

AUBURN CITY COUNCIL

36-44 John Street, LIDCOMBE

Applicant	Sydney Project Group Pty Ltd
Owner	Sydney Project Group Pty Ltd & S.E.T Services Pty Ltd
Application No.	DA-294/2014
Description of Land	Lot 1 DP1002517, Lot 1 DP235940, Lot 1 511612, Lot 5 Sec A DP 979289, 36-44 John Street, LIDCOMBE
Proposed Development	Construction of a mixed use development comprising a 12 storey building containing a total of 153 residential units, 16 retail tenancies over 3.5 levels of basement and ground floor car parking for 241 vehicles with associated landscaping and site services.
Site Area	2710.7sqm
Zoning	Zone B4 - Mixed Use
Disclosure of political donations and gifts	Nil disclosure
Issues	Exceedance of height limit Exceedance of Floor Space Ratio Minor non-compliances with SEPP 65 and Auburn DCP 2010 Public submissions

Recommendation

That Development Application No. DA-294/2014 for Construction of a mixed use development comprising a twelve storey building containing a total of 153 residential units & 16 retail tenancies, over 3.5 levels of basement car parking for 241 vehicles with associated provision of landscaping & site services on land at 36 – 44 John Street, Lidcombe be approved via deferred commencement subject to the following conditions:

- 1. The removal of one (1) storey from the overall building to be compliant with the maximum height provision and the floor space ratio provision of the Auburn Local Environmental Plan 2010. Building storey to be removed is to be selected from floorplate of level two (2) to level eight (8) and will reduce the proposal from 12 storeys to 11 storeys and reduce the unit yield to 137 units.***

Note: This recommendation is based on the following calculations:

- The total gross floor area of the proposed development is 14399 sqm.
- The gross floor area of floorplate (from levels 2-8) is 1321 sqm.
- The total gross floor area with one floor (from levels 2-8) removed is 13078 sqm.
- The resulting floor space ratio with one floor removed is 4.82:1.
- Total height of proposed is 38.808m.
- Floor to ceiling height (from levels 2-8) is 3 m

- Total height with one floor (from levels 2-8) removed is 35.808m

2. Stormwater

Amended stormwater plans addressing following shall be submitted and approved by Council:

Stormwater

- Detailed on-site detention calculation sheets and Council's submission checklist shall be submitted. If the maximum discharge exceeds 30L/s, stormwater shall be connected to Council's pipe drainage system.
- One storage / catchment area shall be discharged through the one discharge control pit. In this regard catchment areas shall be marked for each discharge control pit.
- All the stormwater runoff from the site, except by passing area, shall be connected to high discharge control pit.
- Rooftop stormwater disposal details shall be submitted.
- Dry platform shall be provided within the discharge control pit.
- Orifice diameter shall be marked on the plan.
- Overflow system from the rainwater tank shall be modified in order to prevent overflow from OSD system enter in to the rainwater tank.
- All 900x900 grated access covers shall be replaced with 900x2/450 grated access covers.
- Basement drainage system shall comply with the Auburn Development Control Plan 2010 – Stormwater Drainage. In this regard detail calculation for above ground and below ground storage shall be submitted.
- Extent of the above ground storage area shall be marked on the plan.
- Stormwater runoff from the manoeuvring area including access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.

3. Parking/ Access

Parking/Access

- Building shall be splayed at both Ann Street/ John Street and Board Street/John Street corners.***
- Either side of the driveway boundary wall shall be splayed to provide adequate sight distance in accordance with Section 3.2.4 Australian standard AS2890.1***

- c) **Visitor parking spaces shall be marked on the plan. Visitor parking spaces shall be minim 2.6m wide.**
- d) **Shop floor levels shall be minimum 100mm above the adjacent top of kerb levels.**

Loading/ Unloading

- a) **Swept path analysis for trucks showing entry to and exit from the site shall be submitted.**

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

History/Consultations

Amendment to Auburn Local Environmental Plan 2010

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

Development Application no. DA-290/2012

DA-290/2012 for 36-38 John Street, Lidcombe dated 7 August 2013 granted development consent with issued for the demolition of existing structures and construction of nine storey mixed use residential flat buildings and 40 residential units over three levels of basement car parking for 67 vehicles including landscaping associated storm water works and strata subdivision.

Development Application no. DA-352/2012

DA-352/2012 for 40-44 John Street, Lidcombe dated 7 August, 2012 granted development consent for demolition of an existing building and construction of a nine storey mixed use development comprising of 7 ground floor retail/commercial tenancies and 58 apartments on the level above with residential apartments over 3 levels of basement car parking including strata subdivision, drainage and landscaping.

Pre-lodgement Application no. PL-38/2014

Prior to the lodgement of the subject development application, a pre-lodgement application was submitted to Council for a similar proposal to that which was originally submitted. The Council provided advice, the main points of which is summarised in the following section.

Development Application no. DA-294/2014 (subject application)

DA 294/2014 was originally submitted with plans for the construction of a 14 storey mixed use development at 36-44 John Street, Lidcombe comprising of ground floor retail/commercial tenancies and 192 units on the floors above. Three storeys of basement car parking levels, 283 car parking spaces, strata subdivision, drainage and landscaping.

Preliminary assessment of the submitted application occurred and consistent advice was offered to the applicant via the following three stages:

- Pre DA meeting (letter to applicant 6 August 2014)

- Preliminary assessment by an Independent Planning consultant (letter to applicant 9 January 2015)
- Briefing to the JRPP 29 January 2015 and email to applicant.

The following main concerns were raised:

- Due to the size, shape and orientation of the subject lot, achievement of a mostly complying development should be achievable.
- The apartments are served by a single corridor system at each level where 17 apartments are serviced. The RFDC states no more than 8. Council in pre da advice had previously suggested two cores.
- Only two lifts in one core servicing 192 apartments and at least 400 residents.
- Better “real” articulation could provide further improvements to the streetscape aesthetic.
- Tower components above podium should have a maximum 850 m2 floor plate. The proposal is more than double 1995m2.
- FSR is 50% over what is allowable.
- Height is 25 % over what is allowable
- Over shadowing impacts on adjoining properties
- Application relies in its streetscape analysis on a series of building heights within the vicinity of the site, which have not been approved and are not currently permitted under the Auburn LEP 2010.

The proposal was also previously advertised from **15 October 2014 to 29 October 2014** with 6 submissions received, four in favour of the development and two against. Details of objections were provided to the applicant.

As a response to the above feedback amended architectural plans and statement of environmental effects were submitted to council 11 March 2015 and undated documentation April 2015 respectively. These are the plans and documents being assessed in this report.

Site and Locality Description

The subject development site is comprised of four (4) lots which are legally described as Lot 1 DP1002517, Lot 1 DP235940, Lot 1 511612, Lot 5 Sec A DP 979289 and are known as 36-44 John Street, Lidcombe. The site is located within Lidcombe Town centre on the western side of John Street between Ann Street to the north and Board Street to the south. The site is regular in shape with an area of 2710.7 sqm, with a frontage to John Street of 68.42m and side boundaries of 39.44m to Ann Street and 39.725m to Board Street. The subject site is vacant with previous structures demolished and excavation for basement under way under the consent of previous DA-290/2012 for 36-38 John Street, and DA-352/2012 for 40-44 John Street.

Development adjoining the site includes a nine (9) storey mixed use building to the north fronting John Street, and 3-4 level residential to the south. Small scale retail/commercial is opposite the subject site to the east with a school and Church further along John Street. Low density residential is to the west of the subject site.

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

- Construction of one building of 12 storeys 38.8m to John Street frontage.
- A total of 153 residential units, of which 16 are adaptable units, comprising 17 x 1 bedroom units, 111 x 2 bedroom units, 21 x 3 bedroom units, and 4 x 4 bedroom units;
- Sixteen (16) retail/business tenancies on the ground floor orientated towards John Street. The total floor area of the tenancies is 789.4sqm; and
- Provision of two (2) areas of open space for residents. On western face of level 1 including a mini golf course, play equipment and BBQ area. On the Rooftop of the building including an outdoor gym, BBQ area and shaded seating areas. Both areas of open space have approximately 25% of deep soil area.

A comparison of the key differences between the originally submitted plans and the amended plans is summarised below:

	ORIGINAL PROPOSAL	AMENDED PROPOSAL
NO. OF STOREYS	14 Storeys	12 Storeys
HEIGHT	45.55m	38.8m
VARIATION TO LEP MAX. 36M HEIGHT CONTROL	9.5m	2.8m
FSR (LEP Max. 5.0:1)	7.05:1	5.3:1
GROSS FLOOR AREA	19 103 m ²	14 399 m ²
NO. OF RESIDENTIAL UNITS	192 units	153 units
RETAIL FLOOR AREA	789.4 m ²	789.4 m ²
NO. OF CAR PARKING SPACES	283 car parking spaces	241 car parking spaces

The original application also included the offer of a Voluntary Planning Agreement (VPA) for certain public domain works extending beyond the frontages of the site. The VPA was withdrawn with the amended proposal.

Referrals

Internal Referrals

Development Engineer

The development application was referred to Council's Development Engineer for comment. The development engineer raised no objection subject to recommended conditions of consent.

External Referrals

The original application was referred to the RMS with comments received below. As the amended plans propose fewer dwellings and car parking spaces, they were not referred to RMS for additional comment.

NSW Roads and Maritime Service

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

In correspondence dated 28 October 2014 the RMS provided the following comments:

1. *The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.*
2. *The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004.*
3. *All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.*

The requirements of the RMS could be imposed as conditions of consent. No further issues arise with respect to satisfying the requirements of the RMS.

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

State Environmental Planning Policies

State Environmental Planning Policy No. 55 – Remediation of Land

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

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In the development going to be used for a sensitive land use (eg: residential, educational, recreational, childcare or hospital)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Matter for Consideration	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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Details of contamination investigations carried out at the site:</p> <ul style="list-style-type: none"> • Previous preliminary and detailed site investigations have been carried out for this site and submitted to Council with previous applications. A Remediation Action Plan has been progressed and excavation of the site is complete. <p>It is recommended that should the application be approved, a condition be placed on the consent to ensure compliance with the recommendations of the report.</p>	
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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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

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

Requirement	Yes	No	N/A	Comment
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Requirement	Yes	No	N/A	Comment
<p>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.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The character of the town centre is undergoing transition from older style, low-scale retail/business buildings to high density mixed use developments. The proposal makes a positive contribution to the streetscape through active frontages, and updated architectural design this is consistent with this revitalization of the town centre.</p> <p>The proposal exceeds the 36.0m maximum height limit under ALEP 2010 by 2.8m and is, therefore, considered to be inconsistent with the desired future character of the Lidcombe Town Centre.</p>
<p>Principle 2: Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed ground floor retail podium is of appropriate scale to support the streetscape character of John Street.</p> <p>The height of proposal is considered to be of an inappropriate scale having regard to the desired future character of the area. The building exceeds the maximum LEP height limit of 36m by 2.8m. The excess height of the development is considered to be incompatible with the scale identified for the future character of the area.</p>
<p>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.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>As detailed above, the proposed development exceeds the maximum height limit under ALEP 2010. This is considered to result in an inappropriate built form which would detract from the character of the existing and future streetscape.</p>

Requirement	Yes	No	N/A	Comment
<p><u>Principle 4: Density</u> 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.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The site is zoned for mixed use development and is located in the Lidcombe Town Centre.</p> <p>An amendment to Auburn LEP 2010 increased the allowable density on the site by increasing the maximum FSR from 3.6:1 to 5.0:1.</p> <p>The proposed development has an FSR of 5.3:1 and exceeds the maximum FSR for the site.</p> <p>The proposed development's exceedence in height and FSR would result in an overdevelopment of the site by the current standards.</p> <p>The height and floor space increases proposed by this application cannot be supported as future potential changes to such controls as alluded to in the SEE are not certain or imminent and therefore cannot be relied on as the basis for the proposed future character of Lidcombe.</p>
<p><u>Principle 5: Resource, energy and water efficiency</u> 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>BASIX Certificates have been submitted with the development application. The certificates require sustainable development features to be installed into the development, such as energy efficient fixtures and fittings and a rainwater tank.</p>

Requirement	Yes	No	N/A	Comment
<p><u>Principle 6: Landscape</u></p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design buildings on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat vales. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>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</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The landscape details generally indicate appropriate landscaping on the site and responds adequately to the proposed built form. The landscape concept provides for private and communal open spaces for future residents of the development. The concept landscape plan provides a suitable response to the town centre location of the site. Landscaping has been optimized through the use of planter boxes and appropriate planting on slab as the basement car park occupies the entirety of the site. All areas of open space are useable, accessible and provide opportunity for social interaction.
<p><u>Principle 7: Amenity</u></p> <p>Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal will deliver sufficient amenity to residents of the buildings. The proposal generally achieves compliance with the Residential Flat Design Code in regard to solar access, natural ventilation, privacy, storage, building layout, outlook & accessibility.

Requirement	Yes	No	N/A	Comment
<p><u>Principal 8: Safety and security</u> Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Passive surveillance of public and communal open space is maximised through orientation of units.</p> <p>The position and orientation of balconies and habitable rooms of apartments overlook the communal open space, and adjacent streets. The ground floor retail/business tenancies provide further passive surveillance and increased activity in publicly accessible areas. Building entries are clearly defined and demarcation is provided between public and private areas.</p> <p>Lift foyers and basement car parking will have appropriate security access and intercom access for visitors.</p> <p>The Residential Flat Design Code permits a maximum of 8 units per core. The proposed development proposes that up to 16 units are accessed by one hallway. This is considered satisfactory as there are 5 lifts, operating across all floors, 3 from the central ground floor entry foyer. There would be no benefit to creating a barrier in the building to cut down the number of dwellings accessed by the lifts & the hallway is of a generous width to cater comfortably for people passing each other.</p> <p>Privatisation of entries to apartments could be further improved by indenting the front doors by 200 – 300 mm and would not interfere with the functionality of the internal living areas.</p>
<p><u>Principal 9: Social dimensions</u> Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or in the case of precincts undergoing transition, provide for the desired future community.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposal provides an adequate mix of 1, 2, 3 and 4 bed apartments as well as providing a significant number of adaptable units. The development is considered to be acceptable in this regard.</p>

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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Despite the bulk and scale of the development, the buildings have an attractive, contemporary appearance and utilise elements that provide individuality to the development. The finishes and treatment to the buildings provide an appropriate response to the likely future character of the locality.

Residential Flat Design Code (SEPP 65)

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

Requirement	Yes	No	N/A	Comment
Part 01 Local Context				
<i>Building Type</i>				
<ul style="list-style-type: none"> • Residential Flat Building • Terrace • Townhouse • Mixed-use development • Hybrid (refer p8-17 of Design Code)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	The residential component of the development can be categorised as a "Slab (Block)" type residential flat building. The Code provides the following description of this building type: <i>"A slab or block apartment is a residential flat building with an elongated plan and a controlled building depth. Units are usually arranged along a corridor with a single or multiple cores depending on the building length. Slab buildings are often greater than six storeys in height."</i>
<i>Subdivision and Amalgamation</i>				
Objectives <ul style="list-style-type: none"> • Subdivision/amalgamation pattern arising from the development site suitable given surrounding local context and future desired context. • Isolated or disadvantaged sites avoided. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	An appropriate condition of consent could be imposed requiring the sites to be amalgamated prior to issue of any Occupation Certificate. No site isolation issues will result from the proposed development.
<i>Building Height</i>				

Requirement	Yes	No	N/A	Comment
<p>Objectives</p> <ul style="list-style-type: none"> To ensure future development responds to the desired scale and character of the street and local area. To allow reasonable daylight access to all developments and the public domain. 	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>The character of the town centre is undergoing transition from older style, low-scale retail/business buildings to high density mixed use developments.</p> <p>The proposal, however, exceeds the 36.0m maximum height limit under ALEP 2010 by 2.8m and is, therefore, considered to be inconsistent with the known future character of the street and local area.</p> <p>If the Council adopts any increase in height and FSR, the applicant can respond by reintroducing the floorplate that is being conditioned to be removed as part of this approval as a s96 modification.</p>
<i>Building Depth</i>				
<p>Objectives</p> <ul style="list-style-type: none"> 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. 	<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>The bulk of the development will not be compatible with the scale of existing and known future development in the locality.</p> <p>This is not to do with the depth of the building or floorplate but to the 2.8m contravention of the ALEP 2010 height limit.</p> <p>The buildings have been designed with dual aspect apartments and to provide adequate amenity for building occupants.</p>

Requirement	Yes	No	N/A	Comment
Controls				
<ul style="list-style-type: none"> The maximum internal plan depth of a building should be 18 metres from glass line to glass line. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The depth of the building varies, however, the buildings generally have an internal width of 18m from glass line to glass line.</p> <p>The building achieves satisfactory daylight access and natural ventilation given the orientation of the buildings.</p> <p>The development includes dual aspect apartments and achieves the minimum requirements relating to the provision of natural light and ventilation.</p>
<ul style="list-style-type: none"> Freestanding buildings (the big house or tower building types) may have greater depth than 18 metres only if they still achieve satisfactory daylight and natural ventilation. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Slim buildings facilitate dual aspect apartments, daylight access and natural ventilation. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> In general an apartment building depth of 10-18m is appropriate. Developments that propose wider than 18m must demonstrate for satisfactory day lighting and natural ventilation are to be achieved. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Building Separation</i>				
<u>Objectives</u>				
<ul style="list-style-type: none"> To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposal maintains an appropriate setback to John Street to retain consistent building line with adjacent properties.</p> <p>Open space is provided to the rear of the property to increase setback to adjacent residential properties.</p>
<ul style="list-style-type: none"> To provide visual and acoustic privacy for existing and new residents. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To control overshadowing of adjacent properties and private or shared open space. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
<p>Controls</p> <ul style="list-style-type: none"> • For buildings over three storeys, building separation should increase in proportion to building height: <ul style="list-style-type: none"> ○ Up to 4 storeys/12 metres: <ul style="list-style-type: none"> ▪ 12m between habitable rooms/balconies ▪ 9m between habitable rooms/balconies and non-habitable rooms ▪ 6m between non habitable rooms 	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>The separation between balconies is approximately 26.6 metres across the courtyard. Privacy louvres are incorporated on the north and south courtyard facades providing visual privacy from the western courtyard apartments.</p> <p>There is a zero setback for developments along John Street. This is maintained on ground floor. Upper levels along John Street have a varied setback from zero to 1m for increased façade articulation.</p> <p>The Ann Street setback is zero for both ground floor and upper levels, consistent with the built street form. The setback to the additional mixed use 9 storey development to the north at 46-56 John Street is 20.1m which is also built to boundary.</p> <p>The western setbacks are 6m from the level 1 to level 8 with high windows in bedrooms and bathrooms. The setback from level 9 is 12.5m for increased visual privacy and reduced overshadowing.</p> <p>The Board Street setback is zero to level 8 then 6 metres from level 9 for increased visual privacy and reduced overshadowing for future development to the south.</p>

Requirement	Yes	No	N/A	Comment
<ul style="list-style-type: none"> ○ 5-8 storeys/up to 25 metres: <ul style="list-style-type: none"> ▪ 18m between habitable rooms/balconies <input type="checkbox"/> ▪ 13m between habitable rooms/balconies and non-habitable rooms <input checked="" type="checkbox"/> ▪ 9m between non-habitable rooms <input checked="" type="checkbox"/> ○ 9 storeys and above/over 25 metres: <ul style="list-style-type: none"> ▪ 24m between habitable rooms/balconies <input type="checkbox"/> ▪ 18m between habitable rooms/balconies and non-habitable rooms <input type="checkbox"/> ▪ 12m between non-habitable rooms <input checked="" type="checkbox"/> 				
<ul style="list-style-type: none"> • Allow zero separation in appropriate contexts, such as in urban areas between street wall building types (party walls) <input checked="" type="checkbox"/> • Where a building step back creates a terrace, the building separation distance for the floor below applies. <input type="checkbox"/> • 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. <input type="checkbox"/> • Coordinate building separation controls with controls for daylight access, visual privacy and acoustic privacy. <input checked="" type="checkbox"/> • Protect the privacy of neighbours who share a building entry and whose apartments face each other by designing internal courtyards with greater building separation <input checked="" type="checkbox"/> 				<p>Adequate separation is provided between the buildings to ensure privacy to residents of the development.</p>

Requirement	Yes	No	N/A	Comment
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Street Setbacks				
<u>Objectives</u>				
<ul style="list-style-type: none"> To establish the desired spatial proportions of the street and define the street edge. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The building provides an appropriate setback to John Street, Board Street and Ann Street following defined street edge of adjacent buildings.</p> <p>Setbacks establish a clear transition between public and private space, achieve visual privacy to apartments from the street and outlook to and casual surveillance of the street, and allow for appropriate streetscape works.</p>
<ul style="list-style-type: none"> To create a clear threshold by providing a transition between public and private space. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To assist in achieving good visual privacy to apartments from the street. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To create good quality entry spaces to lobbies, foyers or individual dwelling entrances. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To allow an outlook to and surveillance of the street. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To allow for street landscape character. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To allow for street landscape character. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<u>Controls</u>				
<ul style="list-style-type: none"> Minimise overshadowing of the street and/or other buildings. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Overshadowing of streets is discussed in detail under Auburn DCP 2010 – Local Centres.</p> <p>Building setbacks have been discussed previously.</p>
<ul style="list-style-type: none"> In general no part of a building or above ground structure may encroach into a setback zone – exceptions are underground parking structures no more than 1.2m above ground where this is consistent with the desired streetscape, awnings, balconies and bay windows. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
Objectives – Side Setbacks				
<ul style="list-style-type: none"> To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development has nil setbacks to each street boundary which is considered appropriate in context with the rhythm of street fronts in the vicinity, the site addressing three street frontages and the town centre location.
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Objectives – Rear Setbacks				
<ul style="list-style-type: none"> To maintain deep soil zones to maximise natural site drainage and protect the water table. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The building is adequately separated from the rear boundary inclusive of the first floor podium open space area. The setback reflects the density change occurring to the west and ensures solar access while maximising visual and acoustic privacy.
<ul style="list-style-type: none"> To maximise the opportunity to retain and reinforce mature vegetation. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> To optimise the use of land at the rear and surveillance of the street at the front. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To maximise building separation to provide visual and acoustic privacy 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Controls				
<ul style="list-style-type: none"> Where setbacks are limited by lot size and adjacent buildings, 'step in' the plan on deep buildings to provide internal courtyards and to limit the length of walls facing boundaries. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The rear of the building has been stepped in on the first floor to provide for open space and larger setback of the residential component of building. The building presents a single storey blank wall to rear boundary.
<ul style="list-style-type: none"> In general no part of a building or above ground structure may encroach into a setback zone – exceptions are underground parking structures no more than 1.2m above ground where this is consistent with the desired streetscape, awnings, balconies and bay windows. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Floor Space Ratio				
Objectives				
<ul style="list-style-type: none"> To ensure that development is in keeping with the optimum capacity of the site and the local area. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed development exceeds the maximum floor space ratio of 5.0:1 under Auburn LEP 2010 with an FSR of 5.3:1 and is, therefore, considered to not be of an appropriate density.
<ul style="list-style-type: none"> To define allowable development density for generic building types. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To provide opportunities for modulation and depth of external walls within the allowable FSR. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The building is modulated and of an appropriate width to allow for adequate daylight access and natural ventilation as discussed later in the report.
<ul style="list-style-type: none"> To promote thin cross section buildings, which maximise daylight access and natural ventilation. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To allow generous habitable balconies. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suitably sized balconies are provided to all units.
Part 02 Site Design				
<i>Site Analysis</i>				

Requirement	Yes	No	N/A	Comment
Design Practice				
<ul style="list-style-type: none"> Respond to the identified architectural character for the street and/or the area (refer page 45 of the Design Code for design considerations) 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development is built to all boundaries where the building itself delineates public and private spaces.
<ul style="list-style-type: none"> Clearly delineate the private and public domain without compromising safety and security by designing fences and walls which provide privacy and security while not eliminating views, outlook, light and air; and limiting the length and height of retaining walls along street frontages. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is highly visible with three street frontages and the development adequately addresses all frontages with active retail and or apartments overlooking the street. This maintains safety and security to the precinct.
<ul style="list-style-type: none"> Contribute to the amenity, beauty and useability of private and communal open spaces by incorporating benches and seats; planter boxes; pergolas and trellises; BBQs; water features; composting boxes and worm farms. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The communal open space areas have been designed for both passive and active recreation.
<ul style="list-style-type: none"> Retain and enhance the amenity of the public domain by avoiding the use of continuous blank walls at street level; and using planting to soften the edges of any raised terraces to the street, such as over sub-basement car parking and reduce their apparent scale. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All street frontages are provided with active ground floor uses.
<ul style="list-style-type: none"> Select durable materials which are easily cleaned and graffiti resistant 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suitable materials are proposed.
Landscape Design				
Objectives				
<ul style="list-style-type: none"> To add value to residents' quality of life within the development in the forms of privacy, outlook and views. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is considered to be consistent with the Landscape Design objectives as suitable landscaping is to be used to soften the impact of the built form by introducing street trees which will contribute to the streetscape, and provide for natural screening and shading.
<ul style="list-style-type: none"> To provide habitat for native indigenous plants and animals. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To improve stormwater quality and reduce quantity. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To improve the microclimate and solar performance within the development. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To improve urban air quality. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To contribute to biodiversity. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
Design Practice				
<ul style="list-style-type: none"> Improve the amenity of open space with landscape design which: provides appropriate shade from trees or structures; provides accessible routes through the space and between buildings; screens cars, communal drying areas, swimming pools and the courtyards of ground floor units; allows for locating art works where they can be viewed by users of open space and/or from within apartments. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A concept landscape plan, prepared by a suitably qualified consultant, has been submitted with the application. The plan shows landscaping elements which respond appropriately to the private, communal, and public uses of the various spaces.
<ul style="list-style-type: none"> Contribute to streetscape character and the amenity of the public domain by: relating landscape design to the desired proportions and character of the streetscape; using planting and landscape elements appropriate to the scale of the development; mediating between and visually softening the bulk of large development for the person on the street. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Improve the energy efficiency and solar efficiency of dwellings and the microclimate of private open spaces. (Refer planting design solutions at p46-47 of Design Code) 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Design landscape which contributes to the site's particular and positive characteristics. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Provide a sufficient depth of soil above paving slabs to enable growth of mature trees. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Minimise maintenance by using robust landscape elements. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Open Space				
Objectives				
<ul style="list-style-type: none"> To provide residents with passive and active recreational opportunities. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal does not include a deep soil zone as the full extent of the site is utilised to provide basement car parking. This is appropriate given the town centre location. Landscaped area is provided on the first floor and rooftop areas which will accommodate substantial planting.
<ul style="list-style-type: none"> To provide an area on site that enables soft landscaping and deep soil planting. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> To ensure that communal open space is consolidated, configured and designed to be useable and attractive. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To provide a pleasant outlook. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
Design Practice				
<ul style="list-style-type: none"> Provide communal open space with is appropriate and relevant to the building's setting (refer to guidelines on p48 of Design Code) 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Where communal open space is provided, facilitate its use for the desired range of activities by locating it in relation to buildings to optimise solar access to apartments; consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape; designing its size and dimensions to allow for the program of uses it will contain; minimising overshadowing; carefully locating ventilation duct outlets from basement car parks. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The communal open space provides for both passive and active recreation needs of residents and includes such features as a mini golf course and play equipment.</p> <p>Open space is located on the western elevation and rooftop to enable alternative solar access at different times of the day and year.</p>
<ul style="list-style-type: none"> Provide open space for each apartment capable of enhancing residential amenity in the form of balcony, deck, terrace, garden, yard, courtyard and/or roof terrace. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All units are provided with private open space in the form of balconies or terraces.
<ul style="list-style-type: none"> Locate open space to increase the potential for residential amenity by designing apartment buildings which: are sited to allow for landscape design; are sited to optimise daylight access in winter and shade in summer; have a pleasant outlook; have increased visual privacy between apartments. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The buildings have been sited so as to allow for optimal solar access to the Village Square. Landscaping features will provide shade in summer.
<ul style="list-style-type: none"> Provide environmental benefits including habitat for native fauna, native vegetation and mature trees, a pleasant microclimate, rainwater percolation and outdoor drying area. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Landscaping on the site will provide environmental benefits including a pleasant microclimate and possible habitat for small native fauna. A condition of consent will be imposed requiring the provision of an outdoor clothes drying area in the communal open space area.
<ul style="list-style-type: none"> The area of communal open space required should generally be at least 25-30% of the site area. Larger sites and brownfield sites may have potential for more than 30%. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Communal open space includes 53% site coverage (1406.97 m ²) in two different locations. The communal open space provides for both passive and active recreation needs of residents.
<ul style="list-style-type: none"> Where developments are unable to achieve the recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space and/or a contribution to public open space. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
<ul style="list-style-type: none"> Optimise solar access to living spaces and associated private open spaces by orienting them to the north. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The building has been designed to optimise solar access to living spaces and balconies of the majority of units by orientating units to face north, east and west and minimising those units with only a southern aspect.</p> <p>A total of 10.4% of the units (16 out of 153) are south-facing with a single aspect. The applicant argues that 10.4% of dwellings is a minor non compliance as discussed previously.</p>
<ul style="list-style-type: none"> Detail building elements to modify environmental conditions as required to maximise sun access in winter and sun shading in summer. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Building elements such as recessed and overhanging balconies protecting windows from western summer sun as well as minimal use of windows directly on the western façade will provide solar protection during summer whilst maintaining adequate solar access in winter.</p>
<i>Planting on Structures</i>				
<u>Objectives</u>				
<ul style="list-style-type: none"> To contribute to the quality and amenity of communal open space on roof tops, podiums and internal courtyards. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development is considered to be consistent with the Planting on Structures objectives as sufficient soil depth is provided to allow open space areas to be planted and landscaped.</p>
<ul style="list-style-type: none"> To encourage the establishment and healthy growth of trees in urban areas. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<u>Design Practice</u>				
<ul style="list-style-type: none"> Design for optimum conditions for plant growth by: providing soil depth, soil volume and soil area appropriate to the size of the plants to be established; providing appropriate soil conditions and irrigation methods, providing appropriate drainage 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Planters of various depths and widths are proposed, depending on their location and function, which will support a variety of plants from trees to ground covers.</p>
<ul style="list-style-type: none"> Design planters to support the appropriate soil depth and plant selection by: ensuring planter proportions accommodate the largest volume of soil possible; and providing square or rectangular planting areas rather than long narrow linear areas. Minimum soil depths will vary depending on the size of the plant however soil depths greater than 1.5m are unlikely to have any benefits for tree growth. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Increase minimum soil depths in accordance with: the mix of plants in a planter; the level of landscape management; anchorage requirements of large and medium trees; soil type and quality. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
Safety				
Objectives				
<ul style="list-style-type: none"> To ensure residential flat developments are safe and secure for residents and visitors. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is considered to be consistent with the Safety objectives as secure access to the communal entries of the buildings, and casual surveillance of the public domain from living and open space areas, is to be provided.
<ul style="list-style-type: none"> To contribute to the safety of the public domain. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Design Practice				
<ul style="list-style-type: none"> Reinforce the development boundary to strengthen the distinction between public and private space. This can be actual or symbolic and include: employing a level change at the site and/or building threshold; signage; entry awnings; fences; walls and gates; change of material in paving between the street and the development. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suitable design elements are to be provided at street level to signify entries to residential components of the development.
<ul style="list-style-type: none"> Optimise the visibility, functionality and safety of building entrances by: orienting entrances towards the public street; providing clear lines of sight between entrance foyers and the street; providing direct entry to ground level apartments from the street rather than through a common foyer; direct and well lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Communal building entry is orientated to the street. A suitable level of visibility is provided within the development. Convenient access ways via lift link the car park and the development above. Direct and well lit access is to be provided to building foyers, corridors and car parking areas.
<ul style="list-style-type: none"> Improve the opportunities for casual surveillance by: orienting living areas with views over public or communal open spaces where possible; using bay windows and balconies which protrude beyond the main façade and enable a wider angle of vision to the street; using corner windows which provide oblique views of the street; providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Units and balconies have been designed to overlook the street and communal open space. The ground floor retail/business tenancies overlook John Street.
<ul style="list-style-type: none"> Minimise opportunities for concealment by: avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor car parking, along corridors and walkways; providing well lit routes throughout the development; providing appropriate levels of illumination for all common areas; providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Opportunities for concealment have been minimised and appropriate lighting will be provided.
<ul style="list-style-type: none"> Control access to the development by: making apartments inaccessible from the balconies, roofs and windows of neighbouring buildings; separating the 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Shared and direct access is provided from the car park to the lobbies and all access points will be restricted via use of a swipe card and intercom system. This will prevent unauthorised entry to the building. The car parking for

Requirement	Yes	No	N/A	Comment
<p>residential component of a development's car parking from any other building use and controlling car park access from public and common areas; providing direct access from car parks to apartment lobbies for residents; providing separate access for residents in mixed-use buildings; providing an audio or video intercom system at the entry or in the lobby for visitors to communicate with residents, providing key card access for residents.</p> <ul style="list-style-type: none"> Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>the retail/business tenancies and the residents has been provided on different levels.</p> <p>An assessment of the proposal in relation to Council's Policy on Crime Prevention Through Environmental Design 2006 was submitted with the original application dated September 2014. The report supports the application subject to a condition of consent requiring the applicant to comply with the recommendations of the report.</p>
<i>Visual Privacy</i>				
<p>Objectives</p> <ul style="list-style-type: none"> To provide reasonable levels of visual privacy externally and internally during the day and night. To maximise outlook and views from principal rooms and private open space without compromising visual privacy. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>The proposed development is considered to be consistent with the Visual Privacy Objectives as outlook of open space is maximised where possible, without compromising visual privacy.</p>

Requirement	Yes	No	N/A	Comment
Design Practice <ul style="list-style-type: none"> 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 entrances, lobbies, communal open space, site facilities, parking areas, public streets and internal roads. Promote equity by ensuring the main building entrance is accessible for all from the street and from car parking areas; integrating ramps into the overall building and landscape design. Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space. Maximise the number of accessible, visitable and adaptable apartments in a building. Separate and clearly distinguish between pedestrian accessways and vehicle accessways. Consider the provision of public through site pedestrian accessways in large development sites. Identify the access requirements from the street or car parking area to the apartment entrance. Follow the accessibility standard set out in AS1428 as a minimum. Provide barrier free access to at least 20% of dwellings in the development. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>The site is considered to be appropriately barrier free with wheelchair access possible from the street and basement car park to all levels of the development.</p> <p>There are 16 adaptable units within the development, representing 10.4% of the total number of units proposed.</p> <p>Vehicular and pedestrian entries are separated and well distinguished.</p> <p>An accessibility report has been submitted with the application confirming that the development complies with the relevant Australian Standards.</p>
Vehicle Access				
Objectives <ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>The proposed development is considered to be consistent with the Vehicle Access objectives. The vehicular access point has been designed to minimise the streetscape impact.</p>

Requirement	Yes	No	N/A	Comment
<p>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.</p>				living/dining areas are provided which allows for flexibility of use over time.
<ul style="list-style-type: none"> Design apartment layouts which respond to the natural and built environments and optimise site opportunities by: providing private open space in the form of a balcony, terrace, courtyard or garden for every apartment; orienting main living areas toward the primary outlook and aspect and away from neighbouring noise sources or windows. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All units are provided with private open space. The main living areas of units have, where possible, been orientated to take advantage of solar access and outlook.
<ul style="list-style-type: none"> Locating main living spaces adjacent to main private open space; locating habitable rooms, and where possible kitchens and bathrooms, on the external face of buildings; maximising opportunities to facilitate natural ventilation and to capitalise on natural daylight by providing corner apartments, cross-over/cross-through apartments; split-level/maisonette apartments, shallow/single aspect apartments. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The living area of each unit is directly adjacent to the area of private open space. Kitchens are either located in open plan living/dining areas or are adjacent to a window. Bathrooms and laundries are, however, located adjacent to the building core so as to allow for optimal solar access to habitable rooms.
<ul style="list-style-type: none"> Avoid locating kitchen as part of the main circulation spaces of an apartment, such as a hallway or entry space. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Include adequate storage space in apartment 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All the units have storage space within their confines in addition to kitchen cupboards and wardrobes.
<ul style="list-style-type: none"> Ensure apartment layouts and dimensions facilitate furniture removal and placement. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Additional storage is also provided in the basement car parking levels.
<ul style="list-style-type: none"> Apartment dimensions on p67-68 of the Design Code achieved. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Apartment areas on p69 of the Design Code achieved. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Single aspect apartments should be limited in depth to 8m from a window. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7 of the 16 units on level 1 and 6 of the 16 from levels 2 to 8 are single aspect (total 49 / 153).
<ul style="list-style-type: none"> The back of a kitchen should be no more than 8m from a window. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	32% and are deeper than 8 metres from window to back of kitchen.
<ul style="list-style-type: none"> The width of cross-over/cross-through apartments over 15m deep should be 4m or greater. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The applicant has supplied plans that detail a "wing wall" ventilation method that relies on a pressure differential to draw air in through one open window and out an adjacent one.
<ul style="list-style-type: none"> Buildings not meeting the minimum standards must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly for habitable rooms. 				This method is considered sustainable and overall the application exceeds ventilation requirements.
<ul style="list-style-type: none"> Minimum apartment sizes: 1 bed = 50m², 2 bed = 70m², 3 bed = 95m² 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Unit sizes comply with the minimum requirements as follows:

Requirement	Yes	No	N/A	Comment
				<ul style="list-style-type: none"> 1 bed – 51 sqm 2 bed – 69 sqm – 75 sqm 3 bed – 91 sqm- 96 sqm 4 bed – 152 sqm –181 sqm nb: 05/10 is the only sub sized 2 bed unit at 69 sqm
<i>Apartment Mix</i>				
<u>Objectives</u> <ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is considered to be consistent with the Apartment Mix objectives as an acceptable mixture of 1, 2, 3 and 4 bedroom apartments are proposed which will cater for a range of household requirements.
<u>Design Practice</u> <ul style="list-style-type: none"> Provide a variety of apartment types particularly in large apartment buildings. Variety may not be possible in smaller buildings (up to 6 units) Refine the appropriate mix for a location by: considering population trends in the future as well as present market demands; noting the apartment's location in relation to public transport, public facilities, employment areas, schools, universities and retail centres. Locate a mix of 1 and 3 bed apartments on the ground level where accessibility is more easily achieved. Optimise the number of accessible and adaptable units to cater for a wider range of occupants. Investigate the possibility of flexible apartment configurations which support change in the future. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development has the following acceptable dwelling mix:- 1 bedroom – 17 units (11.1%) 2 bedroom – 111 units (72.5%) 3 bedroom – 21 units (13.7%) 4 bedroom – 4 units (2.6%) The ground floor of the development is comprised of retail and commercial spaces. Residential units are accessed via centrally located lifts in main building lobby to enable access to all adaptable dwellings on upper levels. The development is acceptable in this regard. The development provides for 16 adaptable units.
<i>Balconies</i>				
<u>Objectives</u> <ul style="list-style-type: none"> To provide all apartments with private open space. To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for apartment residents To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings. To contribute to the safety and liveliness of the street by allowing for casual overlooking and address. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is considered to be consistent with the Balconies objectives as all apartments are to be provided with suitably sized private open spaces which integrate with the overall architectural form of the building and provide casual surveillance of communal and public areas.
<u>Design Practice</u>				

Requirement	Yes	No	N/A	Comment
<ul style="list-style-type: none"> Where other private open space is not provided, provide at least one primary balcony. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All apartments are provided with a balcony which is directly accessible from the living area.
<ul style="list-style-type: none"> 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 living – a dining table and 2 chairs (small apartment) and 4 chairs (larger apartment) should fit on the majority of balconies in the development. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> 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 and operable walls to control sunlight and wind; providing balconies with operable screens, Juliet balconies or operable walls in special locations where noise or high windows prohibit other solutions; choose cantilevered balconies, partly cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy; ensuring balconies are not so deep that they prevent sunlight entering the apartment below. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Balconies have been predominantly orientated to face north, east and west for solar access and are generally protected by building elements, such as full height fin walls at either end, screens, or by being partially recessed.
<ul style="list-style-type: none"> Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy (refer design considerations on p72 of the Design Code) 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A mix of transparent and solid balustrades are to be provided to allow for views and casual surveillance as well as providing for safety and privacy.
<ul style="list-style-type: none"> Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent could be imposed regarding the integration of services with the overall façade and balcony design and requiring the provision of a tap and gas/electrical point to balconies.
<ul style="list-style-type: none"> Consider supplying a tap and gas point on primary balconies. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Provide primary balconies for all apartments with a min. depth of 2m (2 chairs) and 2.4m (4 chairs). 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All balconies have suitable primary area with minimum depth of 2m.
<ul style="list-style-type: none"> Developments which seek to vary from the min. standards must demonstrate that negative impacts from the context – noise, wind, cannot be satisfactorily ameliorated with design solutions. 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
<ul style="list-style-type: none"> Require scale plans of balcony with furniture layout to confirm adequate, useable space when an alternate balcony depth is proposed. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Ceiling Heights				
<u>Objectives</u>				
<ul style="list-style-type: none"> To increase the sense of space in apartments and provide well proportioned rooms. To promote the penetration of daylight into the depths of the apartment. To contribute to flexibility of use. To achieve quality interior spaces while considering the external building form requirements. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is considered to be consistent with the Ceiling Heights objectives as suitable ceiling heights are provided for the both the retail/business tenancies and the residential units.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<u>Design Practice</u>				
<ul style="list-style-type: none"> Design better quality spaces in apartments by using ceilings to: define a spatial hierarchy between areas of an apartment using double height spaces, raked ceilings, changes in ceiling heights and/or the location of bulkheads; enable better proportioned rooms; maximise heights in habitable rooms by stacking wet areas from floor to floor; promote the use of ceiling fans for cooling/heating distribution. Facilitate better access to natural light by using ceiling heights which enable the effectiveness of light shelves in enhancing daylight distribution into deep interiors; promote the use of taller windows, highlight windows and fan lights. This is particularly important for apartments with limited light access such as ground floor apartments and apartments with deep floor plans. Design ceiling heights which promote building flexibility over time for a range of other uses, including retail or commercial, where appropriate. Coordinate internal ceiling heights and slab levels with external height requirements and key datum lines (refer p73 of Design Code). Count double height spaces with mezzanines as two storeys. Cross check ceiling heights with building height controls to ensure compatibility of dimensions, especially where multiple uses are proposed. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The apartments in the building have floor to ceiling heights of 2.7m. Solar access has been optimised through the use of floor to ceiling height glazing to open plan living/dining/kitchen areas.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
Design Practice:				
<ul style="list-style-type: none"> Provide robust building configurations, which utilise multiple entries and circulation cores, especially in larger buildings over 15m long by: thin building cross sections, which are suitable for residential or commercial uses; a mix of apartment types; higher ceilings in particular on the ground floor and first floor; separate entries for the ground floor level and the upper levels; sliding and/or moveable wall systems. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Apartment layout provides for basic changes to internal configuration. The building has accessible units and a mix of apartment types.
<ul style="list-style-type: none"> Provide apartment layouts which accommodate the changing use of rooms (refer design solutions on p75 of the Design Code). 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Apartment layout provides for basic changes to internal configuration.
<ul style="list-style-type: none"> Utilise structural systems which support a degree of future change in building use or configuration (refer design solutions on p75 of the Design Code). 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Promote accessibility and adaptability by ensuring: the number of accessible and visitable apartments is optimised; and adequate pedestrian mobility and access is provided. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are 153 units in the development, of which 16 (10.4%) are to be designated as "adaptable units". Satisfactory pedestrian access is also provided throughout the site and within the building. The proposal is considered to be satisfactory in this regard.
Ground Floor Apartments				
Objectives				
<ul style="list-style-type: none"> To contribute to the desired streetscape of an area and to create active safe streets. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> To increase the housing and lifestyle choices available in apartment buildings. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Retail/commercial units are located on the ground floor. Residential units located on the first floor provide casual surveillance of John Street, Board Street and Ann Street.

Requirement	Yes	No	N/A	Comment
Design Practice				
<ul style="list-style-type: none"> Design front gardens or terraces which contribute to the spatial and visual structure of the street while maintaining adequate privacy for apartment occupants. Refer to p77 of the Design Code for design options. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no units proposed on the ground floor street frontage.
<ul style="list-style-type: none"> Ensure adequate privacy and safety of ground floor units located in urban areas with no street setbacks by: stepping up the ground floor level from the level of the footpath a maximum of 1.2m; designing balustrades and establishing window sill heights to minimise site lines into apartments, particularly in areas with no street setbacks; determining appropriateness of individual entries; ensuring safety bars or screens are integrated into the overall elevation design and detailing. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> Promoting house choice by: providing private gardens, which are directly accessible from the main living spaces of the apartment and support a variety of activities; maximising the number of accessible and visitable apartments on the ground floor; supporting a change or partial change in use, such as a home office accessible from the street or a corner shop. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Increase opportunities for solar access in ground floor units, particularly in denser areas by: providing higher ceilings and taller windows; choosing trees and shrubs which provide solar access in winter and shade in summer. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Solar access and ambient natural light to ground floor units has been increased by providing floor to ceiling glazing to open plan living areas.
<ul style="list-style-type: none"> Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> Provide ground floor apartments with access to private open space, preferably as a terrace or garden. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	First floor units have been provided access to terraces adjacent the common open space of the development.
<i>Internal Circulation</i>				

Requirement	Yes	No	N/A	Comment
Objectives <ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>The proposed development is considered to be consistent with the Internal Circulation objectives as spacious access hallways and apartments are provided around the lift cores.</p>
Design Practice <ul style="list-style-type: none"> 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. 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. 	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>Corridors and foyer are sufficiently lit, articulated and dimensioned to promote safety and movement of residents and their belongings.</p> <p>The building has been provided with a single residential entry core at ground level and multiple retain entries.</p> <p>Each level is serviced by a singular corridor in a 'C' shape that wraps around the building. There is one set of windows in the centre of the corridor adjacent the central lift core.</p> <p>The residential levels of the building have in excess of 8 units accessing the corridor, 16 units on floors 1-8, 12 units on level 9 and 13 units on level 10. The building design features a central lift core at the centre of the 'C' and a single lift core at the corner each wing. Justification for this departure is discussed in the RFDC table.</p>
<i>Mixed Use</i>				

Requirement	Yes	No	N/A	Comment
Objectives				
<ul style="list-style-type: none"> To support a mix of uses that complement and reinforce the character, economics and function of the local area. Choose a compatible mix of uses. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is consistent with the Mixed Use objectives as it provides for ground floor retail/business with residential units above which would reinforce the character, economy and function of the town centre.
<ul style="list-style-type: none"> Consider building depth and form in relation to each use's requirements for servicing and amenity (refer details on p80 of the Design Code). 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Design legible circulation systems, which ensure the safety of users by: isolating commercial service requirements such as loading docks from residential access, servicing needs and primary outlook; locating clearly demarcated residential entries directly from the public street; clearly distinguishing commercial and residential entries and vertical access points; providing security entries to all entrances into private areas, including car parks and internal courtyards; providing safe pedestrian routes through the site, where required. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The circulation systems within the development are acceptable.
<ul style="list-style-type: none"> Ensure the building positively contributes to the public domain and streetscape by: fronting onto major streets with active uses; avoiding the use of blank walls at the ground level. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development positively contributes to the public domain and streetscape by providing active uses at street level and avoiding the use of blank walls.
<ul style="list-style-type: none"> Address acoustic requirements for each use by: separate residential uses, where possible, from ground floor retail or leisure uses by utilising an intermediate quiet-use barrier, such as offices; design for acoustic privacy from the beginning of the project to ensure that future services, such as air conditioning, do not cause acoustic problems later. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development has not been designed with an intermediate level of a quieter use between the ground floor retail/business space and the upper residential floors. Separate applications will be required to be lodged for the uses of the ground floor tenancies at which time potential noise impacts will be assessed. The BCA also requires varying levels of sound insulation to prevent the transmission of noise between floor and walls.
<ul style="list-style-type: none"> Recognising the ownership/lease patterns and separating requirements for purposes of BCA. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Storage				
Objectives				
<ul style="list-style-type: none"> To provide adequate storage for everyday household items within easy access of the apartment. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Storage is provided within each unit in the form of built in wardrobes, kitchen cupboards and dedicated separate storage cupboards. Additional storage spaces are also provided in the basement car parking areas.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To provide storage for sporting, leisure, fitness and hobby equipment. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
Design Practice				
<ul style="list-style-type: none"> Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suitable building separation is provided to maximize acoustic privacy from neighbouring buildings.
<ul style="list-style-type: none"> Arrange apartments within a development to minimise noise transmission between flats by: locating busy, noisy areas next to each other and quieter areas next to other quieter areas (kitchen near kitchen, bedroom near bedroom); using storage or circulation zones within an apartment to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas; minimising the amount of party walls with other apartments. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Like-use areas of apartments are grouped to avoid acoustic disturbance of neighbouring apartments where possible, i.e. bedrooms adjoin bedrooms and living areas adjoin living areas.
<ul style="list-style-type: none"> Design the internal apartment layout to separate noisier from quieter spaces by: grouping uses within an apartment – bedrooms with bedrooms and service areas like kitchen, bathroom, laundry together. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Where possible, noisier areas such as bathrooms and laundries are distanced from bedrooms.
<ul style="list-style-type: none"> Resolve conflicts between noise, outlook and views by using design measures including: double glazing, operable screened balconies; continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no external noise sources in close proximity to the site, such as arterial roads or railways, which would require additional building treatment.
<ul style="list-style-type: none"> Reduce noise transmission from common corridors or outside the building by providing seals at entry doors. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent could be imposed requiring door seals to be provided to entry doors.
Daylight Access				
Objectives				
<ul style="list-style-type: none"> To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is considered to be generally consistent with the Daylight Access objectives as the orientation of living areas allows for solar access for 71% of dwellings.
<ul style="list-style-type: none"> To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To provide residents with the ability to adjust the quantity of daylight to suit their needs. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Design Practice				
<ul style="list-style-type: none"> Plan the site so that new residential flat development is oriented to optimise northern aspect. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed building has been located and designed to take advantage of the northerly aspect where possible.
<ul style="list-style-type: none"> Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The communal open space is located on the western side of the building, and on the rooftop. The residents will have access to both areas to receive sunlight access

Requirement	Yes	No	N/A	Comment
<ul style="list-style-type: none"> Optimise the number of apartments receiving daylight access to habitable rooms and principal windows: ensure daylight access to habitable rooms and private open space, particularly in winter; use skylights, clerestory windows and fanlights to supplement daylight access; promote two storey and mezzanine, ground floor apartments or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces; limit the depth of single aspect apartments; ensure single aspect, single storey apartments have a northerly or easterly aspect; locate living areas to the north and service areas to the south and west of development; limit the number of south facing apartments and increase their window area; use light shelves to reflect light into deeper apartments. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The number of units receiving daylight access to habitable rooms and private open space areas has been optimised through the use of building setbacks, orientation, unit layout and width, and full height glazing to open plan living areas.
<ul style="list-style-type: none"> Design for shading and glare control, particularly in summer: using shading devices such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting; optimising the number of north facing living spaces; providing external horizontal shading to north facing windows; providing vertical shading to east or west windows; using high performance glass but minimising external glare off windows (avoid reflective films, use a glass reflectance below 20%, consider reduced tint glass). 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Each balcony will provide shading to the balcony on the level below and horizontal building elements will assist in shading windows. Samples of glass have been submitted, however, details of the energy efficiency and reflective qualities have not been detailed. A condition of consent could be imposed to ensure that the use of energy efficiency glass has a maximum reflectance value so as to minimise glare to surrounding properties.
<ul style="list-style-type: none"> Limit the use of lightwells as a source of daylight by prohibiting their use as the primary source of daylight in habitable rooms. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> Where lightwells are used: relate lightwell dimensions to building separation; conceal building services and provide appropriate detail and materials to visible walls; ensure lightwells are fully open to the sky; allow exceptions for adaptive reuse buildings, if satisfactory performance is demonstrated. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Lightwells have not been relied upon as a primary source of daylight to habitable rooms.
<ul style="list-style-type: none"> Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter. In dense urban areas, a minimum of 2 hours may be acceptable. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The applicant has provided plans which show that 71.2% of the units achieve a minimum 2 hours solar access to living areas and private open space areas. This is considered acceptable given that the site is located within an urban area.

Requirement	Yes	No	N/A	Comment
Design Practice				
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The orientation of the building and apartment layouts have been designed to maximise natural ventilation through the use of open-plan living areas, full height glazing, and the provision of dual aspect apartments where possible.</p> <p>Building depths have been discussed previously.</p> <p>The proposed development achieves natural cross-ventilation for 64.7% of the total number of units (99 out of 153) and, therefore, complies with the minimum requirement.</p> <p>32% (49 out of 153) of kitchens within the development are naturally ventilated, and therefore the development complies with the minimum requirement.</p>
<ul style="list-style-type: none"> Utilise the building layout and section to increase the potential for natural ventilation (refer design solutions on p86 of the Design Code) 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Design the internal apartment layout to promote natural ventilation by: minimising interruptions in air flow through an apartment; grouping rooms with similar usage together. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Select doors and operable windows to maximise natural ventilation opportunities established by the apartment layout (refer design solution on p86-87 of Design Code) 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Coordinate design for natural ventilation with passive solar design techniques. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Explore innovative technologies to naturally ventilate internal building areas or rooms. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Building depths which support natural ventilation typically range from 10-18m. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> 60% of residential units should be naturally cross ventilated. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> 25% of kitchen within a development should have access to natural ventilation. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Developments which seek to vary from the minimum standards must demonstrate how natural ventilation can be satisfactorily achieved particularly in relation to habitable rooms. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Awnings and Signage				
Objectives				
<ul style="list-style-type: none"> To provide shelter for public streets. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>An awning has been provided to the John Street frontage of the development.</p> <p>Signage for the retail/commercial tenancies will be subject to future applications.</p>
<ul style="list-style-type: none"> To ensure signage is in keeping with desired streetscape character and with the development in scale, detail and overall design 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
Design Practice				
<i>Awnings</i>				
<ul style="list-style-type: none"> Encourage pedestrian activity on streets by providing awnings to retail strips, where appropriate, which: give continuous cover in areas which have a desired pattern of continuous awnings; complement the height, depth and form of the desired character or existing pattern of awnings; provide sufficient protection for sun and rain. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A continuous awning has been provided to the John Street frontage of the development. The design of the awning is compatible with awnings on existing adjoining buildings.
<ul style="list-style-type: none"> Contribute to the legibility of the residential flat development and amenity of the public domain by locating local awnings over building entries. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Enhance safety for pedestrians by providing under-awning lighting. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Signage</i>				
<ul style="list-style-type: none"> Councils should prepare guidelines for signage based on the desired character and scale of the local area (refer considerations on p88 of Design Code) 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No signage is proposed.
<ul style="list-style-type: none"> Integrate signage with the design of the development by responding to scale, proportions and architectural detailing. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> Provide clear and legible way finding for residents and visitors. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Facades</i>				
Objectives				
<ul style="list-style-type: none"> To promote high architectural quality in residential flat buildings. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Although the height and bulk of the building is not acceptable, the proposed development is considered to be consistent with the Facade objectives as the building elevations are of high architectural design quality commensurate with the Town Centre location.
<ul style="list-style-type: none"> To ensure that new developments have facades which define and enhance the public domain and desired street character. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To ensure that building elements are integrated into the overall building form and façade design. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
Design Practice				
<ul style="list-style-type: none"> Consider the relationship between the whole building form and the façade and/or building elements. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed buildings have been designed with a high level of modulation, articulation and incorporation of architectural features so as to provide visually interesting and varied facades appropriate to the use and orientation of the buildings.</p> <p>A condition of consent could be imposed with respect to the location and treatment of building services on the underside of balconies.</p>
<ul style="list-style-type: none"> Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. Refer design solutions on p89 of the Design Code. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Express important corners by giving visual prominence to parts of the façade. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> Coordinate security grills/screens, ventilation louvres and car park entry doors with the overall façade design. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Roof Design				
Objectives				
<ul style="list-style-type: none"> To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development is considered to be consistent with the Roof Design objectives and design practices insofar as the roof treatment relates to the size and scale of the building and service elements have been integrated into the roof design.</p>
<ul style="list-style-type: none"> To integrate the design of the roof into the overall façade, building composition and desired contextual response. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> To increase the longevity of the building through weather protection. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
<u>Design Practice</u> <ul style="list-style-type: none"> Design windows to enable cleaning from inside the building, where possible. Select manually operated systems in preference to mechanical systems. Incorporate and integrate building maintenance systems into the design of the building form, roof and façade. Select durable materials, which are easily cleaned and are graffiti resistant. Select appropriate landscape elements and vegetation and provide appropriate irrigation systems. For developments with communal open space, provide a garden maintenance and storage area, which is efficient and convenient to use and is connected to water and drainage. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>Conditions of consent could be imposed in relation to use of high-quality materials and general maintenance of the site.</p>
<u>Waste Management</u>				
<u>Objectives</u> <ul style="list-style-type: none"> To avoid the generation of waste through design, material selection and building practices. To plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development. To encourage waste minimisation, including source separation, reuse and recycling. To ensure efficient storage and collection of waste and quality design of facilities. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>The proposed development is considered to be consistent with the Waste Management objectives as suitable arrangements and facilities for waste disposal and storage, including garbage chutes, are proposed.</p>

Requirement	Yes	No	N/A	Comment
<u>Design Practice</u> <ul style="list-style-type: none"> Incorporate existing built elements into new work, where possible. Recycle and reuse demolished materials, where possible. Specify building materials that can be reused and recycled at the end of their life. Integrate waste management processes into all stages of the project, including the design stage. Support waste management during the design stage by: specifying modestly for the project needs; reducing waste by utilising the standard product/component sizes of materials to be used; incorporating durability, adaptability and ease of future service upgrades. Prepare a waste management plan for green and putrescible waste, garbage, glass, containers and paper. Locate storage areas for rubbish bins away from the front of the development where they have a significant negative impact on the streetscape, on the visual presentation of the building entry and on the amenity of residents, building users and pedestrians. Provide every dwelling with a waste cupboard or temporary storage area of sufficient size to hold a single day's waste and to enable source separation. Incorporate on-site composting, where possible, in self-contained composting units on balconies or as part of the shared site facilities Supply waste management plans as part of the DA submission. 	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>Suitable waste management facilities are proposed throughout the building and will be managed by an appointed caretaker. Should the application be approved a condition of consent will be imposed requiring compliance with the submitted Waste Management Plan.</p>
<u>Water Conservation</u>				
<u>Objectives</u> <ul style="list-style-type: none"> To reduce mains consumption of potable water. To reduce the quantity of urban stormwater runoff. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>The proposed development is considered to be consistent with the Water Conservation objectives as a large rainwater tank is proposed to be provided.</p>
<u>Design Practice</u> <ul style="list-style-type: none"> Requirements superseded by BASIX 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The design practice requirements are superseded by commitments listed in the accompanying BASIX Certificate.</p>

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

As the development relates to new residential flat buildings BASIX certificates have been submitted to accompany the development application. The plans and details submitted with the development application satisfy the relevant BASIX commitments required to be endorsed on the development application plans. Conditions will be imposed on the

development consent to ensure that the construction of the new residential flat buildings is in accordance with all specified BASIX commitments. The proposed development is considered acceptable in respect of the relevant requirements of SEPP (BASIX) 2004.

State Environmental Planning Policy (Infrastructure) 2007

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

The RMS provided comments in correspondence dated 29 January 2014. The comments are detailed above in the External Referral section. The proposed amendments to the development do not raise any further issues with respect to compliance with the recommendations of the RMS. Given the reduction in the scale of the development, and reduced number of car parking spaces, the amended plans were not referred to the RMS for additional comment.

Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

Local Environmental Plans

Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comment
Part 1 Preliminary				
1.1 Name of Plan				
This Plan is <i>Auburn Local Environmental Plan 2010</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.1 AA Commencement				
This Plan commences on the day on which it is published on the NSW legislation website.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The plan was gazetted on 29 October 2010.
1.3 Land to which Plan applies				
(1) This Plan applies to the land identified on the Land Application Map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The plan applies to the site.
Note. Part 23 of Schedule 3 to the <i>State Environmental Planning Policy (Major Development) 2005</i> applies to certain land identified on the Land Application Map.				
(2) Despite subclause (1), this Plan does not apply to the land identified on the Land Application Map as "Deferred matter".	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.4 Definitions				
The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

Clause	Yes	No	N/A	Comment
<p>1.6 Consent authority</p> <p>The consent authority for the purposes of this Plan is (subject to the Act) the Council.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In accordance with Clause 23G of the Environmental Planning & Assessment Act, 1979, development proposals with a capital investment value of \$20 million or more are to be determined by the Joint Regional Planning Panel (JRPP). Council remains the assessment authority.
<p>1.7 Maps</p> <p>(1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:</p> <p>(a) approved by the Minister when the map is adopted, and</p> <p>(b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.</p> <p>(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.</p> <p>(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.</p> <p>(4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.</p> <p>Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled <i>Standard technical requirements for LEP maps</i> and <i>Standard requirements for LEP GIS data</i> which are available on the Department of Planning and infrastructure website.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>1.8A Savings provision relating to development applications</p> <p>If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.</p> <p><u>Note.</u> However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant land is appropriately amended or, if a new instrument, including an appropriate principal environmental planning instrument, is made, and the</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The savings provisions do not apply to this application as it was lodged subsequent to commencement of this Plan.

Clause	Yes	No	N/A	Comment
<i>consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.</i>				
1.9 Application of SEPPs and REPs				
(1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies: <i>State Environmental Planning Policy No 1—Development Standards</i> <i>State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development</i> (clause 6, clause 10 and Parts 3 and 4) <i>State Environmental Planning Policy No 60—Exempt and Complying Development</i> <i>Sydney Regional Environmental Plan No 24—Homebush Bay Area</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
1.9A Suspension of covenants, agreements and instruments				
(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no covenants, agreements or similar instruments that require suspension to enable development of the land in accordance with this Plan.
(2) This clause does not apply: (a) to a covenant imposed by the Council or that the Council requires to be imposed, or (b) to any prescribed instrument within the meaning of section 183A of the <i>Crown Lands Act 1989</i> , or (c) to any conservation agreement within the meaning of the <i>National Parks and Wildlife Act 1974</i> , or (d) to any Trust agreement within the meaning of the <i>Nature Conservation Trust Act 2001</i> , or (e) to any property vegetation plan within the meaning of the <i>Native Vegetation Act 2003</i> , or (f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995</i> , or (g) to any planning agreement within the meaning of Division 6 of Part	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
4 of the Act.				
(3) This clause does not affect the rights or interests of any public authority under any registered instrument.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Part 2 Permitted or prohibited development				
2.3 Zone objectives and land use table				
(1) The Table at the end of this Part specifies for each zone:				
(a) the objectives for development, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A mixed use development is permitted with consent in the B4 Mixed Use Zone.
(b) development that may be carried out without consent, and				
(c) development that may be carried out only with consent, and				
(d) development that is prohibited.				
(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(3) In the Table at the end of this Part:				
(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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.				
(4) This clause is subject to the other provisions of this Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.4 Unzoned land				
(1) Development may be carried out on unzoned land only with consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The land is zoned B4 Mixed Use.
(2) Before granting consent, the consent authority:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and				
(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.5 Additional permitted uses for particular land				
(1) Development on particular land that is described or referred to in Schedule 1 may be carried out:				
(a) with consent, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p>(b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.</p> <p>(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>2.6 Subdivision—consent requirements</p> <p>(1) Land to which this Plan applies may be subdivided, but only with consent.</p> <p><u>Notes:-</u></p> <p>1 <i>If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.</i></p> <p>2 <i>Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.</i></p> <p>(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Subdivision is not proposed.
<p>2.7 Demolition requires consent</p> <p>The demolition of a building or work may be carried out only with consent.</p> <p>Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this plan or <i>State State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> as exempt development, the Act enables it to be carried out without development consent.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No demolition works are proposed as part of this Development Application .
Land Use Table				

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

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

Clause	Yes	No	N/A	Comment
(2A) Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows: (a) for sites less than 1,300 square metres—0.75:1, (b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1, (c) for sites that are 1,800 square metres or greater—0.85:1.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.5 Calculation of floor space ratio and site area				
(1) Objectives The objectives of this clause are as follows: (a) to define <i>floor space ratio</i> , (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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FSR has been calculated in accordance with this clause.

Clause	Yes	No	N/A	Comment
<p>being carried out on it, and</p> <p>(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</p> <p>(iii) require community land and public places to be dealt with separately.</p>				
(2) Definition of "floor space ratio" The <i>floor space ratio</i> of buildings on a site is the ratio of the gross floor area of all buildings within the site area.				
(3) Site area In determining the site area of proposed development for the purpose of applying a floor space ratio, the <i>site area</i> is taken to be: (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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(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)).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) Strata subdivisions The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.				
(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Only the lots upon which development is proposed are included in the site area.

Clause	Yes	No	N/A	Comment
<p>development includes significant development on that additional lot.</p> <p>(7) Certain public land to be separately considered</p> <p>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.</p>				
<p>(8) Existing buildings</p> <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(9) Covenants to prevent "double dipping"</p> <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A covenant is not required as a condition of consent is to be imposed requiring the sites be amalgamated should consent be granted.
<p>(10) Covenants affect consolidated sites</p> <p>If:</p> <p>(a) a covenant of the kind referred to in subclause (9) applies to any land (<i>affected land</i>), and</p> <p>(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,</p> <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(11) Definition</p> <p>In this clause, <i>public place</i> has the same meaning as it has in the <i>Local Government Act 1993</i>.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>4.6 Exceptions to development standards</p>				
<p>(1) The objectives of this clause are:</p> <p>(a) to provide an appropriate degree of</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p>flexibility in applying certain development standards to particular development, and</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p> <p>(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>As discussed previously, the applicant is seeking to vary the development standards pertaining to building height as follows:</p> <ul style="list-style-type: none"> • Clause 4.3 – a maximum building height of 36.0m applies to the site. A maximum building height of 38.8m is proposed. • Clause 4.4 – a maximum FSR of 5.0:1 applies to the subject site. A maximum FSR of 5.3:1 is proposed.
<p>(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The applicant has submitted a written request to justify the contravention of the development standards in accordance with this clause. This matter is discussed in detail at the end of the compliance table.</p>
<p>(4) Consent must not be granted for development that contravenes a development standard unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Director-</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>This matter is discussed in further detail at the end of the compliance table.</p>

Clause	Yes	No	N/A	Comment
(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development is permissible in the zone.
(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) This clause does not apply to:				
(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) land within the coastal zone, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) and proposed to be developed for the purpose of sex services or restricted premises.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the development is not inconsistent with the objectives for development in both zones, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) This clause does not prescribe a development standard that may be varied under this Plan.				
5.4 Controls relating to miscellaneous permissible uses				The proposal does not incorporate any miscellaneous permissible uses.
(1) Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
bedrooms. Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the <i>Building Code of Australia</i> .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) Home businesses If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Home industries If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) 400 square metres, whichever is the lesser.				
(5) Farm stay accommodation If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) Kiosks If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 10 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(7) Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(8) Roadside stalls If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 8 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:- (a) 60 square metres, (b) 25% of the total floor area of the principal dwelling.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed building does not have any architectural roof features.
(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Development consent must not be granted to any such development unless the consent authority is satisfied that: (a) the architectural roof feature: (i) comprises a decorative element on the uppermost portion of a building, and (ii) is not an advertising structure, and (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and (iv) will cause minimal overshadowing, and (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.8 Conversion of fire alarms				
(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The clause is not applicable to this application.
(2) The following development may be carried out, but only with development consent: (a) converting a fire alarm system from connection with the alarm	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) development consent, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) a permit granted by the Council.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) that is or forms part of a heritage item, or that is within a heritage conservation area, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<u>Note.</u> As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.				
(8) This clause does not apply to or in respect of:				

Clause	Yes	No	N/A	Comment
(a) the clearing of native vegetation:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(i) that is authorised by a development consent or property vegetation plan under the <i>Native Vegetation Act 2003</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the <i>Native Vegetation Act 2003</i>) that is authorised by a development consent under the provisions of the <i>Native Vegetation Conservation Act 1997</i> as continued in force by that clause, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the <i>Forestry Act 1916</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) action required or authorised to be done by or under the <i>Electricity Supply Act 1995</i> , the <i>Roads Act 1993</i> or the <i>Surveying and Spatial Information Act 2002</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) plants declared to be noxious weeds under the <i>Noxious Weeds Act 1993</i> .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<u>Note.</u> Permissibility may be a matter that is determined by or under any of these Acts.				
(9) Not adopted				
5.9AA Trees or vegetation not prescribed by development control plan				
(1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.10 Heritage conservation				
<u>Note.</u> Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.				
(1) Objectives				

Clause	Yes	No	N/A	Comment
<p>The objectives of this clause are:</p> <p>(a) to conserve the environmental heritage of Auburn, and</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and</p> <p>(c) to conserve archaeological sites, and</p> <p>(d) to conserve places of Aboriginal heritage significance.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The site is not listed in the Auburn Local Environmental Plan 2010 as a heritage item, archaeological site, aboriginal place of significance, nor is it in a heritage conservation area.</p> <p>The site is, however, in close proximity to to the following heritage items which are of local significance:</p> <ul style="list-style-type: none"> Item No. I33 – Lidcombe Police Station (11 John Street) Item No. I35 – Lidcombe Public School and Infants Department (Corner John Street, Doodson Avenue and Mill Street) Item No. I39 – St Joachims Catholic Church, Parish Hall and School (John Street and 7 Mary Street)
<p>(2) Requirement for consent</p> <p>Development consent is required for any of the following:</p> <p>(a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,</p> <p>(i) a heritage item.</p> <p>(ii) An Aboriginal object.</p> <p>(iii) A building, work, relic or tree within a heritage conservation area.</p> <p>(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,</p> <p>(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,</p> <p>(d) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,</p> <p>(e) erecting a building on land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area or,</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land on which a heritage item is located or that is within a heritage conservation area.</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area or,</p> <p>(ii) on which an Aboriginal object is located or that is within an</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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

Clause	Yes	No	N/A	Comment
<p>development consent has been given.</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or of the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p> <p>Note. The <i>National Parks and Wildlife Act 1974</i>, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>6.3 Flood planning</p> <p>(1) The objectives of this clause are:</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p> <p>(2) This clause applies to:</p> <p>(a) land that is shown as "Flood planning area" on the Flood Planning Map, and</p> <p>(b) other land at or below the flood planning level.</p> <p>(7) Development consent must not be granted for development on land to which this clause applies unless the</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The subject site is not in a flood planning area.</p>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p>consent authority is satisfied that the development:</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p> <p>(8) A word or expression used in this clause has the same meaning as it has in the NSW Government's <i>Floodplain Development Manual</i> published in 2005, unless it is otherwise defined in this clause.</p> <p>(9) In this clause:</p> <p><i>flood planning level</i> means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.</p> <p><i>Flood Planning Map</i> means the Auburn Local Environmental Plan 2010 Flood Planning Map.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>6.4 Foreshore building line</p> <p>(1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.</p> <p>(2) This clause applies to land identified as below the foreshore building line on the Foreshore Building Line Map.</p> <p>(3) Development consent must not be granted for development on land in the foreshore area except for the following purposes:</p> <p>(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The site is not situated adjacent to a watercourse or a water body. The clause will not apply to this application.</p>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
area,				
(b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoor).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that:				
(a) the development will contribute to achieving the objectives for the zone in which the land is located, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) the development is not likely to cause environmental harm such as:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(i) pollution or siltation of the waterway, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iii) an adverse effect on drainage patterns, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(g) in the case of development for the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, the extension, alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
				The site is not situated adjacent to a watercourse or a water body.

Clause	Yes	No	N/A	Comment
(h) sea level rise or change of flooding patterns as a result of climate change have been considered.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>6.5 Essential Services</p> <p>(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:</p> <p>(a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage. (d) stormwater drainage or on-site conservation, (e) suitable road access.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site has suitable road access and, should, the application be approved, conditions of consent will be imposed with respect to the provision of site services.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause 4.6 Exceptions to development standards

Two variations have been submitted with the application and are considered below.

It is proposed to vary the maximum building height of 36m to 38.88m (8% variation) established under Clause 4.3 Height of Buildings.

Variation is also requested to the floor space ratio of 5.0:1 under Clause 4.4 Floor Space Ratio to 5.3:1.

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

- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

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

Maximum Building Height

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

1. *The public benefit that will result from increased housing opportunities and amenity close to Lidcombe railway station.*
2. *Likely Future Dooley's site redevelopment incorporating towers up to 55 m and greater FSRs. The general direction of the Lidcombe Town Centre.*
3. *Supporting regional planning initiatives (Metropolitan Plan)*
4. *Minimal Environmental Impact.*
5. *Appropriate location and context.*

The applicant prepared a building height and sale analysis showing the proposal in plan and section – detailing existing a potential development heights in the precinct.

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

- *The height variation does not represent any significant additional impact in terms of overshadowing.*
- *Housing and business opportunities that arise as a result of the development.*
- *The proposed development is generally consistent with the intent and objectives of the state strategies (Metropolitan plan, Central and West draft subregional strategy."*
- *No unacceptable parking or traffic implications*

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

- (4) *Consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,"*

Height Variation Assessment

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

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

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

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

The height of the buildings are not compatible with the existing or “known” future character of the locality due to the exceedance of the maximum height limit and the application for variation is, therefore, not supported. A condition requiring one floor plate to be removed from the development will ensure height compliance.

Floor Space Ratio

The applicant has submitted the following justification in support of the variation sought to the development standard pertaining to floor space ratio:

“The minor variation of 6% to the FSR is considered reasonable in the circumstances given the following reasons:

- *Appropriately located – the building takes advantage of the sites location immediately adjacent to a major metropolitan Sydney railway station, which provides an easy 20 minute ride to the CBD. Any variation in FSR that facilitates maximisation of unit numbers will contribute positively to the principles of transit orientated development (TOD).*
- *Greater housing Choice – The proposal encapsulates two development sites that have both had DA approvals for similar mixed use residential unit development. Under the previous two separate schemes 98 units for approved. By combining the sites and with a minor addition to the FSR, the development can achieve much greater unit number of 153 apartments. This assists with delivery of a greater housing diversity and increased density for a site that is ideally located with ready access to transport, retail and community infrastructure.*
- *Support Regional Planning Initiatives – The proposed development with greater height, density (FSR) and unit numbers directly supports the metropolitan planning strategies for Sydney such as the recently released Metropolitan Plan – A Plan for Growing Sydney. The proposed development seeks to provide housing supply and diversity in an are within close proximity to transport and a local town centre. From a wider strategic perspective, the development will provide residents with superior access to key centres in Sydney that offer quality jobs, entertainment and leisure. The proposed development will assist in accommodating a changing a growing population, more affordable and high amenity living options, creation of more jobs closer to accessible transport options and allow for Lidcombe’s local centre to strengthen and grow sustainable to achieve the goals of the plan.*
- *Consolidated lot in single ownership – State government strategies advocate for increased development densities and availability of appropriately zoned land in proximity (800m) to centres and train stations. However, in addition to the availability of zoned land, delivering new development within existing urban areas also required concentration of land tenure to ensure that development can be delivered within a reasonable time frame. As it is consolidated under a single land tenure, the subject site presents one of a limited number of significant and rare opportunity sites for a higher density residential development in the locality to take advantage of nearby rail infrastructure and the amenity of the Lidcombe Town Centre.*
- *Minimal Environmental Impact – As demonstrated in the attached SEE there is minimal impact from overshadowing or amenity as a result of the FSR being in excess of the prescribed limit.*

- *Future Development Context – Significant future development of the Dooley’s site (to the south of subject site) will likely result in the residential towers of some 18 storey or some 55 metres and much greater FSRs. The subject site will reflect appropriately scaled development within the context of the future Dooley’s site redevelopment, which is also reflective of the general direction that residential development is undertaking in the Lidcombe town centre.*
- *Appropriate design responding to local context – The proposed revised development is built to the edge of John Street and is consistent in its interface with existing development on the street. There is some setback for the upper level residential. A retail interface at ground level will assist in defining the character at the street edge and enhancing the amenity of the street and public realm. The revised rear setbacks and architectural treatment provides appropriate levels of amenity for adjoining residents as well as the future residents of the development. Design recessed, colour blocks and horizontal and vertical detailing aim at creating an articulated form that reduces impact of building bulk.”*

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

- (4) *Consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
- (i) *the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,”*

FSR Variation Assessment

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

It is also considered that the exceedance of the floor space ratio is not in the public interest as the development is not consistent with the objective for the “Floor Space Ratio” control under ALEP 2010 which states:

“4.4(1) The objectives of this clause are as follows:

- (b) *To ensure that development intensity reflects its locality.”*

The density of the building is not compatible with the existing or “known” future character of the locality due to the exceedance of the floor space ratio and the application is, therefore, supported with the condition that a single floorplate is removed to achieve the density provisions.

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

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

Auburn Development Control Plan 2010

(a) Local Centres

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

Requirement	Yes	No	N/A	Comments
2.0 Built Form				
Objectives				
a. To provide richness of detail and architectural interest, especially to visually prominent parts of buildings such as lower storeys and street facades.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The architecture of the building is acceptable in terms of detailing, treatment of lower storeys and street facades.
b. To establish the scale, dimensions, form and separation of buildings appropriate for local centre locations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed development is not considered to be of an appropriate or compatible height, bulk or scale with the existing and currently adopted and desired future character of the town centre due to the exceedance of the maximum height limit, density and the bulk of the building as it presents to the street.
c. To encourage mixed use development with residential components that achieve active street fronts with good physical and visual connection between buildings and the street, and maintain residential amenity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	An active street frontage is provided to John Street with good visual connections between the building and the street.
d. To achieve active street frontages with good physical and visual connections between buildings and the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e. To ensure consistency in the main street frontages of buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
f. To ensure building depth and bulk appropriate to the environmental setting and landform.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Discussed above.
g. To ensure building separation is adequate to protect amenity, daylight penetration and privacy between adjoining developments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adequate building separation is provided to protect amenity, solar access and privacy of adjoining developments.
h. To ensure that the form, scale, design and nature of development enhances the streetscape and visual quality of commercial areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Discussed above.
i. To ensure that the built form and density of a new development respects the scale,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Discussed above.

density and desired future character of the area.				
j. To ensure development appropriately supports the centres hierarchy.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development Controls				
D1 To allow for their adaptive use, mixed use buildings are to incorporate the following flexible design requirements: <ul style="list-style-type: none"> the number of internal apartment structural walls are to be minimised; and ceiling heights for the ground floor is to be a minimum of metres. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed layout and design of the units are considered to be flexible to allow reconfiguration at a later date. A floor to ceiling height of 3.5m has been provided to the ground floor retail/business tenancies.
D2 Residential components are to be provided with direct access to street level with entrances clearly distinguishable from entries to commercial premises.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal incorporates a residential entry that is separate from the commercial entry.
D3 Secure entries are to be provided to all entrances to private areas, including car parks and internal courtyards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal is considered to provide suitable security to all entries within the development.
D4 Car parking provided for the residential component of the development is to be clearly delineated and provided separate to general customer parking.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suitable allocation of car parking has been provided which demonstrates the separation of residential and commercial 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All loading areas are suitably located and do not interfere with the residential areas.
D6 Vehicular circulation areas must be legible and must differentiate between the commercial service requirements, such as loading areas, and residential access.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	It is noted that the majority of the upper basement level is for commercial and loading uses whilst the lower basement levels are prioritised for residential parking.
D7 Mechanical plant is to be located on the roof or visually and acoustically isolated from residential uses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suitable plant has been proposed as part of the development and is not considered to impact on surrounding 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is considered to provide an acceptable level of amenity for the intended occupants.
Development controls				
D1 The minimum finished floor level (FFL) to finished ceiling level (FCL) shall be as follows:				A floor to ceiling height of 3.5m has been provided to the ground floor

<p>D3 Building facades at street level along primary streets and public places consist of a minimum of 80% for windows/glazed areas and building and tenancy entries.</p> <p>D4 Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The ground level facades of the retail/commercial tenancies and the building entries are largely comprised of glazing.</p> <p>An appropriate condition of consent could be imposed in this regard.</p>
<p>2.4 Roofs</p> <p>Performance criteria</p> <p>P1 Roof design is integrated into the overall building design.</p> <p>Development controls</p> <p>D1 Design of the roof shall achieve the following:</p> <ul style="list-style-type: none"> • concealment of lift overruns and service plants; • presentation of an interesting skyline; • enhancing views from adjoining developments and public places; and • complementing the scale of the building. <p>D2 Roof forms shall not be designed to add to the perceived height and bulk of the building.</p> <p>D3 Where outdoor recreation areas are proposed on flat roofs, shade structures and wind screens shall be provided.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Plant rooms are to be located in the basement. The lift overruns are integrated into the design of the building.</p> <p>The roofs are comprised of various horizontal planes and will provide interest within the skyline.</p> <p>The roof design will not affect views from adjoining developments and/or public spaces.</p> <p>The roof design complements the scale of the building.</p> <p>The roof form does not add to the perceived height and bulk of the building.</p> <p>A selection of shade structures and wind screen have been integrated into the layout of the roof top recreation area.</p>
<p>2.5 Balconies</p> <p>Performance criteria</p> <p>P1 Balconies contribute positively to the amenity of residents and the visual quality of the local centre.</p> <p>Development controls</p> <p>D1 Balustrades and balconies shall be constructed from a balance of solid and transparent material to allow for views from the interior.</p> <p>D2 Balcony balustrades should be of a light open material.</p> <p>D3 Verandahs and balconies shall not be enclosed.</p> <p>D4 Balconies and terraces shall be oriented to overlook public spaces.</p> <p>D5 The design of the underside of the balcony</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The facade and balconies present to the street in a coordinated balance of glass and masonry.</p> <p>Balustrades consist of partly transparent materials to allow for views into public spaces.</p> <p>None of the balconies are to be enclosed.</p> <p>Balconies have been oriented to overlook both street frontages.</p> <p>A condition of consent could be imposed with respect to the treatment of the underside of balconies.</p>

materials, in a manner which interprets the traditional architecture, albeit in modern forms and materials.				maximum height limit, density and the bulk of the development as it presents to John Street.
P2 New development conserves and enhances the existing character of the street with particular reference to architectural themes.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The design concept and façade treatments of the development are compatible with the streetscape.
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Active frontages are proposed to be provided to John Street on the ground floors of the building. The treatment of the ground floor is compatible with the streetscape, character and architectural treatment of the Auburn Town Centre.
P4 To maintain the surviving examples of original whole shop frontages where the shop frontages contribute to the local character.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
P5 To encourage new or replacement shop fronts to be compatible with the architectural style or period of the building to which they belong and the overall character of the local centre.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Development controls				
D1 Applicants shall demonstrate how new development addresses the streetscape and surrounding built environment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed building height, density and bulk of the development does not satisfactorily address the surrounding built environment.
D2 New shopfronts shall be constructed in materials which match or complement materials used in the existing building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The shopfronts are to be fully glazed which is compatible with the materials proposed to be used throughout the development.
D3 Development shall provide direct access between the footpath and the shop.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shops with frontage to John Street will have direct access from the footpath.
D4 Development shall avoid the excessive use of security bars.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent could be imposed with respect to appropriate forms of security grilles to shopfronts.
D5 Block-out roller shutters are not permitted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D6 Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signage is integrated into the façade and complements the architectural style of the building.
3.2 Setbacks				
Performance criteria				
P1 The setback of new buildings is consistent with the setback of adjoining buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P2 The built edge of development at the street frontage contributes to a sense of enclosure and scale within the centre.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls				
D1 New development or additions to existing development shall adopt front setbacks,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The DCP stipulates the building to be built to boundary along John Street,

<p>D2 Buildings shall achieve a quality living environment that sympathetically integrates into the character of the commercial precinct.</p> <p>D3 Commercial and retail servicing, loading and parking facilities shall be separated from residential access and servicing and parking.</p> <p>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.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The car parking for the development is accessed via driveway from Ann street and Board Street. The allocation of car parking spaces for the retail/business tenancies and residents has been separated onto different levels. This is considered to be a satisfactory arrangement.</p>
<p>4.2 Active street frontages Performance criteria P1 Active frontage uses are defined as one of a combination of the following at street level:</p> <ul style="list-style-type: none"> ■ front entry to shopfront; ■ shop front; ■ café or restaurant if accompanied by an entry from the street; ■ active office uses, such as reception, if visible from the street; and ■ public building if accompanied by an entry. <p>Development controls</p> <p>D1 Retail outlets and restaurants are located at the street frontage on the ground level.</p> <p>D2 A separate and defined entry shall be provided for each use within a mixed use development.</p> <p>D3 Only open grill or transparent security (at least 70% visually transparent) shutters are permitted to retail frontages.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>The development includes retail/commercial tenancies across the John Street frontage</p> <p>Each tenancy has its own entry and a separate residential entry is provided.</p> <p>Details of security measures to be shopfronts have not been provided. A condition of consent could be imposed to ensure compliance.</p>
<p>4.3 Awnings Performance criteria P1 Street frontage awnings are to be provided in all areas with active frontage</p> <p>Development controls D1 Awning dimensions shall generally be:</p> <ul style="list-style-type: none"> ■ horizontal in form; ■ minimum 2.4m deep (dependent on footpath width); ■ minimum soffit height of 3.2m and maximum of 4m; ■ steps for design articulation or to accommodate sloping streets are to be integral with the building design and should not exceed 700mm; ■ low profile, with slim vertical fascia or eaves (generally not to exceed 300mm height); ■ 1.2m setback from kerb to allow for clearance of street furniture, trees, and other public amenity elements; and ■ In consideration of growth pattern of mature trees. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>The proposal incorporates a street awning that traverses the commercial shop front.</p> <p>The proposed awning is considered appropriate in accordance with this part.</p>

<p>D2 Where arcades or internalised shopping malls are proposed, those shops at the entrance must have direct pedestrian access to the street.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>4.5 Amenity</p> <p>Performance criteria</p> <p>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.</p> <p>Development controls</p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The development provides for an appropriate level of residential amenity. Refer to the SEPP 65/Residential Flat Design Code assessment section of the report.</p> <p>The development is not located in the near vicinity of railway lines or major arterial roads.</p>
<p>4.6 Residential flat building component of mixed use developments</p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Refer to the Auburn DCP – Residential Flat Buildings compliance table below.</p>
<p>5.0 Privacy and Security</p>				
<p>Objectives</p> <p>a. To provide personal and property security for residents and visitors and enhance perceptions of community safety.</p> <p>b. To ensure that new development achieves adequate visual and acoustic privacy levels for neighbours and residents.</p> <p>c. To create a balance of uses that are safe and easily accessible.</p> <p>d. To ensure there is adequate lighting and signage to provide a safe environment.</p> <p>e. To enhance the architectural character of buildings at night, improve safety and enliven the town centre at night.</p> <p>Performance criteria</p> <p>P1 Private open spaces and living areas of adjacent dwellings are protected from overlooking.</p> <p>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.</p> <p>Development controls</p> <p>D1 Views onto adjoining private open space shall be obscured by:</p> <ul style="list-style-type: none"> • Screening with a maximum area of 25% openings is permanently fixed and made of durable materials; or • Incorporating planter boxes into walls or balustrades to increase visual 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposal is considered to promote safety and security in the local area by increasing passive surveillance and providing active street frontages.</p> <p>The building articulation and provision of open space on the western side of the development provides adequate separation to protect the privacy of residences on its western side.</p> <p>The development's design, and incorporation of security features, will minimise the potential for crime, vandalism, and the perception of safety.</p> <p>The development has provided numerous privacy features to ensure adjoining development (existing and</p>

separation between areas. Existing dense vegetation or new planting may be used as a secondary measure to further improve privacy.				future) is not adversely impact upon.
D2 Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appropriate screening and planter boxes to private open space areas have been provided where required. The building has been designed around the private open space on the western face of the building in a "C" configuration. Windows to living rooms and main bedrooms for the majority of units have been oriented to the street and open space within the site. Distance between habitable rooms orientated towards this open space is greater than 26m.
D3 Shared pedestrian entries to buildings shall be lockable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent could be imposed to ensure that shared pedestrian entries are lockable.
D4 Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The buildings have been designed to overlook the street.
D5 Pedestrian walkways and car parking shall be direct, clearly defined, visible and provided with adequate lighting, particularly those used at night.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pedestrian walkways and car parking areas are direct, clearly defined, visible and a condition of consent could be imposed regarding the provision of adequate lighting.
D6 Landscaping and site features shall not block sight lines and are to be minimised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Landscaping will not block sight lines.
D7 Seating provided in commercial areas of a development shall generally only be located in areas of active use where it will be regularly used.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Seating is provided in open space of the development.
D8 Adequate lighting shall be provided to minimise shadows and concealment spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent could be imposed to ensure suitable lighting throughout the development.
D9 All entrances and exits shall be made clearly visible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All entrances and exits to the buildings and site will be visible.
D10 Buildings shall be arranged to overlook public areas and streets to maximise surveillance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The buildings have been designed to overlook the street, and open space where appropriate.
D11 Development shall be consistent with Council's Policy on Crime Prevention Through Environmental Design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A crime risk report has been submitted with the application and the proposed development is consistent with the principles of Crime Prevention Through Environmental Design (CPTED). Further, the NSW Police have raised no objections to the proposal.

<p>D1 Windows and doors of existing shopfronts shall not be filled in with solid materials.</p> <p>D2 Security shutters, grilles and screens shall:</p> <ul style="list-style-type: none"> • be at least 70% visually permeable (transparent); • not encroach or project over Council's footpaths; and • be made from durable, graffiti-resistant materials. <p>D3 Solid, external roller shutters shall not be permitted.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>5.3 Noise</p> <p>Performance criteria</p> <p>P1 New developments within major arterial roads or railway lines are designed to mitigate noise and vibration impacts.</p> <p>P2 All uses in the local centres must minimise noise impacts on adjoining residential areas caused by loading/unloading, late night operations, use of plant and equipment and entertainment activities.</p> <p>Development controls</p> <p>D1 New development shall comply with the provisions of the relevant acts, regulations, environmental planning instruments, Australian Standards and guidelines produced by the NSW Department of Environment, Climate Change and Water, the NSW Roads and Traffic Authority and the NSW Department of Planning as applicable for noise, vibration and quality assurance. This includes:</p> <ul style="list-style-type: none"> • 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. <p>D2 Restaurant and cafe design shall minimise the impact of noise associated with late night operation on nearby residents. Operation includes loading/unloading of goods/materials and the use of plant and equipment at a proposed commercial premise.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The subject site is not located within close proximity of major arterial roads or railway lines.</p> <p>The proposed development includes ground floor retail/commercial tenancies. A condition of consent could be imposed with respect to noise emissions from these premises. Further, separate development applications will be required for the use of these tenancies and hours of operation will be assessed at that time.</p> <p>The use of the retail/commercial tenancies has not been nominated as part of the subject application. Separate development applications will be required for the use of these tenancies.</p>

<p>D3 An acoustic report shall be submitted with a development application for a proposed commercial use in the local centre that operates during the hours between 10pm and 6am.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>5.4 Wind Mitigation</p> <p>Performance Criteria</p> <p>P1 New developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians.</p> <p>Development Controls</p> <p>D1 Site design for tall buildings (towers) shall:</p> <ul style="list-style-type: none"> ■ 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. <p>D2 A Wind Effects Report is to be submitted with the DA for all buildings greater than 35m in height.</p> <p>D3 For buildings over 48m in height, results of a wind tunnel test are to be included in the report.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
<p>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.</p>				
<p>6.1 Access, loading and car parking requirements</p> <p>Development controls</p> <p>D1 Car parking rates shall be provided in accordance with the Parking and Loading Part of this DCP.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Refer to the Auburn DCP 2010 – Parking and Loading compliance table.
<p>6.2 Creation of new streets and laneways</p> <p>Performance criteria</p> <p>P1 All new proposed roads are designed to convey the primary function of the street, including:</p> <ul style="list-style-type: none"> ● Safe and efficient movement of vehicles and pedestrians; ● Provision for parked vehicles and landscaping, where appropriate; ● Location, construction and maintenance of public utilities; and ● Movement of service and delivery vehicles. <p>Development controls</p> <p>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</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposal does not include any new streets or laneways.

<p>P5 Enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings.</p> <p>P6 Encourage the planting of low water consumption plants and trees.</p> <p>Development controls</p> <p>D1 Development shall incorporate landscaping in the form of planter boxes to soften the upper level of buildings.</p> <p>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.</p> <p>D3 In open parking areas, one (1) shade tree per ten (10) spaces shall be planted within the parking area.</p> <p>D4 Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to provide associated site security.</p> <p>D5 Paving and other hard surfaces shall be consistent with architectural elements.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>7.1 Street trees</p> <p>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.</p> <p>D2 Street tree planning shall be consistent with Council's Street Tree Masterplan or relevant Public Domain Plan or Infrastructure Manual.</p> <p>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.</p> <p>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.</p> <p>D5 Driveways and services shall be located to preserve significant trees.</p> <p>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.</p> <p>D7 Planter boxes (or similar) surrounding</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Proposed landscape plan details 8 street trees to be planted along John Street frontage.</p> <p>There are no trees on the site, nor are there any street trees along either the John Street, Ann Street, or Board Street frontages.</p> <p>A condition of consent could be imposed requiring that street trees be provided in accordance with the public domain plans for the Auburn Town Centre.</p>

trees in the footpath shall be 1.2m x 1.2m, filled with approved gravel and located 200mm from the back of the kerb line.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8.0 Energy Efficiency and Water Conservation				
Objectives				
<p>a. To achieve energy efficient commercial and retail developments.</p> <p>b. To encourage site planning and building design which optimises site conditions to achieve energy efficiency.</p> <p>c. To minimise overshadowing of the public domain including streets and open space.</p> <p>d. To give greater protection to the natural environment by reducing greenhouse gas emissions.</p> <p>e. To encourage the installation of energy efficient and water conserving appliances.</p> <p>f. To reduce the consumption of non-renewable energy sources for the purposes of heating, water, lighting and temperature control.</p> <p>g. To minimise potable water mains demand of non-residential development by implementing water efficiency measures.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>A BASIX Certificate has been submitted to address the energy efficiency and water conservation measures required for the residential component of the building and the common areas (such as foyers and basement car park). Conditions of consent could be imposed with respect to the provision of energy efficient lighting, heating/cooling systems, and water saving devices in the retail/commercial tenancies.</p> <p>With regard to overshadowing of the public domain, there are no areas of public open space in the vicinity of the site. Overshadowing of the public domain is, therefore, confined to footpaths. The shadow diagrams submitted with the application shows shadows moving across the following streets:</p> <ul style="list-style-type: none"> • Board Street from 9am to 11am; • Board Street and John Street from 11am
8.1 Energy efficiency				
Performance criteria				
<p>PI 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The building internal layout of the buildings is generally considered acceptable. The building will be made out of appropriate masonry materials with suitable thermal massing properties.</p>
Development controls				
<p>DI 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>This is as per the BASIX certificate requirements.</p>
<p>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 400m² in area) shall investigate the viability of utilising renewable energy resources for all lighting on site. A statement shall be included</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The BASIX Certificate requires energy efficient lighting be installed in common areas and this is considered an acceptable energy efficient measure.</p>

with the development application addressing these requirements.				
8.2 Water conservation Performance criteria PI Water efficiency is increased by appropriate building design, site layout, internal design and water conserving appliances. Development controls DI New developments shall connect to recycled water if serviced by a dual reticulation system for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes. D2 Where a property is not serviced by a dual reticulation system, development shall include an onsite rainwater harvesting system or an onsite reusable water resource for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes. D3 Development shall install all water using fixtures that meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The submitted BASIX Certificate addresses water conservation.</p> <p>A rainwater tank is proposed.</p> <p>The installation of water efficient fixtures is a BASIX requirement.</p>
8.3 Stormwater drainage Applicants shall consult the Stormwater Drainage Part of this DCP for requirements for stormwater management.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed method of stormwater disposal is generally acceptable to Council's Development engineers subject to the imposition of appropriate conditions of consent.</p>
8.4 Rainwater tanks Performance criteria PI Adequate measures are incorporated into new development to encourage the collection and reuse of stormwater and reduce stormwater runoff. Development controls DI Rainwater tanks shall be installed as part of all new development in accordance with the following: <ul style="list-style-type: none"> • The rainwater tank shall comply with the relevant Australian Standards; • 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 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Conditions of consent could be imposed requiring that the proposed rainwater tank comply with these requirements, and Auburn DCP 2010 – Stormwater Drainage, where relevant.</p>

<p>D2 Lighter colours in building materials and exterior treatments shall be used on the western facades of buildings.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9.0 Ancillary Site Facilities				
9.1 Provision for goods and mail deliveries				
Performance criteria				
<p>PI New development incorporates adequate provision in its design for the delivery of goods and mail to both business and residential occupants.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls				
<p>DI Provision shall be made on-site for courier car parking spaces in a convenient and appropriately signposted location, preferably with access off the principal street frontage, for developments incorporating greater than 3,000m² of gross leasable floor area devoted to commercial premises.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The development does not have a gross leasable commercial floor area of more than 3,000sqm, therefore, a courier space is not provided. The basement car park does, however, include a loading bay.</p>
<p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Mailboxes are to be provided adjacent to the ground floor foyer of building.</p>
10.0 Other Relevant Controls				
10.1 Waste				
<p>DI Applicants shall consult the Waste Part of this DCP for requirements for disposal.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>An acceptable waste management plan, dealing with construction and on-going waste management, has been submitted for the application. The development is acceptable in this regard.</p>
10.2 Access and amenity				
<p>DI Applicants shall consult the relevant provisions within the Access and Mobility Part of this DCP.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development provides suitable access in accordance with the Access and Mobility part of this ADCP 2010.</p>
11.0 Public Domain				
Objectives				
<p>a. To ensure private development contributes to a safe, attractive and useable urban environment within the local centres of the Auburn local government area.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development is consistent with the objectives and development controls relating to the public domain insofar as it will:</p>
<p>b. To ensure the public domain forms an integrated part of the urban fabric of commercial centres.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Contribute to a safe, attractive and useable urban environment; • Encourage both night and day pedestrian activity;
<p>c. To encourage both night and day pedestrian activity in the commercial centres.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Contribute to a positive pedestrian environment; and • Contribute positively to the public domain.

d. To ensure private development contributes to a positive pedestrian environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This will be achieved through appropriate building design, provision of ground floor retail/business uses and completion of town centre upgrading works adjacent to the site frontages.
e. To ensure that outdoor dining areas do not interfere with pedestrian amenity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
f. To encourage public art in new development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls				As detailed above, the proposal complies with these 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 Outdoor dining on footpaths shall be limited. Refer to Council's relevant Public Domain Plan, Outdoor Dining Policy and Public Art Policy.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Subdivision of the site is not proposed. The sites over which the development is proposed would be required to be amalgamated by condition of consent.
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12.1 Size and dimensions				
Performance criteria				
PI The size and dimension of proposed lots contribute to the orderly development of the commercial centres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12.2 Utility services				
Performance criteria				
PI All essential public utility services are provided to the development to the satisfaction of relevant authorities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conditions of consent can be imposed with respect to the provision of site services.
Development controls				
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>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.</p> <p>D2 Common trenching for gas, electricity and telecommunications shall be provided in accordance with agreements between the relevant servicing authorities in NSW.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13.0 Residential Interface				
Objectives:				
<p>a. To ensure that commercial development does not have adverse impacts on the amenity of adjoining and nearby residential zones.</p> <p>b. To ensure that commercial buildings are appropriately setback from nearby residential zones.</p> <p>c. To ensure that heavy vehicles associated with commercial development do not adversely impact upon the residential amenity.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The development is located adjacent the R4 High Density Residential to the west of the site.</p> <p>Only the ground floor of the development is to be used for commercial/retail purposes.</p> <p>Suitable accommodation for loading/garbage removal is made within the basement levels.</p>
Development controls				
<p>D1 Buildings adjoining residential zones and/or open space shall be setback a minimum of 3 metres from that property boundary.</p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The subject site does adjoin a residentially zoned site. A building wall to level one of the development adjoins neighbouring property with nil setback. Open space for the development is located on level 1, adjacent boundary. Residential units are setback a minimum of 6 metres.</p> <p>Suitable accommodation for loading/garbage removal is made within the basement levels. Conditions of consent could be imposed with respect to maximum noise levels from any plant located on the roof.</p>
<p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The use of the retail/commercial tenancies will be subject to future applications.</p>
<p>D4 External lighting shall be positioned to avoid light spillage to adjoining residential zones.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>A condition of consent could be imposed to avoid light spillage to the adjoining residential zone.</p>
<p>D5 Where noise generating development is proposed adjacent to residential or</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The proposal is not a noise generating development, therefore, an acoustic report is not required.</p>

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.				
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 <i>Auburn LEP 2010</i> . Refer to Figure 6. Where there are inconsistencies between the controls contained within this Section and other controls within this DCP, these controls prevail to the extent of the inconsistency.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The subject development site is located within the Lidcombe Town Centre.
15.2 Setbacks 16 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 DI Setbacks within the town centre shall be consistent with Figure 7.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This matter has been discussed previously.
15.3 Active frontages Development controls DI As a minimum, buildings shall provide active street frontages consistent with Figure 8.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15.4 Laneways Development controls DI Redevelopment within the Lidcombe Town Centre shall make provision for the creation of new laneways as shown in Figure 9.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No laneways are proposed.

<p>15.5 Site 1 – Dooleys</p> <p>Several sites within the Lidcombe Town Centre have been identified as having the greatest potential for intensification with commercial, residential and mixed use development, as shown in Figure 10. Each site has an inherent capacity to contribute to the transformation of the urban form into one which will generate more activity and lead the development of the town centre. The development controls for these sites apply in addition to the development controls presented in previous sections of this Part.</p> <p>Objectives</p> <p>a. To ensure architectural design recognises:</p> <ul style="list-style-type: none"> • the strategic significance of the site within the Lidcombe Town Centre; and • the visual prominence of the site from public areas including the train station and the approach towards the site from the northern end of John Street. <p>b. To reinforce John Street as the main street of the northern area of the Lidcombe Town Centre.</p> <p>c. To ensure development is sensitive in scale and character to the heritage item within the site.</p> <p>d. To provide an appropriate transition to the residential area to the north of the site.</p> <p>e. To improve pedestrian access and circulation within the town centre.</p> <p>Development controls</p> <p>D1 Development shall be design in accordance to Figure 11.</p> <p>D2 Development shall be designed to address Olympic Drive.</p> <p>D3 Development shall provide a new pedestrian through-site link, shared way or street between Church Street to Board Street, with a minimum width of 12m.</p> <p>D4 Through-site linkages shall be provided</p>				<p>Not applicable to subject site.</p>
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	for pedestrians and vehicles within the site to improve circulation and access to the town centre. The linkages shall enable connection between Church Street and Board Street and John Street and Board Street.				
D5	The preferred access to the site shall be via Church Street with secondary access via Board Street.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D6	Outdoor dining shall be encouraged along John Street and Church Street.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D7	For residential uses, the maximum building dimensions, inclusive of balconies and building articulation but excluding architectural features, is 24m x 60m.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D8	Levels above the podium are to be setback for a minimum of 4-6m from the boundary of adjoining commercial or residential uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15.6 Site 2 – Mary Street North					N/A
15.7 Site 3 – Mary Street South					N/A
15.8 Site 4 – Tooheys Lane					N/A
15.9 Site 5 – Bridge Street					N/A
15.10 Site 6 – Railway Street					N/A

(b) Residential Flat Buildings

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

Requirement	Yes	No	N/A	Comments
1.0 Introduction				
1.1 Development to which this Part applies				
This part applies to residential flat building development. It does not apply to Newington and Wentworth Point (formerly Homebush Bay West) areas. Please refer to the Newington Parts of this DCP or the Wentworth Point DCPs listed in Section 1.6 of the Introduction Part of this DCP.				The development site is not located in Wentworth Point or Newington.
1.2 Purpose of this Part				
The purpose of this Part is to ensure residential flat buildings:				
<ul style="list-style-type: none"> ■ are pleasant to live in and create enjoyable urban places; ■ promote amenable, vibrant and lively streets; ■ facilitate a safe, welcoming and attractive 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development is considered to be generally in compliance with this part with the exception of the impact on the precinct character due to the proposed increase height and density relying on unapproved potential

<p>public domain;</p> <ul style="list-style-type: none"> ■ are designed to cater for multiple demographics and tenancies; ■ foster ecologically sustainable development; ■ maintain a high level of amenity; ■ contribute to the overall street locality; ■ minimise the impact on the environment; and ■ optimise use of the land. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>developments in the area.</p>
2.0 Built Form				
<p>Objectives</p> <p>a. To ensure that all development contributes to the improvement of the character of the locality and streetscape in which it is located.</p> <p>b. To ensure that development is sensitive to the landscape setting and environmental conditions of the locality.</p> <p>c. To ensure that the appearance of development is of high visual quality and enhances and addresses the street.</p> <p>d. To ensure that the proposed development protects the amenity of adjoining and adjacent properties.</p> <p>e. To ensure that the form, scale and height of the proposed development responds appropriately to site characteristics and the local character.</p> <p>f. To ensure that development relates well to surrounding developments including heritage items, open space and other land uses.</p> <p>g. To ensure that development maximises sustainable living.</p> <p>h. To maximise views, solar and daylight access,</p> <p>i. To provide an acceptable interface between different character areas.</p> <p>j. To minimise the impacts of buildings overshadowing open spaces and improve solar access to the street.</p> <p>k. To contribute to the streetscape and form a clear delineation between the public and private domain.</p>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>The proposed development is consistent with many of the built form objectives. However, due to the exceedance of the maximum height limit, and the bulk of the building as it presents to the street, the proposed development is prematurely relying on a future character of the locality not yet adopted by Council.</p>
<p>2.1 Site area</p> <p>Performance criteria</p> <p>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.</p> <p>Development controls</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The development site is of an acceptable size and dimensions with an area of 2710.7 sqm, a frontage to John Street of 68.42m and side boundaries of 39.725m to Board Street and 39.44m to Ann Street.</p>

<p>D1 A residential flat building development shall have a minimum site area of 1000m² and a street frontage of 20 metres in the B4 Zone or 26 metres in the R4 Zone.</p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>2.2 Site coverage</p> <p>Performance criteria</p> <p>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.</p> <p>P2 Minimise impacts in relation to overshadowing, privacy and view loss.</p> <p>P3 Ensure through-site links for pedestrians are incorporated where applicable.</p> <p>Development controls</p> <p>D1 The built upon area shall not exceed 50% of the total site area.</p> <p>D2 The non-built upon area shall be landscaped and consolidated into one communal open space and a series of courtyards.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The built upon area includes not only the building footprint but all hardstand areas such as driveways, courtyards and pathways. The subject development, by virtue of the basement levels occupying the whole site, theoretically has a site coverage of 100% as the development at ground level will be constructed over a slab.</p> <p>Centrally located open space is found on level 1 and the rooftop as is accessible by all occupants, given the nature of the development and the site the proposal is acceptable in this regard.</p>
<p>2.3 Building envelope</p> <p>Performance criteria</p> <p>P1 The height, bulk and scale of a residential flat building development is compatible with neighbouring development and the locality. Residential flat buildings:</p> <ul style="list-style-type: none"> • addresses both streets on corner sites; • align with the existing street frontages and/or proposed new streets; • form an L shape or a T shape where there is a wing at the rear. <p>Note: The development control diagrams in section 10.0 illustrate building envelope controls.</p> <p>Development controls</p> <p>D1 Council may consider a site specific building</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>As discussed previously, the height, bulk, and scale of the development is not compatible with existing neighbouring development and locality.</p> <p>The proposal aligns with the street and adequately addresses the street corner. The site does not require a laneway.</p> <p>The building forms a “C” shape, or two “L” shapes around the open space on the western face of the development.</p>

<p>envelope for certain sites, including: double frontage sites;</p> <ul style="list-style-type: none"> ■ sites facing parks; ■ sites adjoining higher density zones; and ■ isolated sites. 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>The subject site does not have any of the listed characteristics.</p>
<p>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</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposal exceeds the building footprint specified however as the site is located on a corner lot the building footprint of ground floor is appropriate for use. Building footprint of level 1 to level 11 is reduced through the 6m open space setback provided at the rear of the development</p>
<p>D3 The tower component of any building above the podium or street wall height is to have a maximum floor plate of 850m².</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The building has a floor plate of 1321 sqm for level 2 to level 8. This is an increase of approximately 470sqm the maximum specified under this control.</p> <p>The floor plate issue could be solved by the introduction of two buildings over the site, however the introduction of two buildings will not greatly improve the developments performance nor will it necessarily provide a better aesthetic. The proposed floorplate is supported with the reduction of one full level to result in an LEP compliant scheme.</p>
<p>2.4 Setbacks</p> <p>Performance criteria</p> <p>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.</p> <p>P2 Integrate new development with the established setback character of the street.</p> <p>P3 Ensure adequate separation between buildings, consistent with the established character and rhythm of built elements in the street.</p> <p>P4 Ensure adequate separation between buildings for visual and acoustic privacy.</p> <p>P5 Maintain a reasonable level of amenity for neighbours with adequate access to sunlight.</p> <p>Development controls</p> <p>2.4.1 Front setback</p> <p>D1 The minimum front setback shall be between</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>The development is consistent with established street setbacks and building forms of new developments along John Street.</p> <p>The area is undergoing transition.</p> <p>The subject site is located within</p>

	4 to 6m (except for residential flat development in the B1 and B2 zones) to provide a buffer zone from the street where residential use occupies the ground level.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	the B4 Mixed use zone and, therefore, the front setback requirements are not applicable.
D2	Where a site has frontage to a lane, the minimum setback shall be 2m, however, this will vary depending on the width of the lane.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3	Where a new building is located on a corner, the main frontage shall be determined on the existing streetscape patterns. Where the elevation is determined as the 'secondary' frontage, the setback may be reduced to 3m except where it relates to a primary frontage on that street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development is built to street boundary on all street frontages. This is consistent with the prevailing pattern in the street.
D4	Front setbacks shall ensure that the distance between the front of a new building to the front of the building on the opposite side of the street is a minimum of 10m for buildings up to 3 storeys high. For example, a 2m front setback is required where a 6m wide laneway is a shareway between the front of 2 buildings. Where a footpath is to be incorporated a greater setback shall be required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The distance between the front boundary of the development site and the front boundaries of the buildings on the opposite side of John Street is approximately 20m. The minimum building separation of 10m is, therefore, achieved.
D5	All building facades shall be articulated by bay windows, verandahs, balconies and/or blade walls. Such articulation elements may be forward of the required building line up to 1m.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The building elevations are considered to be well articulated with the incorporation of recesses, horizontal and vertical planes, contrasting materials, and fenestration treatments to create a varied facade.
D6	In all residential zones, levels above 4 storeys are to be setback for mid-block sites.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.4.2 Side setback					
D1	In all residential zones, buildings shall have a side setback of at least 3 metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The subject site is not in a residential zone.
D2	Eaves may extend a distance of 700mm from the wall.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.4.3 Rear setback					
D1	Rear setbacks shall be a minimum of 10m from the rear property boundary.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The development is built to rear boundary fronting adjacent residential development. Open space on level 1 of building creates a 6m setback between building and neighboring development.
D2	Where there is a frontage to a street and a rear laneway the setback to the rear laneway shall be a minimum of 2m.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	However, as the building has frontages to Ann Street and Board Street this control is not applicable.
D3	Where a building is an L or T shape with the windows facing side courtyards the rear setback shall be a minimum of 2m.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Open space on level 1 of building creates a 6m setback between building and neighboring development.
2.4.4 Haslam's creek setback					

<p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The subject site does not adjoin Haslam's Creek
<p>2.4.5 Setbacks at Olympic Drive, Lidcombe</p> <p>Performance criteria</p> <p>P1 Sites with frontage to Olympic Drive, Lidcombe, address this road and provide an appropriately landscaped setback.</p> <p>P2 East-west streets maintain view corridors to Wyatt Park.</p> <p>Development controls</p> <p>D1 For sites with frontage to Olympic Drive, buildings shall be designed to address Olympic Drive and provide a setback of 6m.</p> <p>D2 The setback area and verge shall be landscaped and planted with a double row of street trees.</p> <p>D3 The setback to east-west streets shall be generally 4 to 6m and ensure view corridors to Wyatt Park are maintained.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The subject site is not located on Olympic Drive, Lidcombe
<p>2.5 Building depth</p> <p>Performance criteria</p> <p>P1 A high level of amenity is provided for residents.</p> <p>Development controls</p> <p>D1 The maximum depth of a residential flat building shall be 24m (inclusive of balconies and building articulation but excluding architectural features).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The building exceeds 24m in depth across the Ann Street and Board Street frontages. However, residential amenity is still achieved through apartment size, location of balconies and windows.
<p>2.6 Floor to ceiling heights</p> <p>Performance criteria</p> <p>P1 Floor to ceiling heights provide well proportioned rooms and spaces to allow for light and ventilation into the built form.</p> <p>Development controls</p> <p>D1 The minimum floor to ceiling height shall be 2.7m. This does not apply to mezzanines.</p> <p>D2 Where there is a mezzanine configuration, the floor to ceiling height may be varied.</p> <p>D3 When located near business areas, a floor to ceiling height of 3 to 3.3m for the ground and</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All residential units have a floor to ceiling height of 2.7m.

<p>first floor shall be provided.</p> <p>D4 When located within business areas, a floor to ceiling height of 3.3m for the ground and first floor shall be provided.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>A floor to ceiling height of 3.5m has been provided to the ground floor retail/business tenancies. The first floors of the buildings have a floor to ceiling height of 2.7m. This is considered acceptable given the residential only use of the floors.</p>
<p>2.7 Head height of windows</p> <p>Performance criteria</p> <p>P1 Window heights allow for light penetration into rooms and well proportioned elevations.</p> <p>Development controls</p> <p>D1 The head height of windows and the proportion of windows shall relate to the floor to ceiling heights of the dwelling.</p> <p>D2 For storeys with a floor to ceiling height of 2.7 metres, the minimum head height of windows shall be 2.4 metres.</p> <p>D3 For storeys with a floor to ceiling height of 3 metres, the minimum head height of windows shall be 2.7 metres.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Windows have been designed to allow for light penetration into rooms and create well proportioned elevations.</p> <p>The head heights of windows relate to the floor to ceiling heights of the units and comply with the minimum requirement of 2.4m.</p>
<p>2.8 Heritage</p> <p>Performance criteria</p> <p>P1 Development does not adversely affect the heritage significance of heritage items and heritage groups and archaeological sites as well as their settings, distinctive streetscape, landscape and architectural styles.</p> <p>Development controls</p> <p>D1 All development adjacent to and/or adjoining a heritage item shall be:</p> <ul style="list-style-type: none"> • responsive in terms of the curtilage and design; • accompanied by a Heritage Impact Statement; and • respectful of the building's heritage significance in terms of the form, massing, roof shapes, pitch, height and setbacks. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>This matter has been discussed previously under the Auburn LEP 2010 compliance table.</p>
<p>2.9 Building design</p> <p>Performance criteria</p> <p>P1 Building design, detailing and finishes provide an appropriate scale to the street and add visual interest.</p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Number of bedrooms	Dwelling size				
Studio	50m ²				
1 bedroom (cross through)	50m ²				
1 bedroom (masionette)	62m ²				
1 bedroom (single aspect)	63m ²				
2 bedrooms (corner)	80m²				
2 bedrooms (cross through or over)	90m ²				
3 bedrooms	115m ²				
4 bedrooms	130m ²				
D2	At least one living area shall be spacious and connect to private outdoor areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All units have a spacious living area which directly adjoins private open space.
2.11	Apartment mix and flexibility				
Performance criteria					
P1	A diversity of apartment types are provided, which cater for different household requirements now and in the future.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The buildings offer a variety of unit types of differing sizes and bedrooms numbers.
P2	Housing designs meet the broadest range of the occupants' needs possible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development controls					
D1	A variety of apartment types between studio, one, two, three and three plus-bedroom apartments shall be provided, particularly in large apartment buildings. Variety may not be possible in smaller buildings, for example, up to six units.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development has the following acceptable unit mix:- 1 bedroom – 17 units (11.1%) 2 bedroom – 111 units (72.5%) 3 bedroom – 21 units (13.7%) 4 bedroom – 4 units (2.6%)
D2	The appropriate apartment mix for a location shall be refined by: <ul style="list-style-type: none"> ■ 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3	A mix of one (1) and three (3) bedroom apartments shall be located on the ground level where accessibility is more easily achieved for disabled, elderly people or families with children.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The building is mixed use with commercial/retail tenancies on the ground floor. No residential units are located on the ground floor A centrally located lift in the main lobby of the building enables direct access to adaptable dwellings on upper floors. The development is acceptable in this regard.
D4	The possibility of flexible apartment configurations, which support future change to optimise the building layout and to provide northern sunlight access for all apartments, shall be considered.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D5	Robust building configurations which utilise multiple entries and circulation cores shall be provided especially in larger buildings over	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All units, where possible, have layouts which optimise northern sunlight access.

<p>15m long.</p> <p>D6 Apartment layouts which accommodate the changing use of rooms shall be provided.</p> <p>Design solutions may include:</p> <ul style="list-style-type: none"> ■ windows in all habitable rooms and to the maximum number of non-habitable rooms; ■ adequate room sizes or open-plan apartments, which provide a variety of furniture layout opportunities; and ■ dual master bedroom apartments, which can support two independent adults living together or a live/work situation. <p>D7 Structural systems that support a degree of future change in building use or configuration shall be used. Design solutions may include:</p> <ul style="list-style-type: none"> ■ a structural grid, which accommodates car parking dimensions, retail, commercial and residential uses vertically throughout the building; ■ the alignment of structural walls, columns and services cores between floor levels; ■ the minimisation of internal structural walls; ■ higher floor to ceiling dimensions on the ground floor and possibly the first floor; and ■ knock-out panels between apartments to allow two adjacent apartments to be amalgamated. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>All units within the development have been designed to maximise windows to habitable rooms; living/dining areas, and cases kitchens. All bedrooms have been designed to accommodate double beds.</p>
3.0 Open space and landscaping				
<p>Objectives</p> <p>a. To provide sufficient and accessible open space for the recreation needs of the likely residents of the proposed dwelling.</p> <p>b. To provide private open areas that relate well to the living areas of dwellings.</p> <p>c. To provide sufficient areas for deep soil planting.</p> <p>d. To provide a mix of hard and soft landscape treatments.</p> <p>e. To help provide a visual and acoustic buffer from the street without preventing passive surveillance.</p> <p>f. To enhance the appearance and amenity of residential flat buildings through integrated landscape design.</p> <p>g. To provide for the preservation of existing trees and other natural features on the site, where appropriate.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development is provided with sufficient open space in the form of private balconies and terraces and communal open space provided on level one and the roof of proposed development.</p>

h.	To provide low maintenance communal open space areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
i.	To provide adequate opportunities for water infiltration and tall trees to grow and to spread, so as to create a canopy effect.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
j.	To conserve and enhance street tree planting.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3.1	<p>Development application requirements</p> <p>A landscape plan shall be submitted with all development applications for residential flat buildings.</p> <p>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.</p> <p>A landscape plan prepared by a professionally qualified landscape architect or designer shall be submitted with the development application which shows:</p> <ul style="list-style-type: none"> ■ proposed site contours and reduced levels at embankments, retaining walls and other critical locations; ■ existing vegetation and the proposed planting and landscaping (including proposed species); ■ general arrangement of hard landscaping elements on and adjoining the site; ■ location of communal facilities; ■ proposed lighting arrangements; ■ proposed maintenance and irrigation systems; and ■ proposed street tree planting. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The applicant has submitted a concept landscape plan which shows the general arrangement of planting and paved areas. Should the application be approved, a condition of consent will be imposed requiring the submission of a detailed landscape plan.</p>
3.2	<p>Landscaping</p> <p>Performance criteria</p> <p>P1 Paving may be used to:</p> <ul style="list-style-type: none"> ■ ensure access for people with limited mobility; ■ add visual interest and variety; ■ differentiate the access driveway from the public street; and ■ encourage shared use of access driveways between pedestrians, cyclists and vehicles. <p>Development controls</p> <p>D1 If an area is to be paved, consideration shall be given to selecting materials that will</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The concept landscape plan shows paving in appropriate locations.</p> <p>A condition of consent could be imposed with respect to the</p>

<p>reduce glare and minimise surface run-off.</p> <p>D2 All landscaped podium areas shall maintain a minimum soil planting depth of 600mm for tree provision and 300mm for turf provision.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	selection of paving that addresses glare.
<p>3.3 Deep soil zone</p> <p>Performance criteria</p> <p>P1 A deep soil zone allows adequate opportunities for tall trees to grow and spread.</p> <p>Note: Refer to the development control diagrams in section 10.0.</p> <p>Development controls</p> <p>D1 A minimum of 30% of the site area shall be a deep soil zone.</p> <p>D2 The majority of the deep soil zone shall be provided as a consolidated area at the rear of the building.</p> <p>D3 Deep soil zones shall have minimum dimensions of 5m.</p> <p>D4 Deep soil zones shall not include any impervious (hard) surfaces such as paving or concrete.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>As discussed previously, the basement car park is proposed to occupy the entirety of the site, hence, there is no opportunity to provide a deep soil zone. This is considered acceptable in this instance given the town centre location of the site and the use of planter boxes to provide opportunities for landscaping.</p>
<p>3.4 Landscape setting</p> <p>Performance criteria</p> <p>P1 Development does not unreasonably intrude upon the natural landscape, particularly on visually prominent sites or sites which contribute to the public domain.</p> <p>P2 Residential flat buildings are adequately designed to reduce the bulk and scale of the development.</p> <p>P3 Landscaping assists with the integration of the site into the streetscape.</p> <p>P4 Enhance the quality and amenity of the built form.</p> <p>P5 Provide privacy and shade in communal and private open space areas.</p> <p>Development controls</p> <p>D1 Development on steeply sloping sites shall be stepped to minimise cut and fill.</p> <p>D2 Existing significant trees shall be retained within the development.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The site is located within the town centre which is surrounded by development. There are no areas of natural landscape or visually prominent sites which contribute to the public domain.</p> <p>The bulk and scale of the development has been discussed previously and is considered to be acceptable where one central level is removed to result in a compliant scheme.</p> <p>The proposed landscaping will enhance the quality and amenity of the development and provide suitable shade and privacy in private and communal open space areas.</p> <p>There are no trees on the site.</p>

D3	The minimum soil depth for terraces where tree planting is proposed is 800mm.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site does not adjoin public open space or bushland.
D4	Applicants shall demonstrate that the development will not impact adversely upon any adjoining public reserve or bushland.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D5	Residential flat buildings shall address and align with any public open space and/or bushland on their boundary.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D6	All podium areas and communal open space areas, which are planted, shall be provided with a water efficient irrigation system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.5	Private open space				
	Performance criteria				
P1	Private open space is clearly defined and screened for private use.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All units have been provided with private open space in the form of terraces and balconies which take advantage of views, do not compromise the privacy of adjoining sites, and provide surveillance of public spaces. All private open space areas are directly accessible from living areas and largely comply with the minimum development standards for dimensions and area.
P2	Private open space: <ul style="list-style-type: none"> ■ 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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P3	Development should take advantage of opportunities to provide north facing private open space to achieve comfortable year round use.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Development controls				
D1	Private open space shall be provided for each dwelling in the form of a balcony, roof terrace or, for dwellings on the ground floor, a courtyard.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
D2	Dwellings on the ground floor shall be provided with private open space that has a minimum area of 9m ² and a minimum dimension of 2.5m.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3	Dwellings located above ground level shall be provided with a balcony or roof terrace that has a minimum area of 8m ² and a minimum dimension of 2m.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All units have balconies with a minimum area of 8sqm and an area with minimum dimension of 2m.
D4	Balconies may be semi enclosed with louvres and screens.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Some of the balconies are semi-enclosed with screens which provide adequate privacy as well as architectural interest to the
D5	Private open space shall have convenient				

<p>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.</p> <p>Note: For additional requirements, applicants shall refer to the Tree Preservation Part of this DCP.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>3.8 Biodiversity</p> <p>Performance criteria</p> <p>P1 Existing and native flora at canopy and understorey levels is preserved and protected.</p> <p>P2 Plantings are a mix of native and exotic water-wise plant species.</p> <p>Development controls</p> <p>D1 The planting of indigenous species shall be encouraged.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There is no vegetation on the site.</p> <p>The applicant has submitted a concept landscape plan detailing the variety of species proposed.</p>
<p>3.9 Street trees</p> <p>Performance criteria</p> <p>P1 Existing street landscaping is maintained and where possible enhanced.</p> <p>Development controls</p> <p>D1 Driveways and services shall be located to preserve existing significant trees.</p> <p>D2 Additional street trees shall be planted at an average spacing of 1 per 10 lineal metres of street frontage.</p> <p>Note: Where a site has more than one street frontage, street tree planting shall be applied to all street frontages, excluding frontage to laneways.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There are no existing street trees along the frontages of the development site.</p> <p>The development proposes to plant street trees along the John Street frontage as per council requirements.</p>
4.0 Access and car parking				
<p>Objectives</p> <p>4.1 Access and car parking requirements</p> <p>Note: Applicants shall consult the Parking and Loading Part of this DCP.</p> <p>4.2 Basements</p> <p>Performance criteria</p> <p>P1 Basements allow for areas of deep soil planting.</p> <p>Development controls</p> <p>D1 Where possible, basement walls shall be located directly under building walls.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>This matter is discussed in greater detail later in the report.</p> <p>A discussed previously the basement is to occupy the full extent of the site. Substantial planting will, however, be accommodated in planter boxes at ground level. This is considered acceptable in a Town Centre</p>

<p>D2 A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary.</p> <p>D3 Basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting.</p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>location.</p> <p>A condition of consent could be imposed requiring submission of a dilapidation report for adjacent sites.</p> <p>This control is not relevant in the Town Centre.</p> <p>The basement is not visible above ground level.</p>
5.0 Privacy and security				
<p>Objectives</p> <p>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.</p> <p>b. To provide personal and property security for residents and visitors and enhance perceptions of community safety.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.1 Privacy				
Performance criteria				
<p>P1 Private open spaces and living areas of adjacent dwellings are protected from overlooking.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Windows to living rooms and main bedrooms for the majority of units have been orientated to the street and within the site. Units on the western side of the building have windows recessed behind balconies.</p>
Development controls				
<p>D1 Buildings shall be designed to form large external courtyards with a minimum distance of 10 to 12m between opposite windows of habitable rooms.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Fin walls and screens are utilised where necessary to increase privacy on site.</p>
<p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>D4 Views onto adjoining private open space shall be obscured by:</p> <ul style="list-style-type: none"> ■ Screening that has a maximum area of 25% openings, shall be permanently fixed and made of durable materials; or 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

D1	Shared pedestrian entries to buildings shall be lockable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These matters have been addressed on the ADCP 2010 – Local Centres DCP compliance table.
D2	Ensure lighting is provided to all pedestrian paths, shared areas, parking areas and building entries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3	High walls which obstruct surveillance are not permitted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4	The front door of a residential flat building shall be visible from the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D5	Buildings adjacent to public streets or public spaces should be designed so residents can observe the area and carry out visual surveillance. At least one window of a habitable room should face the street or public space.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D6	A council approved street number should be conspicuously displayed at the front of new development or the front fence of such development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D7	Fences higher than 900mm shall be of an open semitransparent design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D8	Balconies and windows shall be positioned to allow observation of entrances.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D9	Proposed planting must not obstruct the building entrance from the street or sightlines between the building and the street frontage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D10	Blank walls facing a rear laneway should be avoided to discourage graffiti.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D11	Pedestrian and vehicular entrances must be designed so as to not be obstructed by existing or proposed plantings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D12	If seating is provided in communal areas of a development it should generally only be located in areas of active use where it will be regularly used.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D13	Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D14	Ground floor apartments may have individual entries from the street.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D15	Residential flat buildings adjoining a park or public open space shall be treated like a front entrance/garden for the length of the park. Refer to Figure 4 - Park frontage in section 10.0.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.4	Fences				
	Performance controls				
P1	Front fences and walls maintain the streetscape character and are consistent with the scale of development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fencing has been discussed in the ADCP 2010 – Local Centres compliance table.

P2	Ensure that views from streets are maintained and not obstructed by excessively high fences.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P3	Reduce the impact of front fencing on the streetscape and encourage fencing which is sympathetic to the existing streetscape, general topography and the architectural style of the existing dwelling or new development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
P4	Ensure that materials used in front fencing are of high quality and are sympathetic to the exiting streetscape character.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Development controls					
D1	The front and side dividing fences, where located within the front yard area, shall not exceed 1.2m as measured above existing ground level and shall be a minimum of 50% transparent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2	Materials of construction will be considered on their merit, with regard being given to materials that are similar to other contributory fences in the vicinity, with a general prohibition on the following materials: <ul style="list-style-type: none"> ■ Cement block; ■ Metal sheeting, profiled, treated or pre-coated. ■ Fibro, flat or profile; ■ Brushwood; and ■ Barbed wire or other dangerous material. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3	All fences forward of the building alignment shall be treated in a similar way.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4	Solid pre-coated metal fences shall be discouraged and shall not be located forward of the front building line.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D5	Front fences shall satisfy the acoustic abatement criteria and be provided with a landscaped area on the street side of the fence.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D6	Fences located on side or rear boundaries of the premises, behind the main building line shall not exceed a maximum height of 1.8m.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
D7	Fencing and associated walls must be positioned so as not to interfere with any existing trees.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D8	Gates and doors are to be of a type which does not encroach over the street alignment during operation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.0 Solar amenity and stormwater reuse					
Objectives					
a.	To minimise overshadowing of adjoining residences and to achieve energy efficient housing in a passive solar design that provides residents with year round comfort and reduces energy consumption.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b.	To create comfortable living environments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c.	To provide greater protection to the natural				

	environment by reducing the amount of greenhouse gas emissions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d.	To reduce the consumption of non-renewable energy sources for the purposes heating water, lighting and temperature control.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e.	To encourage installation of energy efficient appliances that minimise greenhouse gas generation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.1	Solar amenity				
	Performance criteria				
P1	Buildings are sited and designed to ensure daylight to living rooms in adjacent dwellings and neighbouring open space is not significantly decreased.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P2	Buildings and private open space allow for the penetration of winter sun to ensure reasonable access to sunlight or daylight for living spaces within buildings and open space around buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Development controls				
D1	Solar collectors proposed as part of a new development shall have unimpeded solar access between 9:00am to 3:00pm on June 21.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Solar collectors are not proposed to be installed on the development.
	Solar collectors existing on the adjoining properties shall not have their solar access impeded between 9:00am to 3:00pm on June 21.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no solar collectors on adjoining buildings.
	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The applicant has submitted a solar study which compares the approved development, a compliant building and proposed scheme. All schemes represent a solution that is considered acceptable from a shadow impact perspective.
	Note: Where the proposed development is located on an adjacent northern boundary this may not be possible.				The recommendation to delete one floor plate will reduce shadow impacts in line with the shadows expressed as compliant on the shadow plans.
D2	Buildings shall be designed to ensure sunlight to at least 50% of the principal area of ground level private open space of adjoining properties for at least 3 hours between 9:00am and 3:00pm on June 21.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A large proportion of the units in the development have north- and east facing living rooms and private open space areas.
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The western elevation of the building is comprised of vertical screens and fin walls where required to provide sun shading. Western elevation glazed windows are recessed behind balconies.

<p>further reduce solar access.</p> <p>D4 New buildings and additions shall be designed to maximize direct sunlight to north-facing living areas and private open space areas.</p> <p>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.</p> <p>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.</p> <p>D7 Internal living areas and external recreation areas shall have a north orientation for the majority of units in the development, where possible.</p> <p>D8 The western walls of the residential flat building shall be appropriately shaded.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Overall 109 / 153 (71%) units receive 3 hours solar access.</p> <p>32 / 153 (21 %) receive nil solar access.</p> <p>It is considered that a better performing development would require a larger proportion of units increasing in size and bedrooms to achieve a second aspect,</p> <p>The current unit breakdown is considered satisfactory for the market and apartment sizes likely to be required in this location.</p> <p>Therefore the current scheme with its solar performance is supported.</p>
<p>6.2 Ventilation</p> <p>Performance criteria</p> <p>P1 The design of development is to utilise natural breezes for cooling and fresh air during summer and to avoid unfavourable winter winds.</p> <p>Development controls</p> <p>D1 Rooms with high fixed ventilation openings such as bathrooms and laundries shall be situated on the southern side to act as buffers to insulate the building from winter winds.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>As discussed previously in the SEPP 65 - Residential Flat Design Code compliance table the development achieves the minimum requirements for the number of units achieving natural ventilation via conventional and wing wall methods.</p>

<p>D2 Apartments shall be designed to consider ventilation and dual aspect. This can be achieved with cross over apartments, cross through apartments, corner apartments and two (2) storey apartments. Single aspect apartments shall be kept to a minimum except for those that are north facing. Single aspect apartments shall be limited in depth to 8m from a window.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>This matter has been discussed previously in the SEPP 65 – Residential Flat Design Code compliance table. A number of units exceed the minimum depth requirement. It is considered, however, that this does not affect the amenity of the units as most have a north, east or west aspect, have wide frontages, and large glazed windows to open plan living areas, thus, providing adequate light and ventilation.</p>
<p>D3 Where possible residential flat buildings shall be designed with bathrooms, laundries, and kitchens positioned on an external wall with a window to allow for natural ventilation of the room.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>All bathrooms and laundries are located adjacent to an internal wall within the core of the building. This has been done so as to maximise solar access and ventilation to habitable rooms within the units. No objection is, therefore, raised.</p>
<p>6.3 Rainwater tanks</p> <p>Performance criteria</p> <p>P1 The development design reduces stormwater runoff.</p> <p>Development controls</p> <p>D1 Developments may have rain water tanks for the collection and reuse of stormwater for car washing and watering of landscaped areas.</p> <p>D2 Rainwater tanks shall be constructed, treated or finished in a non-reflective material which blends in with the overall tones and colours of the building and the surrounding developments.</p> <p>D3 The suitability of rainwater tanks erected within the side setback areas of development will be assessed on an individual case by case basis.</p> <p>D4 Rainwater tanks shall not be located within the front setback.</p> <p>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.</p> <p>D6 The rain water tank shall comply with the applicable Australian Standards AS/NZ 2179 and AS 2180 for rainwater goods and installation.</p> <p>6.4 Stormwater drainage</p> <p>Applicants shall refer to the stormwater</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>An underground rainwater tank is proposed to be provided. Should the application be approved a condition of consent will be imposed to ensure compliance with the DCP requirements where relevant.</p>

drainage requirements in the Stormwater Drainage Part of this DCP.					
7.0 Ancillary site facilities					
Objectives					
<p>a. To ensure that site facilities are effectively integrated into the development and are unobtrusive.</p> <p>b. To maintain and enhance the character of the streetscapes.</p> <p>c. To ensure site facilities are adequate, accessible to all residents and easy to maintain.</p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7.1 Clothes washing and drying					
Performance criteria					
<p>P1 Adequate open-air clothes drying facilities which are easily accessible to all residents and screened, are provided.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Each unit is provided with an area of private open space, whether in the form of a balcony or courtyard, that is adequate for clothes drying. A number of balconies include screens or solid masonry components that will provide screening. In instances where the balustrades to balconies are comprised of only transparent glass a condition of consent could be imposed requiring that a minimum of 50% of the balustrade be translucent glass, masonry, or be fitted with a screen so as clothes drying is not visible from the public domain.</p>	
Development controls					
<p>D1 Each dwelling shall be provided with individual laundry facilities located within the dwelling unit.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
7.2 Storage					
Performance criteria					
<p>P1 Dwellings are provided with adequate storage areas.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>This matter has been discussed previously in the SEPP 65 - Residential Flat Design Code compliance table.</p>	
Development controls					
<p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<p>D2 Storage space shall not impinge on the minimum area to be provided for parking spaces.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7.3 Utility services					
Performance criteria					
<p>P1 All proposed allotments are connected to</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Conditions of consent could be imposed with respect to</p>	

<p>appropriate public utility services including water, sewerage, power and telecommunications, in an orderly, efficient and economic manner.</p> <p>Development controls</p> <p>D1 Where possible, services shall be underground.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	connection of site services to the development.
<p>7.4 Other site facilities</p> <p>Performance criteria</p> <p>P1 Dwellings are supported by necessary utilities and services.</p> <p>Development controls</p> <p>D1 A single TV/antenna shall be provided for each building.</p> <p>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.</p> <p>D3 Individual letterboxes can be provided where ground floor residential flat building units have direct access to the street.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>An appropriate condition of consent could be imposed restricting the number of TV antennas.</p> <p>Letterboxes are proposed adjacent to the entry foyer.</p>
<p>7.5 Waste disposal</p> <p>Applicants shall refer to the requirements held in the Waste Part of this DCP.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A satisfactory Waste Management Plan (WMP) has been submitted with the application addressing construction and on-going waste management. Should the application be approved, a condition of consent is recommended to be imposed requiring compliance with the WMP.
8.0 Subdivision				
<p>Objectives</p> <p>a. To ensure that subdivision and new development is sympathetic to the landscape setting and established character of the locality.</p> <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The subject application does not include subdivision of the sites or of the future development.
<p>8.1 Lot amalgamation</p> <p>Performance criteria</p> <p>P1 Lot amalgamations within development sites are undertaken to ensure better forms of housing development and design.</p> <p>Development controls</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>D1 Development sites involving more than one lot shall be consolidated.</p> <p>D2 Plans of Consolidation shall be submitted to, and registered with, the office of the NSW Land and Property Management Authority. Proof of registration shall be produced prior to release of the Occupation Certificate.</p> <p>D3 Adjoining parcels of land not included in the development site shall be capable of being economically developed.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The development site comprises Lot 1 DP1002517, Lot 1 DP235940, Lot 1 511612, Lot 5 Sec A DP 979289, 36-44 John Street, LIDCOMBE</p> <p>A condition of consent could be imposed requiring that the lots be consolidated prior to issue of any Occupation Certificate.</p>
<p>8.2 Subdivision</p> <p>Development controls</p> <p>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.</p> <p>D2 Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The subdivision of the development has not been included in the subject application. Should the application be approved a condition of consent will be imposed requiring that a separate development application be submitted for subdivision of the development.</p>
<p>8.3 Creation of new streets</p> <p>Performance criteria</p> <p>P1 On some sites, where appropriate, new streets are introduced.</p> <p>P2 New proposed roads are designed to convey the primary residential functions of the street including:</p> <ul style="list-style-type: none"> ■ safe and efficient movement of vehicles and pedestrians; ■ provision for parked vehicles; ■ provision of landscaping; ■ location, construction and maintenance of public utilities; and ■ movement of service and delivery vehicles. <p>Development controls</p> <p>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.</p> <p>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</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>No new streets are proposed as part of this application.</p>

<p>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.</p> <p>D3 For larger self-contained new residential areas, specific road design requirements shall be considered for site specific development controls.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9.0 Adaptable housing				
Objectives				
<p>a. To ensure a sufficient proportion of dwellings include accessible layouts and features to accommodate changing requirements of residents.</p> <p>b. To encourage flexibility in design to allow people to adapt their home as their needs change due to age or disability.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development satisfies the objectives pertaining to adaptable housing insofar as an adequate number of adaptable dwellings would be provided and all areas of the development are accessible.</p>
9.1 Development application requirements				
<p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The accessibility report submitted with the original application states that the proposed development complies with the relevant Australian Standards pertaining to accessibility. The proposed amendments do not raise any further issues with respect to accessibility.</p>
9.2 Design guidelines				
Performance criteria				
<p>P1 Residential flat building developments allow for dwelling adaptation that meets the changing needs of people.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development includes the required number of adaptable dwellings designed in accordance with relevant Australian Standards.</p>
Development controls				
<p>D1 The required standard for Adaptable Housing is AS 4299. Wherever the site permits, developments shall include adaptive housing features into the design.</p> <p>External and internal considerations shall include:</p> <ul style="list-style-type: none"> ■ access from an adjoining road and footpath for people who use a wheelchair; ■ 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; 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Development controls D1 Physical barriers, obstacles, steps and steep gradients within the development site shall be avoided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development has been suitably designed to allow for equitable access.
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(c) **Parking and Loading**

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

Use	GFA / No. of units	Car parking / Loading rate	Required no. of spaces (NB: part spaces to be rounded up)	Proposed no. of spaces
Retail/business tenancies	789.38 sqm	1 space/40sqm GFA	19.73 (20)	20
Residential	17	1 space/1 bedroom unit	17	188
	111	1 space/2 bedroom unit	111	
	21	2 space/3 bedroom unit	42	
	4	2 space/4 bedroom unit	8	
		Total - 178		
Visitor	153 units	0.2 space/unit	30.6	31
Loading	789.38 sqm	Retail premises – 1 space per 400sqm GFA up to 2,000sqm plus 1 space per 1,000sqm thereafter	2	2
TOTAL			231	241

A total of 241 spaces are proposed, including accessible spaces. This in excess of the DCP requirements and has been included in the gross floor area/floor space ratio as per the definition under ALEP 2010.

The proposal also provides 134 bicycle parking spaces. The proposed development is satisfactory having regard to the requirements of the DCP.

(d) **Stormwater**

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

(e) **Access and Mobility**

The relevant requirements and objectives of ADCP 2010 - Access and Mobility have been considered in the assessment of the development application and are detailed in the report. A satisfactory number of adaptable units are to be provided and the development provides

equitable access. Should the application be approved, standard conditions of consent will be imposed with respect to compliance with the relevant provisions of the Building Code of Australia and Australian Standards.

(f) **Waste**

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

Section 94 Contributions Plan

The development would require the payment of contributions in accordance with Council Section 94 Contributions Plans. Conditions would be imposed on any consent with respect to the payment of S.94 contributions prior to the issue of any construction certificate for the development.

Disclosure of Political Donations and Gifts

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

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

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

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

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

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

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

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

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

Advertised (newspaper) Mail Sign Not Required

In accordance with Council's Notification of Development Proposals Development Control Plan, the amended proposal was publicly exhibited for a period of 14 days between **29 April 2015 to 13 May 2015** and seven (7) submissions were received. Two (2) out of the seven (7) submissions raised points objecting to the development. The issues raised in the public submissions and meeting are summarised and commented on as follows:

- *The proposed bulk and scale of development will cause problems associated with overpopulation.*
- *There are inadequate facilities for population.*

Comment:- The development has been assessed against the Auburn Development Control Plan 2010 and SEPP 65 – Design Quality of Residential Flat Development and generally complies. The intensity of the development, with an FSR of 5.3:1, is above the maximum FSR of 5.0:1 stipulated in Auburn LEP 2010. The development is subject to deferred commencement conditions including the removal of one (1) storey from the overall building to be compliant with the maximum height provision and the floor space ratio provision of the Auburn Local Environmental Plan 2010. The amendment of the LEP to increase the FSR in the Lidcombe Town Centre was subject to a detailed Planning Proposal during which consultation with the relevant State Government Agencies, including those responsible for the provision of health and education services, was undertaken. Provision of these services is part of a wider planning process for the state to accommodate the needs of a growing population.

- *The proposed bulk and scale of development will cause problems associated with parking.*

Comment:- The development provides for 10 car parking spaces in excess of the requirements of Auburn DCP 2010 – Parking and Loading and the site is also in close proximity of public transport services. Given that parking in John Street and surrounding residential area is limited this is likely to deter residents from having more vehicles than the car space/s allocated to their unit.

- *An eight (8) storey height limit would be more acceptable.*

Comment:- The recommendation is to reduce one floor level which will result in a complying scheme.

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

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

Conclusion

Having regard to the relevant matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development with the deletion of one floor plate is acceptable for the reasons outlined in this report. It is recommended that the development application be approved via a deferred commencement approval.

