obstacles, steps and steep gradients within the development site shall be avoided.</td><td>☒</td><td>☐</td><td>☐</td><td></td></tr>
<tr><td colspan="5">10.0 Development control diagrams and tables</td></tr>
<tr><td>10.1 Development control diagrams (for residential zones only)
Figures 1 to 4 comprise development control diagrams which illustrate the controls for setbacks, communal open space and number of storeys for two (2) scenarios. The following scenarios are provided.</td><td>☐</td><td>☐</td><td>☒</td><td></td></tr>
</table>

Parking and Loading

The relevant objectives and requirements of the Parking and Loading part of the Auburn Development Control Plan 2010 have been considered.

Given that the development is located within a B4 mixed Use zone and is within 1000m of a railway station in the Lidcombe town centre, the specific provisions of 5.1.5 of this part applies.

The parking requirement is specified below;

Table 6A – Summary of car parking requirements for Local Centres

Component of Building	**Minimum Car parking spaces required**	**Maximum car parking spaces required**
No. of Bedrooms		
Studio/1 bedroom	1.0 parking space	1.0 parking space
2 bedrooms	1.2 parking spaces	3.0 parking spaces
3 bedrooms	1.5 parking spaces	4.0 parking spaces
4 or more bedrooms	2.0 parking spaces	6.0 parking spaces
Visitor car parking area		
0 - 50 units	4.0 parking spaces	10.0 parking spaces
51- 100 units	8.0 parking spaces	25.0 parking spaces
101 - 250 units	12.0 parking spaces	55.0 parking spaces
251 or more units	16.0 parking spaces	65.0 parking spaces
Commercial/retail area		
Square metre of net leasable Commercial/retail area	1 parking space per 60 square metres	4 car parking spaces per 40 square metres

It is identified that the development is provided with a three level car park comprising of:-

- 103 residential spaces and 18 visitor spaces for a total of 121 spaces.
- 10 spaces for people with disabilities.
- Vehicular access from the laneway.
- Two lifts connecting the basement with the rest of the development.
- Two fire isolated stairwells.
- 18 Bicycle parking bays.
- Storage rooms.

The calculation of the required parking for the development is demonstrated below;

Residential

Component of Building	**Min. No. of Parking**	**Max. No. of Parking**
1 bed	12 (1 space per dwelling)	12 (1 space per dwelling)
2 bed	91.2 (1.2 spaces per dwelling)	228 (3 spaces per dwelling)
3 bed	3 (1.5 spaces per dwelling)	8 (4 spaces per dwelling)
Visitor	8	25
Total	**Min. 114.2 or 115 when rounded upwards.**	**Max. 273**

When reviewing the Council controls, it is identified that a minimum of 107 spaces are required to meet the needs for the residents and a minimum of 8 spaces are required for visitor parking. This results in a need for a minimum of 114.2 or 115 spaces when rounded upwards.

There is a requirement for a reallocation of 4 car parking spaces from visitor use to residential use to ensure an appropriate number of car parking spaces to meet the needs for the residents. Proposed condition 81 of the condition set addresses the car parking allocation between residential use and visitor use.

Vehicular access to and from the building is determined as being satisfactory.

Access and Mobility

The relevant objectives and requirements of the Access and Mobility part of Auburn DCP 2010 have been considered. It is identified that:-

- Lift access is provided to and from the basement car park and each residential floor.
- There are nine adaptable apartments within the development.
- There are ten car parking spaces earmarked for people with disabilities.
- Appropriate pedestrian access to the building from Taylor Street is achieved.

Stormwater Drainage

The relevant requirements and objectives of ADCP 2010 - Stormwater Drainage have been considered in the assessment of the development application. Council's Development Engineer has raised no objections subject to the imposition of conditions on any consent that may be issued.

Section 94 Contributions Plan

A Section 96 Contribution is required to be paid for the purpose of this development. Contributions would be required for:-

- 12 x 1 bedroom apartments.
- 76 x 2 bedroom apartments.
- 2 x 3 bedroom apartments.

The contribution amount is $468,853.41. The specified amounts are subjected to the CPI on a yearly basis.

Disclosure of Political Donations and Gifts

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

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

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

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

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

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

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

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

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

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

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited for a period of 14 days between 5 November and 19 November 2014. There were 3 submissions to the proposed development with one of those supporting the development. The submissions are outlined below:-

Objection Number one

A 10 storey residential development on the south side of Lidcombe Station is out of character to the current feel of the area. There are 3 to 4 storey developments in Taylor Street and James Street and a proposed development in Mark Street of similar proportions. Council should be committed to maintaining the current environment rather than by adding large scale developments such as this.

Comment

The planning controls allow for this form of development which anticipates a greater density of population living close to railway stations and services. There are a number of large scale developments occurring within the Lidcombe Town Centre and as such the development is not out of character with the long term vision for the town centre.

The aim of the planning controls is to achieve greater urban consolidation close to services and railway stations.

It is identified that the development is consistent with the planning controls applicable for the site.

Objection Number Two

The south side of Lidcombe is experiencing traffic issues with queues within the vicinity of the site being frequent. The development will increase traffic congestion with no imminent resolution forthcoming.

Comment

A traffic study has been completed in relation to the project by Positive Traffic (August 2014) Report Number PT14016R01. The report concludes on Page 14 that:-

- **Operations on surrounding streets will not be significantly impacted by the proposed development.**

- **Intersections on surrounding streets will continue to operate at a satisfactory level of service.**
- **Car parking arrangements is satisfactory.**

Council's Drainage and Development Engineer has carried out a detailed assessment of the report and concludes that a satisfactory outcome is achieved.

Objection Number Three

Sunlight is lost after 3 pm.

Comment

The loss of sunlight after 3 pm to the objector's residence is not considered to be an issue for the winter period. The building will create a late afternoon shadow across Number 9 and 11 Taylor Street to the east which is inevitable due to the low angle of the sun during the winter months.

There are two vacant properties adjacent to Number 9 and 11 Taylor Street to which the objector is enjoying more winter sunlight than normal because there are no buildings on the allotments. Such enjoyment would not exist if there were buildings on the sites.

The degree of shadowing is determined as being acceptable as described in the assessment report because the majority of the shadows fall across Taylor Street being the road reserve and non residential development such as car parking and footpaths and the roofs of commercial premises.

Objection Number Four

Privacy measures are expected on the level 1 common open space in the form of planters.

Comment

The degree of privacy from the development towards the east is determined as being acceptable or capable of being made acceptable. In this regard:-

- **There are planter boxes shown with a width of two metres with the landscape plan showing shrubs growing to a height of 1.5 to 2 metres.**

- **The top floor common space is provided with a solid parapet 900 mm high. It would be appropriate to increase the wall height to 1.5 metres to promote additional privacy towards the residential flat building situated at 9 to 11 Taylor Street to the east.**
  This may be addressed as a condition attached to any consent that may be issued.

Objection Number Five

The car park entry on the laneway is too close to the multiple car park entries immediately opposite the site and the entry to Number 9 and 11 Taylor Street. This will result in traffic build up along the laneway.

Comment

A traffic study has been completed in relation to the project by Positive Traffic (August 2014) Report Number PT14016R01. The report has considered the impact of the development on traffic flows within the laneway. According to the report, the laneway services some 50 car parking spaces being commercial properties and it is determined that peak traffic flows are confined to staff and patrons.

It is determined that the development would generate some 17 peak hour trips within the AM peak and 14 peak hour trips in the afternoon pm peak.

The report concludes that the level of service for the lane and surrounding roads is maintained at an acceptable level.

Objection Number Six

There should be a minimum clearance between the building and the property boundary of Number 9 and 11 Taylor Street.

Comment

The site is situated within the Lidcombe Town Centre and as such, the side setback being promoted is acceptable for a town centre location. The setbacks are in accordance with the development control plan requirements for a town centre location.

Submission in support of the development

A submission is made from a resident (Address not known) suggesting the building is a positive step for the community to increase development and to enhance the cosmopolitan nature of Lidcombe.

The locality is an ideal place to increase the density of dwellings and to take advantage of existing infrastructure.

Council should consider rezoning the whole of James Street to B4 with 32 metre height limits to promote further increases in density within the locality.

Comment

This is noted only and no formal analyses would be required.

Public meeting

A public meeting was held at Council officers on the 11 November 2014. The records show 6 attending the public meeting. A number of matters were discussed including:-

- Traffic and access.
- Stormwater drainage.
- Ownership and functions of the laneway.

The matters have been addressed in the assessment of the development application and where appropriate, plans have been modified to address certain planning and stormwater matters.

It is identified that the laneway (Number 468) is a Council road according to Council's Properties Department reserve and the laneway has a number of functions including:-

- Providing vehicular access to the rear of commercial premises and shops that face Railway Street.
- Garbage collection services.
- Vehicle access to a residential flat building at 9 to 11 Taylor Street.

Council's engineers have supported the position of the vehicle access point and the use of the laneway as a means of access to the site.

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 the B4 Mixed Use zone under the provisions of the Auburn Local Environmental Plan 2000. There are variations relating to a number of parts of the development control plans but these are explained in detail within the report and considered as being acceptable for such a development.

Having regard to the assessment of the proposal from a merit perspective, the Joint Regional Planning Panel 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.

Trim Documents - Number 048610/2015.