

Subject **Development Application: 10.2014.326.1**
7 Cavill Avenue ASHFIELD, 9 Cavill Avenue ASHFIELD, 5
Markham Place ASHFIELD

File No **10.2014.326.1**

JRPP REF: **2015SYE123**

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Prepared for: **Sydney East Joint Regional Planning Panel**

Overview of Report

1.0 Description of Proposal

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent for:

The Proposal				
Demolition	All buildings and structures on the site.			
Construction 3 and 8 storeys	Use	Level	Use	Total Area/Gross Floor Area
	Residential	All	Residential	7,287.3m ²
	Retail	Ground	Retail	178.9m ²
	Parking	3 basement levels	Car parking, storage, garbage, plant	N/A
	Total Building Gross Floor Area			7,466.2m²
	Open Space	Ground level	Communal open space	572.8m ²
			Deep soil	674.1m ²
	Public Open Space	Ground level	Public Open Space	598.3m ²
Resultant Accommodation	Residential: 93 dwellings (incl. 3 x affordable rental housing units)	studio dwellings		23
		1 bedroom dwellings (incl. 2 x live/work units)		38
		1 bedroom + study dwellings		4
		2 bedroom dwellings (incl. 1 x live/work units)		25
		3 bedroom dwellings		3
	Commercial: 4 units	Retail		178.9m ²
	Basement Parking (120 spaces)	Residents		93
		Visitors		14
		Retail		14
Subdivision		Not proposed at this stage although site consolidation followed by strata subdivision is anticipated.		

Background

2.0 Summary Recommendation

The proposal is consistent with the development standards and controls applicable to the site except in respect of some minor matters relating to height and access for people with disabilities both of which can be addressed by way of conditions of consent. It significantly increases density in close proximity to both the town centre and a major transit node and provides a balance of commercial uses to supplement the primary residential use. It also provides a significant new public space to enhance the public realm and provide important urban design benefits to the public realm in this location consistent with Council's long term vision for the town centre.

The proposal is acceptable and is recommended for conditional approval.

3.0 Application Details

Applicant	:	Ganghui Pty Ltd
Owner	:	Ganghui Pty Ltd
Value of work	:	\$30,171,755
Lot/DP	:	Lot 1, DP 131778, Lot 1, DP 126260 and Lot 2, DP 339644
Date lodged	:	25/11/2014
Date of last amendment	:	02/06/2015
Building classification	:	Various
Application Type	:	Local
Construction Certificate	:	No

4.0 Site and Surrounding Development

The subject site is located on the northern side of Markham Place, bounded by Cavill Avenue to the west, The Esplanade to the east and the main railway line to the north. An existing funeral home is located on the site. Surrounding development comprises residential flat buildings, shop top housing and commercial development. Refer to **Attachment 1** for a locality map. The site consists of the following individual lots:

Street Address	Lot No.	Deposited Plan	Title System	Total Site Area (by title)
5 Markham Place	1	131778	Torrens	2,306m ²
7 Cavill Avenue	1	126260	Torrens	572 m ²
9 Cavill Avenue	2	339644	Torrens	439m ²
TOTAL AREA				3,137m ²

5.0 Development History

Council has no detailed records of previous development approvals for the subject site although it is understood that a funeral home operated on the site from 1936 to 2012.

The subject application was lodged with Council without any prior pre-lodgement application or provisional development application.

6.0 Zoning/Permissibility/Heritage

The site is zoned B4 - Mixed Use under the provisions of Ashfield LEP 2013. The property is located within the vicinity of heritage item I-214 at 317 Liverpool Road. The property is located within the Ashfield Town Centre.

The proposed works are permissible with Council consent.

Section 23G of the EP&A Act - Joint Regional Planning Panels

Pursuant to Section 23G of the EP&A Act, the Minister by Order as published, constituted the Sydney Region East Joint Regional Planning Panel (JRPP) to determine any DA with a Capital Investment Value (CIV) greater than \$20 million on land within the local government area of Ashfield. The proposed development has a CIV of \$27,428,866.00, and therefore the determining authority is the Sydney Region East JRPP.

7.0 Section 79C Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the Environmental Planning and Assessment Act.

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 2013

Ashfield Local Environmental Plan 2013 (ALEP 2013) was gazetted on 23 December 2013 and applies to the proposal. The following table summarises the compliance of the application with ALEP 2013.

Ashfield Local Environmental Plan 2013 Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Complies
2.3	Zone objectives and land use table	Zone B4 Mixed Use	Residential flat buildings, retail premises	Yes
4.1	Minimum subdivision lot size	N/A	3,137m ²	N/A
4.3	Height of buildings (5 Markham Place)	23m	28.5	No but permitted by virtue of cl. 4.3A
4.3	Height of buildings (5-7 Cavill Avenue)	10m	11.5m	No (see cl. 4.6)
4.3(2A)	Height of buildings (5 Markham Place)	If a building is located on land in Zone B4 Mixed Use, any part of the building that is within 3 metres of the height limit set by subclause (2) must not include any area that forms part of the gross floor area of the building and must not be reasonably capable of modification to include such an area.	The top 3m does not contain habitable space	Yes
4.3(2A)	Height of buildings (5-7 Cavill Avenue)	If a building is located on land in Zone B4 Mixed Use, any part of the building that is within 3 metres of the height limit set by subclause (2) must not include any area that forms part of the gross floor area of the building and must not be reasonably capable of modification to include such an area.	The top 3m contains habitable space	No (see cl. 4.6)

4.3A	Exception to maximum height of buildings in Ashfield town centre	30m (27m to top of habitable floor) If 25% of additional floor space above height limit is allocated to affordable rental housing)	28.5 (27m to top of habitable floor) 3 units are allocated to affordable rental housing	Yes
4.3B	Ashfield town centre – maximum height for street frontages on certain land	12m (for the 12m of the site fronting Markham Place)	10.5m generally 13.2m (lift overrun and pergola set back into site)	No (see cl. 4.6)
4.4	Floor space ratio (5 Markham Place)	3.0:1	3.0:1	Yes
4.4	Floor space ratio (5-7 Cavill Avenue)	0.7:1	0.7:1	Yes
4.6	Exceptions to development standards	<ul style="list-style-type: none"> Development Standard to be varied: cl. 4.3(2), Height of buildings at 7 Cavill Avenue; Development Standard: 10m Proposed: 11.5m Extent of Variation: 1.5m Location of variation: Units 1.12-1.14 		
4.6(3)	Exceptions to development standards	Development 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 formal written request has been submitted.	Yes
4.6(3)(a)	“	That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	The applicant has not demonstrated that strict compliance would be unreasonable. A condition has been recommended requiring compliance.	No
4.6(3)(b)	“	That there are sufficient environmental planning grounds to justify contravening the development standard.	It has been not been demonstrated that there are no adverse impacts resulting from the non-compliance.	No
4.6(4)	“	Development consent must not be granted for development that contravenes a development standard unless:		
4.6(4)(a)	“	The consent authority is satisfied that:		
4.6(4)(a)(ii)	“	The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	The written request does not adequately addresses these matters.	No
4.6(4)(a)(iii)	“	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	The proposed development is not consistent with the objectives of the standard or of the zone: a) to achieve high quality built form for all buildings: Comment: The built form is not consistent with the surrounding urban form and does not provide an adequate transition between the proposed tower and the lower two storey scale of Cavill Avenue.	No

			<p>b) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes. Comment: As the excess height consists of lightweight projecting pergola structures, it would have negligible impact upon sky exposure.</p> <p>c) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings. Comment: The proposed height does not provide an adequate transition between the lower scale buildings of Cavill Avenue and the higher scale of the Town Centre.</p> <p>d) to maintain satisfactory solar access to existing buildings and public areas. Comment: The exceedence would not result in any additional overshadowing impacts.</p>	
4.6(4)(b)	“	The concurrence of the Director-General has been obtained.	Concurrence has been delegated to Council.	Yes
4.6	Exceptions to development standards	<ul style="list-style-type: none"> • Development Standard to be varied: cl. 4.3(2A), Height of buildings at 7 Cavill Avenue; • Development Standard: No GFA permitted 7m or more above existing ground level • Proposed: 8.9m • Extent of Variation: 1.9m 		
4.6(3)	Exceptions to development standards	Development 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 formal written request has been submitted.	Yes
4.6(3)(a)	“	That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	The applicant has demonstrated that strict compliance would be unnecessary given that the non-compliance is the result of a third storey which is consistent with the desired urban design character of the locality (as expressed by AIDAP 2013, Map 2) and	Yes

			assists in the transition of scale from the higher part of the town centre to the lower scale of Cavill Avenue.	
4.6(3)(b)	“	That there are sufficient environmental planning grounds to justify contravening the development standard.	It has been demonstrated that there are no adverse impacts resulting from the non-compliance whereas the non-compliance: <ul style="list-style-type: none"> • creates a transition of scale to Cavill Avenue; • is consistent with the desired future character of 3 storeys. 	Yes
4.6(4)	“	Development consent must not be granted for development that contravenes a development standard unless:		
4.6(4)(a)	“	The consent authority is satisfied that:		
4.6(4)(a)(ii)	“	The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	The written request adequately addresses these matters.	Yes
4.6(4)(a)(iii)	“	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>The proposed development is consistent with the objectives of the standard or of the zone:</p> <p>e) to achieve high quality built form for all buildings: Comment: The built form is consistent with the surrounding urban form and provides a suitable transition between the proposed tower and the lower two storey scale of Cavill Avenue. It is also consistent with the desired urban design character of 3 storeys for the locality (as expressed by AIDAP 2013, Map 2)</p> <p>f) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes. Comment: The excess height would have negligible impact upon sky exposure.</p> <p>g) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings. Comment: The proposed height provides an effective and gradual transition between the lower scale buildings of Cavill Avenue and the</p>	Yes

			<p>higher scale of the Town Centre.</p> <p>h) to maintain satisfactory solar access to existing buildings and public areas.</p> <p>Comment: The exceedence would not result in any additional overshadowing impacts on adjacent properties as it overshadows the road surface only.</p>	
4.6(4)(b)	“	The concurrence of the Director-General has been obtained.	Concurrence has been delegated to Council.	Yes
4.6	Exceptions to development standards	<ul style="list-style-type: none"> Development Standard to be varied: cl. 4.3B, Ashfield town centre-maximum height for street frontages on certain land at 5 Markham Place Development Standard: 12m maximum height within 12m of the primary street frontage Proposed: 23.2m within 5m of the primary street frontage Extent of Variation: a wedge of approximately 11m x 8m with a height of 11.4m 		
4.6(3)	Exceptions to development standards	Development 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 formal written request has been submitted.	Yes
4.6(3)(a)	“	That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	The applicant has demonstrated that strict compliance would be unnecessary given that the non-compliance allows the proposal to tie-in to the adjacent development to the east (which predates the development standard and does not comply with it) to create a coherent urban design outcome.	Yes
4.6(3)(b)	“	That there are sufficient environmental planning grounds to justify contravening the development standard.	It has been demonstrated that there are no adverse impacts resulting from the non-compliance whereas it is clear that the non-compliance results in a better urban design outcome.	Yes
4.6(4)	“	Development consent must not be granted for development that contravenes a development standard unless:		
4.6(4)(a)	“	The consent authority is satisfied that:		
4.6(4)(a)(ii)	“	The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	The written request adequately addresses these matters.	Yes
4.6(4)(a)(iii)	“	The proposed development will be in the public interest because it is consistent with	The proposed development is consistent with the objectives of the standard or	Yes

		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	of the zone: i) to achieve high quality built form for all buildings: Comment: The non-compliance allows the tower to tie-in with the built form of the building to the east to create a consistent and coherent urban design outcome and high quality built form. j) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes. Comment: The non-compliance would not have any tangible impact upon sky exposure. k) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings. Comment: The non-compliance allows a better urban design transition between the existing building to the east and the development on the subject site. l) to maintain satisfactory solar access to existing buildings and public areas. Comment: The exceedence would not result in any additional overshadowing impacts.	
4.6(4)(b)	“	The concurrence of the Director-General has been obtained.	Concurrence has been delegated to Council.	Yes
5.9	Preservation of trees or vegetation	(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	No removal of significant vegetation proposed.	Yes
5.10	Heritage Conservation	Located in the vicinity of: • Heritage Item I-214 (317 Liverpool Road)		
5.10(4)	Effect of proposed development on heritage significance	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether	A heritage management document has been prepared.	Yes

		a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).		
5.10(5)	Heritage assessment	<p>The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	A heritage management document has been submitted. The impact of the proposal upon the heritage item in the vicinity of the site is assessed as satisfactory by Council's Heritage Adviser.	Yes

As demonstrated in the above table above table, the proposed development generally satisfies the provisions of ALEP 2013 with no non-compliances except for an exceedance of the 10m height limit in Cavill Avenue. This particular non-compliance is not considered justifiable and compliance will be conditioned in any consent.

7.1.2 Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have any adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

7.1.3 State Environmental Planning Policies

State Environmental Planning Policy No. 55 - Remediation of land

An Environmental Site Assessment under SEPP 55 prepared by Envirotech has been submitted with the application. This assessment advises the following in the executive summary:

Based on the data and evidence collected in the course of the site inspection and site history review,

the findings of the Environmental Site Assessment (Phase I) are as follows:

- *Major roads adjacent to the site have been present since at least 1943. The site has had residential unit complex and two residential houses located on the site since prior to the 1950s.*
- *Previous reports indicated that fill is present beneath slab of the unit complex and presumed present beneath the asphalt car park.*
- *It is the opinion of Envirotech that due to the sites proximity to major roadways, railway lines, the presence of invalidated fill on the site and physically capped areas preventing access to numerous areas of the site, there is potential for contamination to be present on site.*

- *The potential contamination types that were identified for the site include: Asbestos Containing Materials, Heavy metals, BTEX, PAHs, TPHs, OCPs, OPPs, PCBs and Phenols.*
- *A Phase II Detailed Site Contamination Investigation should be undertaken to determine whether contamination is present within the soil and groundwater (if present).*
- *Should the Phase II DSI reveal the site is not contaminated, the site can be deemed suitable for the proposed development.*

These recommendations have been included in recommended conditions.

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

The proposed development includes a residential flat building as defined by the SEPP in that it comprises 3 or more storeys and 4 or more self contained dwellings. The proposal is therefore subject to the provisions of the SEPP. The proposal is accompanied by a suitable Design Verification Statement as required by the regulations.

State Environmental Planning Policy No. 65: Design Quality of Residential Flat Development			
Clause	Standard	Proposed	Complies
30	Determination of Development Applications		
30(1)	After receipt of a development application for consent to carry out residential flat development (other than State significant development) and before it determines the application, the consent authority is to obtain the advice of the relevant design review panel (if any) concerning the design quality of the residential flat development.	The application has been referred to Council's SEPP 65 review officer for comment.	Yes
30(2)	In determining a development application for consent to carry out residential flat development, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):		Yes
30(2)(a)	the advice (if any) obtained in accordance with sub-clause (1),	Various issues raised – see below.	Yes
30(2)(b)	The design quality principles		
1.	Principle 1: Context <i>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.</i>	The key contextual issues are: Resident Amenity Noise levels from railway/train noise - see comments in the Amenity Principle below. Relationship to existing 10 storey building (separation distances) – see comments in the Amenity Principle below. Public Domain Council's public domain plan adopted December 2014 and the proposal's contribution, and also the building's aesthetic/urban design composition and safety and security for the Markham lane area. The proposal is also contributing to publicly accessible open space along Markham Place (laneway) - see comments under Aesthetics principle below.	Yes

2.	<p>Principle 2: Scale</p> <p><i>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</i></p> <p><i>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.</i></p>	The proposal matches the IDAP guidelines for an 8 storey building.	Yes
3.	<p>Principle 3: Built form</p> <p><i>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.</i></p> <p><i>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.</i></p>	<p>The proposal has acknowledged its context and its relationship with existing neighbouring buildings, and placed the tower part in a north south axis thereby maximising separation distances to the neighbouring 10 storey building. This also means that most of the towers building apartments are not directly facing the railway zone.</p> <p>The building (to the south) is also setback from Markham Place to create a framed "mini" public square, which will terminate the western vista down the laneway, and provide perimeter tree planting to frame that space. That space will be bound by retail spaces and apartments providing surveillance of the space. This is standard design practise for providing the setting for good urban design outcomes.</p> <p>A lower medium rise building part is provided to the west which fits in with the general building scale of Cavil Avenue</p>	Yes
4.	<p>Principle 4: Density</p> <p><i>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</i></p> <p><i>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</i></p>	<p>Floor space ratio</p> <p>The Residential Flat Design Code has no criteria regarding density which would mathematically determine maximum FSR. Council's LEP controls would apply. Appropriate Density is a matter for Council's assessment town planners to assess.</p>	Yes
5.	<p>Principle 5: Resource, energy and water efficiency</p> <p><i>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</i></p> <p><i>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.</i></p>	It is understood a BASIX certificate has been submitted which indicates that the proposal complies with this Principle. 'BASIX aside', in terms of passive solar design, many of the apartments have a northwest , or north east, orientation, and are capable of having passive solar design.	Yes

6.	<p>Principle 6: Landscape</p> <p><i>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.</i></p> <p><i>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</i></p> <p><i>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</i></p>	<p>The Residential Flats Design Code recommends in 'Site Configuration' that there should be a communal open space area in the range of 25-30 percent of the site. This rule of thumb is not normally applied in places like town centres given the obvious congested building nature of such places. To address this a rooftop communal open space area is being proposed, as recommended/reinforced in the draft Apartment Design Guidelines.</p> <p>Large tree planting is proposed along the Markham Place laneway which will enhance the public domain and provide shade and comfort for pedestrians in summer.</p> <p>The northern part of the site has a deep soil area which will enable large and dense tree planting which will assist in visually screening the adjacent railway area.</p>	Yes
7.	<p>Principle 7: Amenity</p> <p><i>Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</i></p>	<p>Solar Access</p> <p>Most of the apartments have a northwest or north east orientation, meaning that they will have good levels of solar access all year round, and so good amenity.</p> <p>Views</p> <p>Many of the upper parts of the building will have panoramic views, and so good amenity.</p> <p>Acoustics</p> <p>Most of the apartments are oriented so as to not face the adjacent railways. There are some apartments that are directly opposite the railway, with the lower 4 levels being particular exposed to the railway. Out of these 11 apartments, 8 apartments have a second orientation to the side of the building and have 'winter garden' balconies (noise mitigation specially design enclosed balconies). This minimises the direct railway impact affectation to 3 apartments – a small amount whose only orientation is to the north to the railway. These apartments are proposed to have winter garden balconies to control any noise, and will also benefit from the proposed deep soil area which will have large tree planting onto which the residents can look out.</p> <p>It is important that conditions are applied to any consent requiring large scale details of the apartment winter gardens to ensure their design and glazing provides the noise mitigation required.</p> <p>Building separation.</p> <p>The site layout results in most of the apartments located so that they have adequate separation to the adjoining 10 storey building to the east.</p>	Yes

8.	<p>Principle 8: Safety and security <i>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.</i></p>	<p>Ground Floor commercial spaces and overhead apartments will naturally provide surveillance, and night time lighting of this part of Markham Place. This will be an improvement to the existing situation.</p>	Yes
9.	<p>Principle 9: Social dimensions and housing affordability <i>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.</i> <i>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</i></p>	<p>The RFDC provides no guidance on the what is 'optimisation', or what is 'desired'. A key main objective of the SEPP is: <i>"To better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities".</i> (i) Housing Affordability Under the Ashfield LEP the proposal is required to provide affordable rental housing if approval is granted for levels 7 and 8. In addition the proposal has a good mix of smaller apartments (studios or one bed). (ii) Access The Building Code of Australia has provisions requiring access to the point of entry of dwellings (for those dwellings affected by the BCA). The proposal achieves this using lifts and hallways. It follows that if a person with disabilities is able get to the dwelling entry, that person should be able to get into an apartment (e.g. adequate door width) and be able to generally use the apartment. The draft Apartment Design Guidelines accompanying the draft SEPP 65 amendments now recognise this in writing and makes this a relevant consideration. Many of the apartments have an open plan layout which means that they comply with Universal Design principles. Conditions can be applied to any approval to ensure that the internal dimensions of bathrooms and laundries comply.</p>	Yes
10.	<p>Principle 10: Aesthetics <i>Quality aesthetics require 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.</i></p>	<p>This principle is the key objective of SEPP 65 and requires serious consideration. Generally, schematically, the proposal is adequately composed and supportable. Given the complexity of the design, one also needs to get the details right so as to carry through the DA schematic intentions through to construction stage. The proposal also makes an urban design contribution to the public domain of the town centre by providing publicly accessible open space with a mini public square at Markham Place. This is a considerable sized space, and will terminate the pedestrian vista looking west along the</p>	Yes

		<p>laneway, and be framed with trees along the laneway.</p> <p>8 Storey Tower. Large scale details of the major 8 storey tower building components are missing (a requirement of the EPA Act regulations). At the Markham Place southern elevation and the building's lower levels, it is proposed to have mostly rendered and painted surfaces, which at ground level makes for a poorer finish and subject to degradation. As was the case with the development at 2 Brown Street, Ashfield, better more resilient ground level finishes should be required, and this could be conditioned on any consent. This can include use of metal panel finishes (as proposed on sections of taller parts of the building) or use of more face brickwork. It should also be conditioned that large scale details are provided at Construction Certificate stage which describe the elevations, including all balcony rebates, column rebates, changes between wall locations, and modelling. The right side of the tower will be the main part visible (in the foreground) along the public domain in Cavill Avenue in addition to the lower 3 storey building which will have a frontage to Cavill Avenue. The building composition subject to correct use of external finishes will be satisfactory, and subject to an adequate front garden setting for Cavil Avenue (see below).</p> <p>Medium rise buildings in Cavill Avenue and their front garden. These building are within a R3 -Medium Density zone. Larger scale details should be provided along Cavill Avenue/Markham Place for the three storey building elevations and detailing, and also for their front garden design (see design below) and it's fencing in order to provide a soft natural space with deep soil planting, and treatment of the ramp pavements, and this could be made a condition of consent.</p> <p>Markham Place public open space and finishes. More details of the fit out of the space should be provided (planting, pavers, furniture, lighting, etc) and this could be made a condition of consent.</p>	
	Summary	No objection is raised to the proposal on the basis that conditions of consent are applied requiring amendments to the design reflecting the recommendations above.	Yes

As identified in the above table, the proposal generally satisfies the provisions of the SEPP including and any minor issues regarding the level of detail can be addressed by way of conditions.

State Environmental Planning Policy (Infrastructure) 2007

The proposal is subject to the provisions of the SEPP due to its size and location.

State Environmental Planning Policy (Infrastructure) 2007 Summary Compliance Table			
Clause No.	Standard	Proposed	Complies
86	Excavation in, above or adjacent to rail corridors		
86(1)	This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:	It is proposed to excavate to a depth of more than 2m and as such this clause applies.	Noted
86(1)(a)	within or above a rail corridor, or	N/A	N/A
86(1)(b)	within 25m (measured horizontally) of a rail corridor. or	The land is located within 25m of the rail corridor and as such this clause applies.	Yes
86(1)(c)	within 25m (measured horizontally) of the ground directly above an underground rail corridor.	N/A	N/A
86(2)	Before determining a development application for development to which this clause applies, the consent authority must:		Noted
86(2)(a)	within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and	Application was referred to Sydney Trains for comment.	Yes
86(2)(a)	take into consideration:		Noted
86(2)(a)(i)	any response to the notice that is received within 21 days after the notice is given, and	Conditions of consent recommended by Sydney Trains will be applied to any consent.	Yes
86(2)(a)(i)	any guidelines issued by the Director-General for the purposes of this clause and published in the Gazette.	Noted.	Yes
87	Impact of rail noise or vibration on non-rail development		
87(1)	This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:	The site is adjacent a rail corridor and as such this clause applies.	Noted
87(1)(a)	a building for residential use,	Residential use is proposed.	Yes
87(1)(b)	a place of public worship	N/A	N/A
87(1)(c)	a hospital	N/A	N/A
87(1)(d)	an educational establishment or child care centre	N/A	N/A
87(2)	Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.		Noted
87(3)	If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:		Noted
87(3)(a)	in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am	The submitted acoustic report confirms these levels. Conditions will be applied to any consent to ensure compliance.	Yes

87(3)(b)	anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.	The submitted acoustic report confirms these levels. Conditions will be applied to any consent to ensure compliance.	Yes
104	Traffic Generating Developments		
104(1)	This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:	The site has access to a road that connects to classified road within 90m of the connection.	Yes
104(1)(a)	new premises of the relevant size or capacity, or	The proposal involves more than 75 dwellings.	Yes
104(1)(b)	an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.	N/A	N/A
104(2)	In this clause, relevant size or capacity means:		Noted
104(2)(a)	in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or	N/A	N/A
104(2)(b)	in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.	Applies – pedestrian connection is within approximately 45m of Liverpool Road.	Applies
104(3)	Before determining a development application for development to which this clause applies, the consent authority must:		Noted
104(3)(a)	give written notice of the application to the RTA within 7 days after the application is made, and	Application was referred to RMS.	Yes
104(3)(b)	take into consideration: (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and (ii) the accessibility of the site concerned, including: (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and (iii) any potential traffic safety, road congestion or parking implications of the development.	Conditions of consent recommended by Sydney Trains will be applied to any consent.	Yes

Given the above, it is considered that the proposal to satisfies the requirements of the SEPP.

7.2 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

Not applicable.

7.3 The provisions of any Development Control Plan.

The proposal is therefore subject to the provisions of Ashfield Interim Development Assessment Policy 2013. A summary compliance table follows below:

Ashfield Interim Development Assessment Policy 2013				
Part C1: Access, Adaptability and Mobility				
Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
Part C1	Access, Adaptability and Mobility			
2.3(i)	Universal Accessible Design	Villas and Townhouses, being dwellings which are one, two or three storeys, within R3 Medium Density Residential Zone where each dwelling has its own ground level entry and private open space: All ground level apartments must comply with universal accessible design principles in design checklist 1.	The following units fall into this category: • G04-G10 Assessment: The ground level of each unit does not have one bathroom adequately sized to allow circulation by a wheelchair. This can be rectified by condition applied to any consent.	Condition
2.3(ii)	Universal Accessible Design	“Low Rise” Flats without lifts, being residential flat buildings which are one, two or three storeys: All ground level apartments must comply with universal accessible design principles in design checklist 1.	The following units fall into this category: • G01-G03, UG01-UG03, 1.12-1.14 Assessment: The ground level units (except G01-G03) do not have one bathroom adequately sized to allow circulation by a wheelchair. This can be rectified by condition applied to any consent.	Condition
2.3(iii)	Universal Accessible Design	Residential flat building or shop top housing, higher than 3 storeys with lifts, which may or may not be part of a mixed development, must have all their apartments complying with universal accessible design principles as required by Design Checklist 2.	The following units fall into this category: • All those not listed above. Assessment: All units are compliant except that each unit does not have one bathroom adequately sized to allow circulation by a wheelchair. This can be rectified by condition applied to any consent.	Condition
2.4	Adaptable Housing	10%	10%	Yes
2.5	Variations to Universal Accessible Design Requirements	Site conditions	No variations proposed under this clause.	N/A

Ashfield Interim Development Assessment Policy 2013				
Part C3: Ashfield Town Centre				
Summary Compliance Table				
Clause No.	Standard	Required	Proposed	Complies
1	Context			

1.1	Building Appearance	<p>mixed developments shall be of a traditional architectural language:</p> <ul style="list-style-type: none"> • basic tripartite arrangements to facades, employing symmetry and proportion • punctuated extremities, which signal the boundaries of the building. • solid walls, which have punched openings for balconies and windows, and have vertically emphasized proportions. • expression of architectural detailing, such as expression of datum lines and string courses, and a colour palette of materials of medium to dark monotone face brickwork and rendered coloured surfaces. 	<p>Building is of a contemporary aesthetic but follows traditional architectural compositional practice in that:</p> <ul style="list-style-type: none"> • It adopts a base, middle and top; • It expresses the extremities; • It has a strong pattern of solid and void; • It expresses the form of the building with architectural expression of the facade elements. 	Yes
1.3		buildings employing contemporary or non-historic building styles shall achieve a high compositional standard.	The architectural expression is considered to be of a high compositional standard.	Yes
1.4		Shopfront Design to be compatible with the existing townscape.	The shopfront design is appropriate to the context.	Yes
1.5		Blank side wall facades without windows be modelled to provide an articulated and attractive appearance.	The proposal does not result in any blank side walls or facades.	N/A
1.6	New Main Street Building Facades	<p>Front facades above ground level to:</p> <ul style="list-style-type: none"> • Be predominantly masonry; • contain openings of proportions found in the existing townscape; • take architectural cues from the existing townscape. 	Proposal is not located on the main street of the town centre.	N/A
1.7		Alterations to existing front facades above ground level to be sympathetic to the existing architectural composition and townscape.	N/A	N/A
1.8	Human Building Scale	Development to comply with the "street wall height zone" in accordance with Clause 4.1AA of the Ashfield LEP 2013.	<p>The proposal breaches the street wall height in one location at the south east corner of the site. This is due to the natural curve in Markham Place and its interaction with the proposed public square and the existing building on the adjacent site to the east. Under these circumstances, application of the street wall control in this instance would result in an awkward urban</p>	No but acceptable

			design form and would not be appropriate. It is therefore considered appropriate to vary the control in this instance.	
1.9	Public Open Space	Development identified in Section 3 – Landscape to contribute to the provision of public open space.	Public open space has been provided where nominated.	Yes
1.10		Sites identified in Section 4 to provide weather protection for pedestrians over public open space.	Weather protection should be provided over the southern wall of the residential tower. This has not been provided but can be addressed by way of condition of consent.	Condition
1.11	Vibrant and Safe Town Centre	Maximize public safety and create a lively Town Centre with shopfront and building design and ground floor commercial uses.	Ample active frontages have been provided by way of retail and commercial spaces directly addressing the proposed public space.	Yes
1.12	Signage	Signage to be subservient to existing architectural composition.	No signage proposed at this stage. Will be the subject to future DA if necessary.	N/A
2	Building Heights			
2.1	Maximum Building height (5 Markham Pl)	Maximum number of storeys: 8	8	Yes
	Maximum Building height (Cavill Ave)	Maximum number of storeys: 3	3	Yes
2.2	Site Amalgamations	Site amalgamation may be necessary to achieve adequate site area to achieve maximum heights.	3 lots have been amalgamated to achieve a coherent and efficient development site.	Yes
2.3	Exceptions to maximum permitted height of buildings	A height bonus of up to 7 metres available for development within Area 1 subject to Clause 4.3A of Ashfield LEP 2013.	The application proposes the required proportion of affordable housing to activate the height bonus.	Yes
2.4	Solar access for adjoining properties	Must not compromise ability of adjacent sites to build to full floor space ratio potential and maintain solar access.	Does not overshadow adjoining properties unacceptably as high rise element overshadows public open space and the road surface.	Yes
2.5	Street Wall Height Zones	Area 1 "street wall height zone", maximum street wall height of 12 metres for 12 metres from the main street frontage. Council will consider variations where suitable.	Complies with the street wall height zone of 12m except for the element to the south east corner of the site where Markham Place curves northwards. It is appropriate to vary the control in this instance as the three dimensional form of the proposal should link-in with the existing form of the building to the east which does not adopt the 12m control in this location as it was approved and constructed prior to this control being adopted.	No but acceptable
2.6	Facades parallel to Street	External facades of buildings, including buildings above the street frontage height, are to be parallel with	Facades are parallel where appropriate.	Yes

		the primary street boundary of the property.		
3	Landscape			
3.1	Setbacks for public open space	Development specified in Clause 4, and shown on Map 4 shall provide "development setbacks" in accordance with clause 2.	Complies.	Yes
3.2		"Development setback" means that the development allotment is reduced in size in order to create a "residue lot" to be dedicated for public open space in accordance with clause 3. The land area dedicated to Council will be included when calculating allowable floor space ratio and as a credit towards any required Section 94 contributions.	It is proposed to maintain the proposed public space in private ownership but so that it remains publicly accessible. It is agreed that in this instance this is acceptable and public access will be addressed by way of a condition requiring creation of a public right of way over this space.	Yes
3.3		A "residue lot" is an allotment created for: <ul style="list-style-type: none"> • <i>enabling</i> a public verge /footpath area wide enough for external public seating tree planting, and pedestrian flow. • the residue lot is dedicated to Council at the completion of development. 	Will be addressed by way of condition requiring creation of right of way.	N/A
3.4		Development types listed below, and which are identified on the areas designated on Map 4 are required to provide a "development setback". Development setbacks will be required for: <ul style="list-style-type: none"> • - mixed use development such as ground floor businesses and upper level apartments buildings up to 8 storeys in height. • site <i>development</i> areas larger than 1000 m² 	The proposal provides the nominated development setback which will remain publicly accessible by way of a right of way conditioned in any consent.	Condition
3.5	Street Awnings	Developments required to provide a "development setback" must lodge a land subdivision concept plan and residue lot layout plan showing: <ul style="list-style-type: none"> • <i>position</i> of the new lots to be created • <i>residue</i> lot which will be dedicated to Council for the purpose of a public verge /footpath area, and the position of future in-ground services, in order to ensure that structures, works or excavations are properly located so that they do not restrict trees for deep soil areas. 	No new lots are to be created but a plan showing the location of a right of way for public access will be a condition of any consent.	Condition

3.6	Security	<p>Communal open space requirements identified in Residential Design Flat Code:</p> <p>Residential flat developments/mixed developments on sites areas greater than 2000 sqm. Are to provide a minimum of 25 percent communal open space pursuant to the <i>Residential Flats Design Code</i>.</p> <p>Development affected by Clause 8 below and which provides a development setback may provide a smaller communal open space area.</p>	<p>Communal open space:</p> <ul style="list-style-type: none"> North: 154.1m² East: 100.4m² 1st floor: 318.3m² TOTAL: 572.8m² (18%) <p>Public Open Space:</p> <ul style="list-style-type: none"> Markham PI: 358.6m² (11.4%) <p>TOTAL OPEN SPACE:</p> <ul style="list-style-type: none"> 931.4m² (30%) <p>This site is affected by Clause 8 and as such is eligible for a concession on the proposed open space area.</p> <p>It is noted that if the public space is included in the communal open space calculation, the provision would be 30% which exceeds the minimum requirement.</p>	Yes
3.7		<p>Communal open space required pursuant to clause 6 may be located in the following positions:</p> <ul style="list-style-type: none"> on the roof of the residential flat building at <i>ground</i> level where it abuts or will abut a major civic public open space identifies in this Part or Public Domain Strategy and is be designed to integrate with that space. 	<p>The communal open space is located as follows:</p> <ul style="list-style-type: none"> at the northern corner; at ground level as an internal courtyard within the development; at the first floor as courtyard within the development; and as a public square to create a civic space in accordance with this policy. <p>The location of the spaces is considered satisfactory.</p>	Yes
3.8		<p>Development along the Esplanade and Markham place areas which provides a “development setback” identified on Map 6 and provides a “residue lot” may provide a smaller communal landscape area than stipulated in clause 6 above. The area of the residue lot may be deducted from the amount of area required for communal open space in Clause 6.</p>	<p>Noted. See calculations at 3.6 above.</p> <p>The proposal complies with these provisions.</p>	Yes
3.9		<p>Planter boxes shall :</p> <ul style="list-style-type: none"> <i>provide</i> soil depth, soil volume and soil area appropriate to the size of the plants to be established, in accordance with Table 1; <i>provide</i> appropriate soil conditions and irrigation methods; and <i>providing</i> adequate drainage, including water drainage spouts. 	Planter boxes comply.	Yes
4	Pedestrian Amenity & Safety			

4.1	Active Street Frontages definition	Active frontage uses are defined as one of a combination of the following at street level: <ul style="list-style-type: none"> • entrance to shops and commercial premises • shop front, • clear glazed entries to commercial and residential lobbies, • café or restaurant if directly accessed from the street, • active office uses, such as reception areas, if visible from the street, • public building or community facilities if directly accessed from the street. 	Active frontages satisfy these criteria.	Yes
4.2	Active Street Frontages - required location	Active street frontages are required in the areas shown on Map 7	Provided as required.	Yes
4.3	Visibility of street	Sites affected by Clause 2 shall have shopfronts which are predominantly glazed, in order to ensure that adequate visibility of the street occurs, with the minimum amount of glazed area being as follows : Shopfronts shall have as part of their ground level façade, a glazed area which is a minimum of 80 percent of the width of the shopfront, measured vertically from ground level to a minimum of 2.1 metres above ground level. The glazed area shall be transparent, so as to enable visibility of the street from the interior of the building.	Active frontages satisfy these criteria.	Yes
4.4	Location of parking	Any on grade (ground level) car parks are to be set back behind an active street frontage, and designed in accordance with the controls set out in Part C11, Clause 5.3.	No at grade parking provided.	N/A
4.5	Street address	' <i>Street address</i> ' is defined as: <ul style="list-style-type: none"> • entries, lobbies, and habitable rooms with clear glazing overlooking the street, and • excludes car parking areas. 	Noted.	Noted
4.6		A street address is required on ground level of all areas identified in Map 5.	Street address consisting of the main lobby is located as required.	Yes
4.7	Street Awnings	Awnings along street frontages are to be provided for all new developments as indicated in Map 5. Awnings are to be designed to be in accordance with the	Awnings not required on this site and consequently not proposed.	Yes

		<p>following:</p> <ul style="list-style-type: none"> constructed out of metal framing and steel roofing material; have a minimum ground level clearance of 3m, or which matches approximately the height of existing or adjacent awnings; lighting installed to the underside in accordance of the awning in accordance with Council requirements 		
4.8	Access (people with disabilities)	Refer to Part C1 of Ashfield Interim Development Assessment Policy for requirements for access to buildings for people with disabilities.	Some minor non-compliances. Can be conditioned to comply.	Condition
4.9	Safety	Residential development along rear lanes is specified to ensure that windows contained in residential flat building are positioned to ensure that surveillance occurs of those lane areas.	The proposal will significantly improve the passive surveillance of Markham Place and provide excellent passive security.	Yes
4.10		<p>The following security devices shall be required in Residential Flat Buildings :</p> <ul style="list-style-type: none"> - Ground and first floor levels shall have fitted security devices which comply with the Australian Standard. 	Can be a condition of consent.	Condition
6	Commercial Development			
6.1	Proportion of ground level commercial space	In mixed development majority of ground floor area of should be business use. Service functions to be kept to a minimum.	Commercial component has been provided where it is suitable.	Yes
6.2	Car parking	Car parking to be below ground, for substantial developments.	All car parking is located below ground level.	Yes
6.3	Servicing requirements	Service Areas for commercial development to be provided.	Service areas have been provided as necessary.	Yes
6.4	Minimum ground floor ceiling	Ground floor commercial use, as a minimum 3m - 3.6m and adequate height between the ceiling and the first floor slab for installation of services.	4.3m	Yes
6.6	Shopfront composition	The minimum amount of glazed area.	Shopfronts are predominantly glazed.	Yes
6.7		Shopfronts not to have "roll-a-door" grille or opaque security shutters, unless predominantly transparent.	Not proposed.	Yes
6.8		Ground level shopfronts to complement the building style of the façade.	Yes	Yes
6.9	Awnings	Awnings to be provided in the locations stipulated on	No awnings required on this site.	N/A

		Map 6.		
6.11	Air-conditioning units and satellite dishes	Air-conditioning units and satellite dishes: a) not located on front façade and positioned at the rear. b) at least 1.5 m from all adjoining property boundaries. c) Use non-reflective materials. d) diameter must not exceed 1.8 m on roof.	Not proposed.	Yes
6.12	Strata subdivision of offices	Strata subdivision of offices must address wall partitioning and fire egress, allocation of bathroom and kitchen facilities, waste storage locations, business signage and parking.	Not proposed at this stage.	N/A
7	Social Considerations & Residential Development			
7.1	Small apartments	A minimum of 20% of the dwellings/flats in mixed use developments to be smaller studio or one bedroom apartments no larger than 45m ² .	25% are studios no larger than 45m ² .	Yes
8	Development Servicing			
8.1	Location of driveways	Driveways to be provided from lanes and secondary streets identified on Map 8.	Located from Cavill Avenue.	Yes
8.2	Access ways to underground parking	Access ways to underground parking to minimise noise impacts on adjacent or nearby habitable rooms, including bedrooms.	Access driveway is suitably designed and is not directly adjacent any bedrooms.	Yes
8.3	Location of parking	Car parking shall be located below ground level for major development.	All parking is located below ground level.	Yes
8.4	Amount of Parking	Car parking to be as per Part C11 - Parking.	See Part C11.	Noted
8.5	Waste (garbage) storage, collection and location requirements	An area to be provided to accommodate bins for garbage collection and recycling of waste, with waste storage and collection areas (see Clause 6). A waste generation management plan is to show the waste to be generated on a weekly basis, how it will be transferred to the waste storage area, and this is to be reflected on the plans and sizes for the waste storage area and ancillary areas.	Garbage collection facilities are located in the basement, ground floor areas and also in chute deposit hatches on each floor.	Yes
8.6	Loading/unloading areas	Adequate facilities to be provided for the loading and unloading of service/delivery vehicles (see Clause 7).	A loading bay is provided in the basement.	Yes
8.7	Design of service areas	Vehicular access to parking areas, waste collection, loading and unloading, are to be minimised but functional. This shall be demonstrated	Suitably designed.	Yes

		<p>by a “service area function plan” (see Fig 3), to show:</p> <ul style="list-style-type: none"> Waste collection room areas, including garbage bins, recycling bins, other bins, using the data in <i>Information Sheet No 1</i>. Required truck manoeuvring areas, and parking areas, shown in plan and section for the emptying of bins onto trucks and the manoeuvring of bins to and from Waste collection room areas, using Council's truck turning templates on <i>Information Sheet No 1</i>. (see Part C11 - Section 5). 		
8.8		Service doors and loading docks are to be adequately screened from street frontages and from overlooking by existing development.	All service areas are well screened.	Yes
8.9	Mail boxes	Mail boxes to be provided in one accessible location adjacent the main entrance and be integrated into a wall where possible and be of materials compatible with the building. Mail boxes shall be secure and large enough to accommodate articles such as newspapers.	Mail boxes are centrally located in the lobby area.	Yes
8.10	Communication structures, air conditioners and service vents	<p>Satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures should be located:</p> <ul style="list-style-type: none"> away from the street frontage, integrated into the roof design and not to become a skyline feature at the top of any building, and adequately setback from the perimeter wall or roof edge. 	Not proposed at this stage.	Yes
9	Environmental Management			
9.4	Clothes Drying Locations	Balconies are to accommodate an area for clothes drying and screen the drying area from view from the street.	Not proposed at this stage but can be conditioned in any consent.	Condition
9.5	Reflectivity	Avoid glare that causes discomfort or threatens safety of pedestrians or drivers.	Proposal consists of low reflectivity materials.	Yes
9.6		Light reflectivity from building materials used on the facades of new buildings	Proposal consists of low reflectivity materials.	Yes

		should not exceed 20%.		
9.7		A Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.	Not necessary given the nature of materials proposed.	N/A
9.8	Waste and recycling, amount of bins, truck sizes	A “waste generation schedule” should show g the amount of waste day to day activities will generate, and a description of how occupants of the development will transfer their waste to waste collection areas on the site.	Schedule has been provided.	Yes
9.9		A “service function plan” showing the location of waste areas shall be provided.	Shown on general architectural plans.	Yes

Ashfield Interim Development Assessment Policy 2013
Part C11: Parking
Summary Compliance Table

No.	Standard	Required	Proposed	Complies
3.3	Parking Credits	Do not apply if more than 50% of the building is being demolished.	100% of the existing buildings are to be demolished and as such no parking credits are applicable.	N/A
4.1	Car Parking for People with Disabilities	5% of required parking spaces to be accessible. TOTAL = 6 spaces	11 spaces	Yes
4.2	Bicycle Parking	Residential spaces (93 units): • 1 space per 10 units = 9 Visitor spaces: • 1 space per 10 units = 9 Retail (179m ²): • 1 space/20 staff = N/A	Residential spaces: • 10 spaces Visitor spaces: • 9 spaces Retail: • 3 spaces	Yes
	Motor Cycle Parking	Residential spaces (93 units): • 1 space per 25 car spaces = 4	Residential spaces: • 5 spaces	Yes
4.3	Parking Rates for Specific Land Uses	Residential spaces (93 units): • 1 space per unit = 93 (incl. 9 accessible) Visitor spaces: • 1 space per 4 units = 23 Car wash bay: • 1 space = 1 Retail (179m ²): • 1 space/40m ² = 5 TOTAL SPACES: 122	Residential spaces: • 93 (incl. 9 accessible) Visitor spaces: • 14 Car wash bay: • 1 space = 1 Retail: 14 spaces (incl. 2 disabled) TOTAL SPACES: 122 Note: Parking provision considered satisfactory in terms of overall numbers but allocation should be modified	No Condition to comply

			to be consistent with the Policy – i.e. some of the excess commercial spaces to be allocated to come closer to the required number of visitor spaces. See comments from Council's traffic engineer.	
5.0	Design Requirements	Compliance with relevant Australian Standards and detailed requirements of the Part.	Satisfactory or capable of compliance.	Condition

Ashfield Interim Development Assessment Policy 2013
Part C12: Public Notification
Summary Compliance Table

No.	Standard	Required	Proposed	Complies
Section 2	Notification Process		The application was notified in accordance with this part.	Yes

Ashfield Interim Development Assessment Policy 2013
PartD1: Planning for Less Waste
Summary Compliance Table

No.	Standard	Required	Proposed	Complies
	Bin Numbers	Residential (93 dwellings): <ul style="list-style-type: none"> 1 x 240L garbage bin/2 dwellings=47 bins 1 x 240L recycling bin/2 dwellings=47 bins TOTAL: 94 bins Commercial (179m ²): <ul style="list-style-type: none"> 627L garbage/week=3 bins 627L recycle/week=3 bins TOTAL: 6 bins TOTAL: 100 bins	Residential: <ul style="list-style-type: none"> 47 x 240L garbage bins 30 x 240L recycling bins TOTAL: 77 bins Commercial: <ul style="list-style-type: none"> 7 x 240L garbage bins 7 x 240L recycling bins TOTAL: 14 bins TOTAL: 91 bins <p>Compaction system proposed which compacts the waste bins (but not recycling) about 60% and as such the no. of waste bins proposed is satisfactory.</p>	Yes
	Bin Presentation		There is adequate space to place the proposed number of bins along the Markham Place frontage (at least 55m for 91 x 0.6m wide bins) However due to the fact that the Markham Place is one way and that Council's collection vehicle can only collect from the left hand side, it will not be possible with the current Council fleet to collect bins from this site. To resolve this issue the applicant agreed for a condition on the consent requiring garbage collection by private contractor. An appropriate condition has been imposed.	Yes

It is considered the application complies with the majority of the Ashfield Interim Development Assessment Policy as indicated and ultimately achieves the aims and objectives of the AIDP 2013. Where there are minor non-compliances, it is a matter of detail and these matters will be addressed by way of consent conditions.

7.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

These matters have been considered as part of the assessment of the development application.

7.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have no significant adverse environmental, social or economic impacts upon the locality.

7.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. There are no natural hazards or other site constraints that are likely to have a significant adverse impact upon the proposed development. The proposed development is considered suitable in the context of the locality.

7.7 Any submissions made in accordance with this Act or the regulations

The proposal was notified to all adjoining and nearby affected property owners and occupants, and Councillors from 4 December 2014 until 12 January 2015. Notification was checked during site inspection and was acceptable.

7.7.1 Summary of submissions

No submissions were received during the notification of the development application.

7.8 The public interest

The proposal is considered to provide multiple public benefits. It significantly increases density in close proximity to both the town centre and a major transit node. It provides a balance of commercial uses to supplement the majority residential use and also provides a significant new public space to enhance the public realm and provide important urban design benefits to the public realm in this location consistent with Council's long term vision for the town centre. As such, the proposal is considered to be clearly consistent with the public interest.

The applicant has proposed the installation of a public art feature in the publically accessible open space fronting Markham Place. Whilst the details of this public art have not yet been resolved the applicant has agreed to the imposition of a suitable condition of consent.

8.0 Referrals

Internal Referrals		
Officer	Comments	Support
Building Surveyor	Supported subject to conditions.	Yes
Traffic Engineer	Supported.	Yes
Drainage Engineer	Supported subject to conditions.	Yes

Heritage Adviser	Acceptable.	Yes
Environmental Health Officer	Supported subject to conditions.	Yes
Tree Officer	Supported.	Yes
SEPP 65 Adviser	Supported subject to conditions.	Yes
Waste Management	Supported subject to conditions.	Yes

External Referrals		
Referral Body	Comments	Support
Roads and Maritime Services	Supported subject to conditions.	Yes
Sydney Trains	Supported subject to conditions.	Yes
Ashfield Police	No comment.	N/A
Transport NSW	No objection raised.	Yes

9.0 Building Code of Australia (BCA)

A Construction Certificate will be required to be applied for by condition of consent.

Financial Implications

Developer contributions are applicable and included in the consent conditions.

Other Staff Comments

See 8.0.

Public Consultation

See 7.7

Conclusion

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 as amended with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

The proposal is consistent with the development standards and controls applicable to the site except in respect of some minor matters relating to height and access both of which can be addressed by way of conditions of consent. It significantly increases density in close proximity to both the town centre and a major transit node and provides a balance of commercial uses to supplement the primary residential use. It also provides a significant new public space to enhance the public realm and provide important urban design benefits to the public realm in this location consistent with Council's long term vision for the town centre.

The proposal is acceptable and is recommended for conditional approval.

Recommendation

- A. That the requests pursuant to clause 4.6 of the Ashfield Local Environmental Plan 2013 regarding contravention of clauses 4.3(2A) & 4.3B in respect of building height are well founded and should be supported.**

- B. That the request pursuant to clause 4.6 of the Ashfield Local Environmental Plan 2013 regarding contravention of clauses 4.3(2) in respect of building height is not well founded and should not be supported.**
- C. That the Joint Regional Planning Panel as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.2014.326.1 for demolition of existing structures and construction of 3-8 storey mixed use development comprising 93 dwellings and a 5 retail tenancies above 3 levels of basement car parking on Lot 1, DP 131778, Lot 1, DP 126260 and Lot 2, DP 339644 known as 5 Markham Place and 7-9 Cavill Avenue, Ashfield, subject to the following conditions:**