AUBURN COUNCIL

To the Joint Regional Planning Panel.

Director's Report
Planning and Environment
Department

1 12-14 Northumberland Road, AUBURN NSW 2144

DA-460/2014 GF:HP

SUMMARY

Applicant	Zhinar Architects.
Owner	Auburn Soccer Sports Club Limited.
Application No.	DA-460/2014.
Description of Land	Lot A DP 378979, 12-14 Northumberland Road Auburn NSW 2144.
Proposed Development	Construction of an 11 storey mixed use development containing 81 residential units, 2 commercial tenancies and a club facility (Auburn Soccer Club) over a part 5 / part 6 storey basement car park.
Site Area	1,672.8 Square metres.
Zoning	**Zone B4 - Mixed Use.**
Disclosure of political donations and gifts	Nil disclosure.
Issues	Submissions. Stormwater drainage. Underground Sydney Water pipeline traversing through the site.

Recommendation

1. That Development Application No 460/2014 for Construction of an 11 storey mixed use development containing 81 residential apartments, 2 commercial tenancies and a club facility (Auburn Soccer Club) over a part 5 / part 6 storey basement car park on land at 12-14 Northumberland Road Auburn be approved as deferred commencement consent subject to conditions as described in the schedule.

History and consultations

24 December 2014

The development application is lodged to the Council for determination.

4 February 2015

The development application is notified between the dates 4 February 2015 and 18 February 2015. There were six (6) objections to the proposed development.

10 February 2015

A public meeting is held with local residents raising a number of issues including:-

- Loss of on street car parking.
- Traffic congestion and how the corner of Northumberland Road and Rawson Street functions.

- Streetscape, appearance and height.
- Shadowing impacts towards the south.
- Privacy.
- Level of servicing for the building.

31 March 2015

Correspondence is issued to the applicant that raised a number of issues with the development including:-

- Impact the development would have on south facing balconies and windows of Number 16 Northumberland Road to the immediate north.

- Building design, presentation, facade treatment and building materials.

- Setback of the development from the boundary of Number 97 Rawson Street to the south.

- Impact of the development on Sydney Water and Ausgrid assets.

- Garbage collection.

- Loading and unloading facilities to service the development.

- Excess floor space ratio.

- Provisions of LCD screens facing Northumberland Road and signage.

- Shadow impacts towards the south.

- Privacy.

- Internal and external amenity.

- Stormwater drainage, flooding and engineering design.

- Inadequate car parking, traffic and access provisions.

24 April 2015

A meeting is held with the applicant to discuss the issues that were raised in correspondence dated 31 March 2015. A number of design changes are envisaged to the building to enable the project to proceed forward.

16 June 2015

Modified plans and documentation is lodged to the Council for assessment and determination by the Joint Regional Planning Panel.

19 June 2015

The modified plans are renotified by mail given that it is identified that the appearance of the building has changed.

20 November 2015

Modified plans are submitted addressing matters of excess height, addition of an awning structure and play equipment within the south facing common area.

Site and Locality Description

The site has the following dimensions:-

- 33.8 metres to Northumberland Road.
- 50.48 metres along the southern boundary.
- 32.6 metres along the western boundary.
- 50.29 metres along the northern boundary.

This provides a site area of 1,672.8 square metres.

A car park owned by the Auburn Soccer Club occupies the site. The perimeter of the car park has landscaped elements but the majority of the site consists of a sealed car park to support the soccer club.

The site is within the northern part of the Auburn Town Centre and hence commercial / retail land uses dominate. A six storey retail / commercial and residential flat building occupies the site to the south at 8 to 10 Northumberland Road.

There is a three storey residential flat building to the north of the site at 16 Northumberland Road.

The Auburn Soccer Club is situated on the eastern side of the site at 5 to 7 Northumberland Road.

Council owns the land at 9 to 17 Northumberland Road including a community building, a child care centre and a park.

A small private school is situated on land to the immediate rear being 3 Macquarie Road. The school ground includes a small playground adjacent to the rear of the site.

The site has the following levels:

- North west corner - 16.38 metres AHD.
- North east corner - 15.7 metres AHD.
- South east corner - 16.46 metres AHD.
- South west corner - 16.43 metres AHD.

The site is relatively flat with only minor level changes with the lowest point being at the north east corner.

The site is shown below:-

There are a few crucial elements concerning the site that will affect the assessment of the development application as follows:-

- There is an overland flow path passing through the site. As a result, there is a flood risk matter to address.
- There is an underground easement associated with a major stormwater channel passing through the central part of the site and traversing a north to south direction. The easement is 3.66 metres wide.
- There is also an easement being 1 metre wide to drain water situated at the north - west part of the site.
- A bus stop is close by and situated at the front of Number 8 to 10 Northumberland Road. There is another bus stop directly opposite the site.

Description of Proposed Development

Development application 460/2014 proposes the construction of an eleven (11) storey mixed use commercial / registered club and residential flat building with associated car parking landscaping and stormwater works.

The development comprises the following works:-

Removal of the existing car park

The car park currently on site as well as the access driveways and landscaping including fifteen (15) trees is earmarked for removal.

Excavation / Basement

The plans show a part five and Part six storey basement car park with room for parking 221 vehicles. The following table shows the basement in greater detail.

Basement Level	Number of car spaces	Number of storage rooms
1	12	0
2	47	0
3	48	0
4	44	21
5	48	36

6	22	32
Total	**221**	**89**

The table shows 221 car parking spaces provided for the development which is divided into the following components:

- Residential - 98 spaces.
- Visitor - 8 spaces.
- Commercial (Mainly to support the club) - 115.

Of this figure, there are 15 spaces earmarked for people with disabilities.

There is room on Basement Level 4 for storing 17 bikes within two bike storage areas and a car wash bay. A boom gate is provided within the Level 4 basement to separate the residential car parking spaces from the commercial spaces for use by the club.

A significant amount of excavation work will be undertaken to a depth of 18.65 metres. It is estimated that 30,200 cubic metres of spoil will be excavated from the site to create the void required for the basement levels.

The excavation is not designated development on the basis that it is ancillary to the primary development and it is not independent of that other development.

The excavation work will expose an easement and a Sydney Water stormwater channel which will require reconstruction in the long term.

A large store room is shown on the plans occupying an area of 439.5 square metres. The store area is situated west of the stormwater easement but contained within a separate room. The room is shown on Drawing Number Basement Level 1 DA-08 (Issue B).

Ground Level

The ground level includes a number of services, driveways and garbage storage areas which are required to support the building as well as an entry area to a relocated Soccer Club.

There are two driveways from Northumberland Road with one at the south eastern side of the site and another along the northern side of the site. One of the driveways service the car park and a rear loading area while another driveway provides direct access to the front of the new club.

A room is shown on the plan as being “BOH” which is accessed from the loading area and a lift facility.

The ground level includes a shop, a café and a club foyer as well as two administration offices. The café and shop are related to the club. The following table shows the ground level in greater detail:-

Land use	Area of land use	Location
Retail	49.6 square metres.	North east corner.
Cafe	29.7 Square metres.	South east corner
Club Foyer	112.2 Square metres.	Central part of the building but adjoining a driveway.
Offices	87.3 Square metres	Rear of the club foyer.
Garbage room	56.3 Square metres.	The rear of the club and adjacent to a loading/ unloading area.

Level One

The plans show entire level being occupied by a club being the Auburn Soccer Club. It is identified that the Auburn Soccer Club is to be relocated from Number 5 to 7 Northumberland Road to the new site.

The plans show the club occupying a gross floor area of 1,672.8 square metres with the following features and services:-

Details of the club	Area of the various uses	Seating arrangements
Bistro	142.1 square metres.	22 tables and seating for 88.
Gaming lounge	237.1 Square metres.	Seating for 5 within a single table.
Outdoor area	40.5 Square metres.	No seating shown.
Bar	204.6 Square metres	18 tables and seating for 72.
Function room	179.4 Square metres.	24 tables and seating for 96.
Bar	23.3 Square metres.	Seating for 11 on stools at the bar.
Service bar	59.6 Square metres.	
Kitchen and servery	79.1 Square metres.	

There are toilets, access points including escalators, cool room, liquor store and storage areas within Level One.

There are 82 gaming machines shown in the gaming lounge.

The applicant has stated that the fit out of the commercial premises will require a separate development application

Level Two to Level Ten

The roof of the club will form a podium which in turn will support a nine storey residential flat building complex encompassing eighty one (81) apartments. The plans show the residential flat building complex having the same layout for each floor and each floor having nine apartments. The plans show:-

- 7 x 1 bedroom apartments.
- 67 x 2 bedroom apartments.
- 7 x 3 bedroom apartments.

The building at level two includes a common open space area situated on the southern side of the building and a much larger common area wrapping around the northern and western side of the tower.

Every apartment within the complex features a balcony or terrace facing the east, north or west.

The plans show the building reaching a maximum height of 38 metres but not passing through that level.

New signage

The plans show the erection of a business identification sign which reads “Club Auburn” facing Northumberland Road. The sign is shown affixed to the first storey north eastern portion of the building with blue coloured lettering. The blue lettering will have dimensions of at least 6.6 metres x 0.5 metres which provides an area of 3.3 square metres.

The front elevation plan shows a street number on the ground level facing Northumberland Road.

Strata subdivision

The development application does not include Strata Subdivision of the residential flat tower development into 81 allotments. Strata Subdivision would need to be addressed via a separate development application should this application be supported.

Notwithstanding this, the plans make provision for Strata Title Subdivision because a Strata office is provided on the ground level close to the residential entry to the building.

Referrals

The development application was referred to relevant internal Council departments for comment as follows:-

Environment and Health

The preliminary contamination report appears to meet the requirements of the EPA Guidelines and provides that the site is suitable for the proposed use.

The plans provided do not demonstrate the proposed layout and fit out of the kitchen. The fit out of the kitchen must comply with the Food Act 2003 and Australian Standard 4674. It is recommended that a plan demonstrating compliance with the requirements be prepared and submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

The acoustic report recommends that deliveries to the site be restricted to between 7 am and 6 pm.

The development application may proceed subject to conditions.

Drainage and Development Engineer

Conditions are provided addressing stormwater drainage. It is recommended that deferred commencement consent be pursued to address the more difficult matters relating to stormwater drainage and appropriate conditions are provided addressing this.

External Referrals

Roads and Maritime Services

The development application was referred to the Roads and Maritime Services on the 15 January 2015 for assessment as the development application falls under Schedule 3 of State Environmental Planning Policy "Infrastructure" 2007 on a number of grounds as follows:-

Purpose of development **Note:** The development may be the erection of new premises or the enlargement or extension of existing premises.	**Size or capacity-site with access to any road**	**Size or capacity-site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)**
Apartment or residential flat building.	300 or more dwellings.	75 or more dwellings.
Area used exclusively for parking or any other development having ancillary parking accommodation.	200 or more motor vehicles.	50 or more motor vehicles.
Parking.	200 or more motor vehicles.	50 or more motor vehicles.

Premises licensed under the Liquor Act 1982 or the Registered Clubs Act 1976.	200 or more motor vehicles.	50 or more motor vehicles.

Comments

The development has all of the features in Column one "Purpose of the Development" and as the site is situated close to Rawson Street which is a regional classified road, the development application effectively falls under the size criteria of each land use stated in Column Three. Formal referral to the Roads and Maritime Services for assessment is required.

Following referral, the Roads and Maritime Services responded on the 16/2/2015 and provided the following response:-

- The swept path of the longest vehicle to service the site entering and exiting the site and vehicle manoeuvrability shall be in accordance with AUSTROAD. The proposed development is required to comply with the standards and a revised plan be submitted to the Council showing compliance.

- The car park layout is required to comply with AS2890.1-2004.

- All works and signposting associated with the development shall be at no cost to Roads and Maritime Services.

No objection is raised and should the development application be supported, the matters may be addressed as conditions.

It is determined that the referral requirements of State Environmental Planning Policy Infrastructure 2007 have been complied with.

Flemington Police Command

The development application was referred to the Flemington Police Command for assessment on the 15 January 2015 with a response being provided on the 16/1/2015. A number of matters have been raised but may be addressed as conditions. These include:-

- Business identification signs:- It is requested that a street number be clearly displayed at the front of the premise.

- Lighting:- It is recommended that lighting levels are appropriate for the users, activities and tasks of an area.

- Closed circuit television:- Cameras should be installed in and around all premises, especially at entry / exit points to maximise surveillance opportunities. In addition, digital and monitored technology should be used to record images from the cameras and installed surveillance equipment should be maintained in sound working order.

- Signage:- Appropriate directional signage should be posted around the perimeter of the property especially near entry points to warn intruders of the security measures. Additionally, directional signage should also be posted at decision making points to guide patrons whilst driving their vehicles.

- Landscaping:- Trees and shrubs should be trimmed to reduce concealment opportunities and increase visibility to and from the business. Obstacles and rubbish should be removed from the property boundaries.

- Design features:- There should be no natural ladders whereby an offender could climb the building to gain entry through a balcony.

- Fire and safety features:- Adequate fire safety measures should be installed to prevent the start and spread of fire which would promote the safety of occupants.

- Access cards:- Access cards should be given to tenants / occupants so only the residents have access to the building and no one else. Access cards are one way of reducing unauthorised entry to buildings.

Crime risk assessment

A Crime Risk Assessment has been undertaken by the applicant. A Safety Audit of the design of the building identifies a number of issues and design elements that requires attention.

The report provides a series of recommendations regarding crime protection at Part 7. It is considered appropriate that the report be included into any consent issued should the development application be supported.

Sydney Water

On the advice of Council Officers, the applicant has presented this application to Sydney Water because a major Sydney Water asset is impacted by the proposed works. As per advice received 11 March 2015, it is identified that Sydney Water would have no objection to the proposed development. However should the development application be supported, the applicant will be required to comply with a "**Notice of Requirements**" prior to any Section 73 Certificate being issued.

This has created a number of issues with the development conflicting with the underground pipeline owned by Sydney Water. To obtain the Section 73 Certificate, the development must not impact the pipeline. The applicant is negotiating with Sydney Water on appropriate methods to addressing the matter and solutions in order to obtain a Section 73 Certificate. The applicant has recently advised Council that the parties are in negotiation with a view to resolving the issue to the satisfaction of both parties. As such, it is considered that this application can proceed forward.

Appropriate deferred commencement consent conditions are provided in relation to the matter.

Notwithstanding this, the ground floor plan shows the easement protected with building works occurring under, over and beside the easement but not within the easement. There is a requirement to:-

- Construct a bridge over the easement to enable residents to access the garbage bin store.

- Provide a removable graded platform over that part of the driveway that traverses the easement. This would be constructed of heavy duty steel material.

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

State Environmental Planning Policies

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

(a) State Environmental Planning Policy No. 55 - Remediation of Land

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

Matter for Consideration	**Yes/No**
Does the application involve re-development of the site or a change of land use?	☒ Yes ☐ No
Is the development going to be used for a sensitive land use (eg: residential, educational, recreational, childcare or hospital)? Comment: The development is for a mix use commercial, a registered club and residential flat building.	☒ Yes ☐ No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation.	☐ Yes ☒ No
Is the site listed on Council's Contaminated Land database?	☐ Yes ☒ No
Is the site subject to EPA clean-up order or other EPA restrictions?	☐ Yes ☒ No
Has the site been the subject of known pollution incidents or illegal dumping?	☐ Yes ☒ No
Does the site adjoin any contaminated land/previously contaminated land?	☐ Yes ☒ No

Details of contamination investigations carried out at the site:

The 1943 aerial photo shows a dwelling house on the southern part of the site and another small building at the rear however it is not possible to determine what that building may have been used for. It is possible that the building is an outbuilding associated with the dwelling house.

Part of the site appears to be vacant with grass / lawn growing across it but it is possible that it is a large garden associated with the dwelling house because the outline of a fence along the edge of the road is visible. There are some trees situated towards the north west corner.

There are dwelling houses surrounding the property including some commercial premises facing Rawson Street.

Comment:

A phase one preliminary environmental assessment prepared by Geo Enviro Consultancy Pty Ltd and dated December 2014 has been submitted.

The report identifies that any use of the land for agriculture would not have created issues of land contamination. It is also found that the previous use of the land for residential purposes would not have created issues of land contamination and it is considered that the risk of contamination is low.

However, the site is now covered by bitumen and it is common for old bitumen to contain coal tar and hydrocarbon compound. Should the pavement contain such material, then there is a risk of contaminants leaching into the underlying sub base and sub grade level.

A visual inspection of the site conducted by an environmental scientist shows no buried fill or surface of dumped rubbish. The ground surface within the site is level with the surrounding sites and therefore it is likely that the site is not impacted by filling and therefore the risk of contamination from imported fill is low.

It is determined based on site history and land use patterns that the risk for land contamination activities to have occurred is low. The report determines on Page 8 that the site is suitable for the proposed mix use development.

Matter for Consideration	Yes/No
Comment: Council's Environment and Health Officers have reviewed the document as discussed above. No objection is raised to the project and a number of conditions are provided addressing excavation procedures for the project.	
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	☒ Yes ☐ No

(b) State Environmental Planning Policy "Infrastructure" 2007

The proposed development is affected by the State Environmental Planning Policy at the following clauses:-

Railway noise and railway issues

The site is situated some 71 to 86 metres from the Western Railway line depending on where the distance measurement is taken.

85 - Development immediately adjacent to rail corridors

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

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

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

(a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and
(b) take into consideration:

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

Comment:

The building does not adjoin a railway line. There are commercial premises to the south as well as a road corridor providing an effective distance between the development site and the rail corridor. It is determined that the clause will not apply to the development application.

86 - Excavation in, above or adjacent to rail corridors

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

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

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

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

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

(i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
(ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and

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

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

Comment:

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

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

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:

(a) a building for residential use,
(b) a place of public worship,
(c) a hospital,
(d) an educational establishment or child care centre.

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

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

Comment:

The site is situated between 71 to 86 metres from the fence of the railway line. There is a six storey mix use retail / residential building to the immediate south at 8 to 10 Northumberland Road as well as other commercial premises and a road corridor. The buildings will provide some buffering of noise from passing trains although it is identified that some background noise from trains will be audible on the upper levels.

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

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

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

Developments within Zone A would require a full noise assessment.

The southern part of the site is situated within the outer fringes of Zone B while the majority of the site is situated outside Zone B.

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

Comment

It is identified that the site would not be adversely affected by railway noise because the majority of the development lies outside the 80 metres zone. Apartments Numbered U209, U309, U409, U509, U609, U709, U809, U909 and U1009 would fall within the outer fringes of Zone B. The design of the affected apartments show:-

- No bedrooms facing direct south.
- A solid blade wall along the southern side of the balcony of each apartment to shield noise.

Acoustic matters

An acoustic report prepared by Acoustic Logic (Reference Number 20141400.1/0306A/R1/JL) and dated 3/6/2015 has been submitted with the development application to address the internal noise likely to be generated by the development.

Internal noise levels will primarily be as a result of noise transfer through the windows and doors as these are relatively light building elements that offer less resistance to the transmission of sound. Noise transfer through masonry walls is not considered to be an issue.

The following recommendations are made:-

Glazed windows and doors

The design of the window mullions, perimeter seals and the installation of the windows / doors in the building openings must not reduce the STC rating of the glazing assembly below the values nominated as such:-

- 5 mm float 28 STC (Acoustic seal).
- 6 mm float 29 STC (Acoustic seal).
- 6.38 mm float 31 STC (Acoustic seal).
- 10.38 mm float 35 STC (Acoustic seal).
- 12.38 mm float 37 STC (Acoustic seal).

Ventilation requirements

Windows of habitable spaces will need to be kept closed in order to meet acoustic requirements. In some instances mechanical ventilation may be required.

The acoustic report will need to be incorporated into any consent that may be issued due to the recommendations that are made.

Road noise and road issues

The following provisions of State Environmental Planning Policy Infrastructure 2007 regarding proximity to a Classified Road are applicable to the development application.

101 Development with frontage to classified road

(1) The objectives of this clause are:

> *(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
> *(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

> *(i) the design of the vehicular access to the land, or*
> *(ii) the emission of smoke or dust from the development, or*
> *(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment

The site does not front a Classified Road however the site is situated 59 metres from Rawson Street which is a Classified Regional Road. In relation to the Clause 101, it is identified that vehicular access to the building is from Northumberland Road and not Rawson Street. Clause 101 does not directly apply to the development application.

102 Impact of road noise or vibration on non-road development

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:

- *a building for residential use,*
- *a place of public worship,*
- *a hospital,*
- *an educational establishment or child care centre.*

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

(a) in any bedroom in the building-35 dB(A) at any time between 10 pm and 7 am,
(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)-40 dB(A) at any time.

(4) In this clause,

"freeway",
"tollway" and
"transitway" have the same meanings as they have in the Roads Act 1993.

Comment

The site does not front an arterial road or any road that carries 40,000 vehicles per day and hence the purposes and intent of the Clause generally will not directly apply to the development application.

Acoustic matters

An acoustic report prepared by Acoustic Logic (Reference Number 20141400.1/0306A/R1/JL) and dated 3/6/2015 has been submitted with the development application to address noise from vehicles.

Noise from vehicles

It is considered appropriate to address noise from vehicles entering and leaving the premises however noise from vehicles entering and leaving the site have been predicted using the Federal Highway Administration Model to model noise emissions at the vehicle entry / exit point. A number of assumptions are made:-

- There are 110 vehicles driving out of the basement car park at 10 km/h with a typical sound power level of 84 decibels during the day / evening time period (7 am to 10 pm).

- There are 60 vehicles driving out of the basement car park at 10 km/h with a typical sound power level of 84 decibels during the night time period (10 pm to 7 am).
- There are 2 truck movements into and out of the loading dock area at 10 km/h with typical sound power level of 105 decibels during the day time.

The predicted noise emission from the loading bay will be:-

- First floor windows of residents to the north east is 57 decibels (Maximum allowed is 58 decibels).
- Sydney Adventist College Primary School to the north - west is 51 decibels (Maximum allowed is 55 decibels).

The predicted noise levels from vehicles using the basement car park will be:-

- First floor windows of residents to the north east is 53 decibels day and evening (Maximum allowed is 57 decibels).
- First floor windows of residents to the north east is 50 decibels at night (Maximum allowed is 57 decibels).
- Sydney Adventist College Primary School to the north - west is less than 45 decibels (Maximum allowed is 55 decibels).

The report recommends:-

- Installation of 75 mm thick Acoustisorb 3 insulation on the ceiling of the ground floor driveway and the ceiling and available walls of the loading bay area. The insulation may be faced with a minimum 11% open area sheet metal.

- No deliveries to be made between 6 pm and 7 am.

- Trucks using the loading bay be switched off to avoid idling.

- Garbage disposal and collection to occur between 7 am and 10 pm.

In concluding this matter, it is determined that the acoustic report should be incorporated into the bundle of plans to be approved should the development application be supported by the Joint Regional Planning Panel.

104 Traffic-generating development

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

- *new premises of the relevant size or capacity, or*
- *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

(2) In this clause,

"relevant size or capacity" means:

(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
(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.

(3) Before determining a development application for development to which this clause applies, the consent authority must:
(a) give written notice of the application to the RTA within 7 days after the application is made, and

(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.

(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.

Comment

This is addressed under the heading "External Referrals" above. It is determined that the provisions of Clause 104 have been addressed in the assessment of the development application.

(c) State Environmental Planning Policy 65 - Design Quality of Residential Flat Development (Earlier version)

State Environmental Planning Policy 65 Design Quality of Residential Flat Development will apply to the development application. It is identified that the State Policy has been altered to the "Design Quality of Residential Apartment Development" and the "Apartment Design Guide" has replaced the Residential Flat Design Code which came into effect on the 17 July 2015.

The amended State Policy and the Apartment Design Guide will not apply to development applications and applications to modify development consents that have been made but not determined before 19 June 2015.

As such, the older planning instruments will apply to the development application because it was lodged on the 24 December 2014.

The assessment only covers the residential flat building portion of the development and not the ground floor commercial tenancies or the first storey registered club.

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

A design verification statement from Zhinar Architects and dated June 2015 has been prepared and submitted with the development application.

An assessment under the SEPP is provided within the table at Appendix B. The development is found to be satisfactory when assessed using the Residential Flat Design Code. A small number of variations are identified but these given the context of the site, are acceptable and do not adversely impact on the development or the locality. The development application may be supported when considered under the planning instrument.

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

As the development relates to a residential flat building development, a BASIX certificate has been submitted to accompany the development application. The plans and details submitted with the development application satisfy the relevant BASIX commitments required to be endorsed on the development application plans. Conditions will be imposed on the development consent to ensure that the construction of the residential flat building is in accordance with all specified BASIX commitments. The proposed development is considered acceptable in respect of the relevant requirements of SEPP (BASIX) 2004.

(e) State Environmental Planning Policy No. 64 - Advertising and Signage

The development application includes the erection of a business identification sign which reads as "Club Auburn" facing Northumberland Road. The sign is shown affixed to the first storey north eastern portion of the building with blue coloured lettering. The blue lettering will have dimensions of at least 6.6 metres x 0.5 metres which provides an area of 3.3 square metres. The assessment of the sign is at Appendix B.

(f) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the area within the Sydney Harbour Catchment and SREP (Sydney Harbour Catchment) 2005 is applicable to the development application. The development application raises no issues as to consistency with the requirements and objectives of the planning instrument and associated development control plan.

(g) Local Environmental Plans

Auburn Local Environmental Plan 2010

The provisions of the Auburn Local Environmental Plan are applicable to the development proposal. The development achieves compliance with the core statutory requirements of the Auburn Local Environmental Plan 2010 and the objectives of the B4 mixed use zoning. A more comprehensive assessment using the planning instrument is attached as Appendix B.

- Clause 4.3 - Height of buildings

The building is compliant with the maximum height limit of 38 metres. The building tops out at 38 metres but does exceed that limit and as such, compliance is achieved. It would be appropriate that a condition be placed onto any consent ensuring levels are complied with to ensure the 38 metre height limit is not breached.

- Clause 4.4 - Floor space ratio

In accordance with the clause 4.4(2), the maximum floor space ratio applicable to the site is 5:0. The development is compliant with the floor space ratio provision. In this regard, the floor area of the building is calculated at 8,120 square metres or 4.854:1.

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

There are no draft planning instruments that requires review for the purpose of this application.

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 assessment of the development application. The proposed development is generally consistent to the provisions of the Local Centres chapter of the Auburn Development Control Pan 2010. A comprehensive assessment is provided at Appendix B.

b) Residential Flat Buildings

The relevant objectives and requirements of the ADCP 2010 - Residential Flat Buildings have been considered in the assessment of the development application. The proposed development is generally consistent to the provisions of the Residential Flat Buildings chapter of the Auburn Development Control Pan 2010. A comprehensive assessment is provided at Appendix B.

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. In terms of car parking provision the following is required:-

Use	**GFA / No. of apartments**	**Car parking / Loading rate**	**Required no. of spaces (NB: part spaces to be rounded up)**	**Proposed no. of spaces**
Registered club		1 Space per 5 square metres of public or licensed floor area.	For 886.6 square metres - 177 spaces	**115** **There is a shortfall of 62 spaces**
Retail/business tenancies	79.3 Square metres	1 space/60sqm GFA	2	(Not disclosed)
Residential	7	1 space/1 bedroom apartment	Minimum 7 spaces Maximum 7 spaces	Minimum 98 spaces. Maximum 236 spaces. **Provided 98 spaces.**
	67	1.2 space/2 bedroom apartment (Minimum) 3 spaces/2 bedroom apartment (Maximum)	Minimum 80.4 spaces Maximum 201 spaces.	
	7	1.5 space/3 bedroom apartment (Minimum) 4 spaces/3 bedroom apartment (Maximum)	Minimum 10.5 spaces Maximum 28 spaces	
Visitor	81 Apartments	51 to 100 apartments is 8 spaces (Minimum) and 25 spaces maximum	8 spaces minimum.	8 Spaces which will comply.
Loading	1 Space to support the tower building and at least one space to support the club.			2 Spaces at the rear to support the whole building.
TOTAL			Minimum 285 Maximum 415	**221 Spaces**

A total of 221 car parking spaces are proposed which is an overall shortfall of 64 spaces.

Notwithstanding this matter, a traffic report prepared by Varga Traffic Planning Pty Ltd is suggesting the following traffic principles:-

- There are 106 spaces provided for the residents.

- The traffic rates for registered clubs appear to be based on surveys of clubs conducted by the Traffic Authority of NSW in the late 1970s prior to random breath testing. As a result of random breath testing the parking demands generated by registered clubs has decreased.

- There are currently 97 off street car parking spaces provided for the existing club which has a larger floor area than the club proposed. The existing parking provision is 1 space per 10 square metres of floor area.

- The car parking currently on site is very much under utilized.

- The site is accessible via public transport including trains which are within 100 metres of the site.

The traffic study suggests that 99 off street car parking spaces would be required to support the club.

Comments:

Council's Drainage and Development Engineer has reviewed the documents provided and concludes that the development is acceptable given its location to the Auburn Railway Station and town centre where access to other forms of transport is available. The shortfall of car parking for the club identified has been supported by the engineer based on location within the Auburn Town Centre and proximity of the site to public transport services including a railway.

d) Stormwater

The relevant requirements and objectives of ADCP 2010 - Stormwater Drainage have been considered in the assessment of the development application. Council's Development Engineer has raised no objections subject to the imposition of conditions. Deferred commencement consent will be pursued and a number of conditions are provided addressing outstanding stormwater and engineering matters.

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 apartments have been provided to the development. There are a number of disability access provisions incorporated into the development which includes:-

- Lifts connecting all floors of the development with the basement.
- Elevations at the entrance of the club.
- A suitable ramp connecting the entrance of the club with Northumberland Road.
- Appropriate toilets.
- Appropriate car spaces.

An Access Compliant Report has been prepared by "Certified Building Specialists" Report Number A410311 and dated 17 December 2014. The report determines that disability access to the building is compliant. The report does not identify any variations to the Building Code of Australia.

f) Waste

The relevant requirements and objectives of ADCP 2010 - Waste has 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 waste management plan.

g) Tree Preservation

The relevant requirements and objectives of ADCP 2010 - Tree Preservation has been considered in the assessment of the development application.

An arborist report has been submitted with the development application and generally the report identifies that at least 18 trees on the site will be affected by the development. The report identifies the following trees species:-

- Agonis Flexuosa (Weeping Myrtle).
- Cinnamomum Camphora (Camphor Laurel).
- Livistona Chinesis (Chinese Fan Palm).
- Platanus x Hispanica (London Plane Tree).
- Casuarina Cunninghamiana (River She Oak).

The trees provide some degree of screening of the car especially to the south and west. Many of the species are found to be in fair condition but the report determines that the species should be removed.

Many of the species are mature but they are not locally indigenous species. Others are exotic species and palms. All the species are within the building footprint and some are found to be competing with one another for space.

The trees are recommended for removal because they will compete with the building works such as excavation for the basement car park.

h) Advertising and Signage

The relevant requirements and objectives of ADCP 2010 - Advertising and Signage has been considered in the assessment of the development application. The sign proposed for the building is acceptable. A comprehensive assessment is provided at Appendix B under the relevant planning instrument.

Section 94 Contributions Plan

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

- The new registered club.
- The apartments based on number of bedrooms.

The contribution amount is calculated at $477,845.27 based on:-

- Commercial construction cost as per the Quantity Surveyor Report of $757,587.
- 7 x 1 bedroom apartments.
- 67 x 2 bedroom apartments.
- 7 x 3 bedroom apartments.

Disclosure of Political Donations and Gifts

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

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

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

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

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

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

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

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

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

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

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited for a period of fourteen (14) days between Wednesday 4 February 2015 and Wednesday 18 February 2015. There were six (6) submissions including one (1) petition containing five (5) signatures. The submissions include:

1 - No more units should be constructed in the area because there is no car parking and the locality is over populated. Auburn cannot cope with any more people coming into the area and there are too many units being approved.

Comment

The planning controls permit the form of development that is proposed. The role of Council officers is to ensure appropriate residential amenity is achieved with an appropriate level of servicing. The assessment report addresses the level of amenity, issues arising and servicing.

The development provides an appropriate level of car parking to support the development.

Council engineers have undertaken a full assessment of the car parking issues as identified in the assessment report.

2 - The development will cause more crimes such as break and enter and bag snatches. There will be hundreds of more people in the locality, loud music and more arguments.

Comment

The matter concerning likely crime issues have been extensively addressed earlier in the report. No further assessment is required concerning the matter It is appropriate to refer to the section of the report under “External referrals - Flemington Police Command”.

3 - The current road traffic infrastructure at the intersection of Northumberland Road and Rawson Street is inadequate to support an increase in the number of residents. During peak times, traffic on Northumberland Road is often banked up to the location of the current RSL. Likewise on Rawson Street, traffic is often banked up from Station Road all the way to Northumberland Road meaning that there is often no space to turn left from Northumberland Road onto Rawson Street. The congestion makes it very difficult to turn right from Rawson Street onto Northumberland Road during peak periods. Often only one or two vehicles are capable of turning during a traffic cycle. The development lies within the hot zone. Residents trying to leave their apartment complex at peak times will find their driveways blocked by stationary traffic. The development will place further strain on the existing road network.

There is currently no government operated commuter car park on the north side of Auburn. The pressure for car parking spaces is absorbed by the RSL car park and Soccer Club car park. Soon this parking area will disappear as redevelopment occurs.

Further, there are four large developments planned for Northumberland Road between Hall Street and Rawson Street. The developments will remove parking areas placing further pressure on street parking. Residents will be forced to find car parking elsewhere in areas with limited car parking availability. The lack of car parking will prevent visitors from outside Auburn using local businesses which will adversely affect the local community.

Additionally, family and friends visiting cannot find suitable car parking and frequently the residents of Station Road are prevented from taking their cars in and out of their properties because driveways are blocked.

Comment

Council engineers have fully assessed the development in relation to:-

- Car parking requirements.
- Road and traffic congestion.
- Capacity of the nearby intersection to support the development.
- Impact of car parking within the local road network.

It is determined that the local road network is capable of handling the additional traffic loads generated by the development.

4 - The development is out of character of the local area considering the existing two and three storey developments that exist. The size, height and scale of the new development is excessive and considered to be unnecessary.

Comment

The proposed development is consistent with the planning controls and future intentions of the locality being mid rise type developments close to the Auburn Railway Station. The development may appear to be out of character of the local area at the present time in terms of mass, bulk and height however in future such development will be common place. It is considered that the development fits the long term vision and aim for the locality.

5 - The development will create excessive noise and project an excessive shadow across my apartment. Another submission specifically states that the development will create excessive overshadowing of adjoining and nearby properties.

Comment

Issues of noise and shadowing are comprehensively addressed in the assessment report. These are two issues that require detailed analysis to ensure appropriate residential amenity is protected. It is concluded that a satisfactory outcome is achieved.

6 - The developer is to ensure that the development meets the requirements of Ausgrids requirements for Network Standards in relation to blast and fire segregation. The developer must make a formal submission to Ausgrid by means of a duly completed Connection Application Form to enable Ausgrid to assess any impact to its infrastructure and determine the electrical supply requirements for the development.. Ausgrids technical standards must not be compromised in relation to the safe and reliable operation and maintenance of the electricity network.

Comment

The applicant has since lodged appropriate documents with Ausgrid. In correspondence dated 10 June 2015, AUSGRID has identified that an L Type kiosk substation will be required to support the development. The works are classified as Connection Works. The development has been given Number 190054753 by AUSGRID.

Correspondence confirms that critical services are capable of being supplied to the development. The applicant has addressed Ausgrid's concern raised.

7 - Buses will need to be relocated causing a further loss of car parking and contributing to more congestion.

Comment

Any impact on nearby bus stops would be addressed at the construction certificate stage. The applicant will be required to address the matter of nearby bus stops as part of the construction management plan until work is complete. This will be addressed as a condition for the Joint Regional Planning Panel to consider as part of their deliberations on the matter.

8 - The number of cars entering and leaving will create hazards for pedestrians.

Comment

Council engineers consider the driveways and footpaths as being acceptable.

9 - Many more young children will come into the area once the development is complete. The children will need to play. Railway Park next to Auburn Railway Station is always full of children and is not large enough to accommodate the large number of children who attend the park. There is inadequate play area provided within the development.

Comment

The development provides adequate common space on Level 2 which is exposed to the north facing sunlight year round. Additionally, it is found that the common open space complies with the provisions of the Residential Flat Design Code.

10 - The issue of rubbish and people throwing rubbish onto adjoining properties is required to be addressed.

Comment

It would be possible to throw rubbish from some of the balconies into adjoining properties. Any occupant buying into or occupying an apartment would be required to abide by a set of Strata rules governing the building which will address the behaviour of occupants. The responsibility for preventing this would fall onto the Strata Manager for the building.

11 - Garbage trucks entering and leaving the premises will create excessive noise for adjoining residents.

Comment

The matter of garbage collection and timing is addressed within the acoustic report. The acoustic report identifies that garbage collection may only occur between the hours of 7 am and 10 pm. Should the Joint Regional Planning Panel support the development, then it is determined that a condition would be required reinforcing the findings made regarding garbage collection. Additionally, the acoustic report would need to be incorporated into any consent issued due to the number of recommendations that are made.

12 - The garbage is in an open area and people often throw their rubbish on the ground should the bins be filled. The bins should be within an enclosed area to prevent an infestation of rats, mice, flies and cockroaches.

Comment

The garbage bin store for the residents has been relocated to the rear as shown in amended plans. The issue raised in the first submission period is agreed however the applicant has attended to the issues regarding waste storage, waste removal and resident access to the garbage facility.

13 - There is a high concentration of residential buildings in the Auburn area mostly occupied by tenants who often leave furniture, bedding and other rubbish on the footpath and nature strip. The same issues will occur within this development.

Comment

It is unlikely that this would occur on this building given the context of the site within the town centre of Auburn and the type of use occurring at ground level.

Any occupant buying into or occupying an apartment would be required to abide by a set of Strata rules governing the building which will address the behaviour of occupants. The responsibility for preventing this would fall onto the Strata Manager for the building.

In addition, any consent issued would include appropriate conditions addressing waste removal and waste management.

14 - The height of the development is excessive. The height restriction is 38 metres however there is a protrusion that exceeds 38 metres.

Comment

Amended plans have been lodged with the Council for final assessment. The amended plans show the development as being compliant with the 38 metre height limit. It would be appropriate to condition any consent ensuring that the levels are complied with because the building reaches the 38 metre height limit but does not exceed that figure.

15 - Auburn Hospital and schools within the area will not be able to service the additional number of residents who move into the area due to the development.

Comment

It is acknowledged that all new developments create the need for new services within the local network. However, the statement provided by the objector is not verified with in depth analysis and studies to prove that local services can or cannot handle the population gain.

Prior to the change in the building heights and floor space ratios of the locality, an in depth analysis was undertaken specific to the level of servicing and population potential of the locality. It was determined that the locality was capable of supporting the population density envisaged for the area.

16 - The northern street of Auburn are often quite hot and we already suffer from lack of trees which help to create shade. There are at least five trees on site that help to create shade which will be destroyed if an eleven storey building was built. The small number of gardens would not compensate adequately as a replacement. The trees could be preserved via a smaller development.

Comment

The development application includes the removal of all the trees within the site. An Arborist Report prepared by Redgum Horticultural (Ref Number 1222) and dated 10 December 2014 has been prepared for assessment. The arborist report identifies at least 18 trees on the site affected by the development.

Many of the species are found to be in fair condition and the report determines that the species should be removed. Many of the species are mature but they are not locally indigenous species. Others are exotic species and palms and many are competing with one another for space.

The trees are recommended for removal given their stature.

Public Meeting 10 February 2015

In addition, a public meeting concerning the development was held on Tuesday 10 February 2015. During that meeting, 11 attended and the following issues were raised and or discussed.

- Demise of the bus stop at the front of the development.
- Loss of on street car parking.
- Streetscape and height of the building.
- Traffic congestion at the intersection of Northumberland Road with Rawson Street.
- Loss of trees.
- Loading and unloading and how service trucks would use the development.
- Noise impacts.
- Garbage disposal.
- Crime prevention.
- Shadowing towards the south created by the development.

Substantial amendments have been undertaken to the building with most issues being addressed and or further documentation being provided to assist the assessment of the development application.

Amended plans - Second notification period

As a result of amended plans being lodged, a second re notification period was undertaken during the period Friday 19 June to Friday 3 July 2015 by mail only. The concept of the building remained the same however design changes to the building had occurred. The second notification period generated two submissions.

The submissions are exactly the same as the first submission and made by the same objectors to the first notification period. The following matters are raised:-

- Current road infrastructure at the intersection of Northumberland Road and Rawson Street being inadequate to support such an increase in the number of residents.
- There is inadequate car parking in North Auburn.
- The proposed development is grossly out of character with the north side of Auburn.
- Increased congestion and noise.
- Shadowing issues.
- Loss of trees.

No additional new concern is raised.

Comments

The matters are addressed in detail in the first submission period described above and do not require further review.

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

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

Operational Plan / Delivery Program

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

Conclusion

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

The proposed development is appropriately located within the B4 (Business Zone) under the provisions of the Auburn Local Environmental Plan 2000. There are some variations to the planning instruments with the most significant being the shadowing issue towards the south at Number 8 to 10 Northumberland Road and the shortfall of car parking. The issue of shadowing and shortfall of car parking has been addressed in a comprehensive manner within the report.

Having regard to the assessment of the proposal from a merit perspective, the Joint Regional Planning Panel may be satisfied that the development has been responsibly designed and

provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non statutory controls applying to the land.

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

Summary of Compliance

12 to 14 Northumberland Road Auburn

The compliance table below contains a summary of the applicable development standards and a compliance checklist relative to the subject development application no. DA-460/2014:-

Standard	Requirement	Proposal	Compliance	Percentage variance
SEPP 65 - Residential Flat Design Code:				
Building Depth (Internal plan depth)	Max. 18m (glass line to glass line).	Less than 18 metres.	Yes	N/A
Building Separation	*9 storeys and above:* 24m between habitable rooms / balconies, 18 metres between habitable rooms and balconies and non habitable rooms. 12m between non	North Elevation: 6 to 12.4 metres South Elevation (On boundary but satisfactory) West Elevation: 9	**No for the northern boundary. A variation of at least 6 metres is identified.**	**As much as 6 metres across the northern elevation.**

	habitable.	metres.		
Communal Open Space	Min. 25-30% site area, larger sites - 30%	520.24 sq m (31%)	**Yes**	**N/A**
Deep Soil	Min. 25%	0%	**The non-compliance is supported in this instance given that (i) the development site is within Auburn Town Centre and (ii) the need to provide commercial uses on the ground floor and a soccer club plus basement car parking.** **A requirement for minimum 25% deep soil zone may not be practical in this instance without significantly compromising on the development potential of the site.**	**Approx. 418.2 sq m or 25%**
Apartments - Visitable / Barrier free	Min. 20%	100% visitable, all units are accessible via lifts and ramps to main entries.	All comply.	N/A
Single Aspect – depth	Kitchens max. 8m from window, Cross-through width min. 4m	Max distance 8m - All comply. All the apartments are wide enough or exceed the minimum provision.	All comply	N/A
Balcony Depth	Min. 2m & 2.4m - 2-3BR	Min. 2m & 2.4m for 2 and 3 bed	Yes.	N/A
Ceiling Heights	Min. 2.7m - Residential, min. 3.3m - Commercial	2.7 metres. This excludes the club levels.	Yes	N/A
Internal Circulation	Max. 8 per lift core.	Max. 9. However, the corridors are open. A second corridor is not viable for the development.	**No**	1
Storage	Min. 6cum - 1BR, 8cum - 2-3 BR	Provided in basement levels	Yes	N/A
Daylight / Solar Access	Min. 2hr for 70% of apartments; Max. 10% south facing single aspect apartments	70.37% or 57/81 apartments The proposal does not incorporate any single south facing apartments.	Yes Yes	N/A N/A
Natural cross Ventilation	Min. 60% of apartments	72 of 81 apartments achieve cross ventilation.	Yes	N/A
Unit sizes	1 Bed - 50 sqm 2 Bed - 70 sqm 3 bed - 95 sq m	Min. 54.8 sqm Min. 70 sqm - Max. 80.4 sqm 95.4 sq m.	Yes Yes Yes	N/A

Auburn Local Environmental Plan 2010				
Lot Size	1,672.8 sq m	No change	N/A	N/A
Building Height	Max. 38 metres	38 metres	Yes	N/A
Floor Space Ratio	Max. 5:0:1 (8,364 sq m)	4.854:1 (8,120 sq m)	Yes	N/A

Appendix B

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

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

Requirement	Yes	No	N/A	Comment

Requirement	Yes	No	N/A	Comment
2 Aims, objectives etc				
(1) This Policy aims to improve the design quality of residential flat development in New South Wales.	☒	☐	☐	The development proposal would contribute to the availability of housing stock within the Auburn town centre. The contemporary design would make a positive contribution to the locality and proposes apartments with suitable levels of amenity. If constructed, the building would be of a larger scale compared with other development existing within the vicinity of the site, however, the locality is considered to be in transition and the building is generally consistent with the broader intentions for this zone as expressed in the Auburn LEP 2010.
(2) This Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.	☒	☐	☐	
(3) Improving the design quality of residential flat development aims:	☒	☐	☐	
(a) to ensure that it contributes to the sustainable development of New South Wales:	☒	☐	☐	
(i) by providing sustainable housing in social and environmental terms, and				
(ii) by being a long-term asset to its neighbourhood, and	☒	☐	☐	
(iii) by achieving the urban planning policies for its regional and local contexts, and				
(a) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and	☒	☐	☐	
(b) 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, and	☒	☐	☐	
(c) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and	☒	☐	☐	
(d) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions.	☒	☐	☐	
(4) This Policy aims to provide:				
(a) consistency of policy and mechanisms across the State, and	☒	☐	☐	
(b) a framework for local and regional planning to achieve identified outcomes for specific places.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
30 Determination of development applications				
(1) After receipt of a development application for consent to carry out residential flat development (other than State significant development) and before it determines the application, the consent authority is to obtain the advice of the relevant design review panel (if any) concerning the design quality of the residential flat development.	☐	☐	☒	No formalised Design Review Panel exists in respect of the Auburn LGA.
(2) In determining a development application for consent to carry out residential flat development, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):	☐	☐	☒	
(a) the advice (if any) obtained in accordance with subclause (1), and	☒	☐	☐	Refer to discussion of design quality principles below.
(b) the design quality of the residential flat development when evaluated in accordance with the design quality principles, and	☒	☐	☐	Refer discussion of Residential Flat Design Code below.
(c) the publication Residential Flat Design Code (a publication of the Department of Planning, September 2002).	☒	☐	☐	
(3) However, if the relevant design review panel fails to inform the consent authority of its advice concerning the design quality of the residential flat development within 31 days after the request for its advice is made by the consent authority, the consent authority may determine the development application without considering any such advice and a development consent so granted is not voidable on that ground.	☐	☐	☒	
(4) The 31-day period referred to in subclause (3) does not increase or otherwise affect the period within which a development application is required to be determined by a consent authority.				
Part 2 Design quality principles				
Principle 1: Context Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.	☒	☐	☐	The site is within the city block bound by Hall Street to the north, Rawson Street to the south, Northumberland Road to the east and Macquarie Road to the west. There are a number of residential flat buildings within the city block ranging in height from two storeys to eight storeys with the building at 22 Northumberland Road being the tallest. It is identified that the local planning controls allow for a building of 38 metres with a floor space ratio of 5:0. The height is consistent with the permitted planning controls. The building reaches a maximum height of 38 metres but does not exceed that figure.

Requirement	Yes	No	N/A	Comment
Principle 2: Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale if 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.	☒	☐	☐	The development application is seeking consent for a mix use commercial / registered club and residential flat building. The plans show a nine storey residential flat building over and above a registered club. The building will present a strong facade and large mass toward Northumberland Road with no setbacks provided at the upper levels to provide relief to the streetscape. There are blade wall elements, balconies and glazing presented towards the street. Generally, the building has a large mass when viewed from Northumberland Road. In additional to this, another development provides for a similar style of building opposite the site at 5 to 7 Northumberland Road opposite the site. There are greater side and rear setbacks for parts of the rear portion of the building which allows for the introduction of a podium for use as common space, landscaping, and courtyards for Apartments Numbered U205, U206, U207, U208 and U209. The scale and form is considered suitable for the site and consistent with the desired scale of building for the zone as expressed in the Auburn LEP 2010.

Requirement	Yes	No	N/A	Comment
Principle 3: Built form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	☒	☐	☐	The residential flat building above the registered club is 9 storeys in height with each storey having the same floor plate and shape. There are balconies provided for the front apartments across all the levels. There are numerous other balconies facing the north and west of the site. The rear setback of the tower is 9 metres. The residential flat building observes a zero setback from the side boundaries at the front of the site and part of the southern property boundary. The height is consistent with the permitted planning controls. The building reaches a maximum height of 38 metres but does not exceed that figure. It is considered that the treatment of the building, the building materials and colours is satisfactory.

Requirement	Yes	No	N/A	Comment
Principle 4: Density Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area, or in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.	☒	☐	☐	The floor space ratio for the development is calculated at 4.854:1. This is based on a building with a floor area of 8,120 square metres and with the corridors being open. The specifics of the development are:- • 7 x 1 bedroom apartments. • 67 x 2 bedroom apartments. • 7 x 3 bedroom apartments. Of those there are 9 adaptable apartments out of a total of 81 apartments. The development application incorporates a single site comprising a car park. There are no isolated sites generated by the development. It is identified that the site at Number 16 Northumberland Road is narrow but a site inspection identifies that a three storey residential flat building has been constructed across the site. There are twenty seven (27) apartments with dual aspect while the others have single aspect. The density of the development is considered appropriate for the site and in accordance with the requirements of the Auburn LEP 2010.
Principle 5: Resource, energy and water efficiency Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.	☒	☐	☐	The development meets the targets established by the BASIX Report. The design also incorporates satisfactory solar penetration and ventilation to as many apartments as feasible to reduce energy demands. The apartments on each level have floor to ceiling heights of 2.7 metres. The site is located within the northern part of the Auburn Town Centre and within 97 to 129 metres from the Auburn Railway Station. This would reduce car use and dependence for future residents of the building.

Requirement	Yes	No	N/A	Comment
Principle 6: Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design 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. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbour's amenity, and provide for practical establishment and long term management.	☒	☐	☐	The provision of basement car park limits the opportunity for deep soil zones. (It should also be noted that the site falls within the commercial town centre where the opportunity for the provision of deep soil is typically less compared with development in other areas). There is no opportunity for deep soil zone in this application. Some limited form of landscaping is provided at grade and across Level 2 but all forms of landscaping comprises the use of planter boxes. The total area of landscaping comprising the use of planter boxes is shown as:- • Ground level - 24.7 square metres. • Level 2 - 203 square metres. This will permit some landscaping at grade and on Level 2 using primarily small shrubs. The use of planter boxes on podiums and terraces helps to introduce some greenery into the physical building envelope and should be supported.
Principle 7: Amenity Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.	☒	☐	☐	A range of apartment sizes are proposed in the development, most of which have suitable solar access / natural ventilation in conjunction with appropriate floor to ceiling heights. The site is provided with the relevant services including storage areas, mail boxes, garbage room and two common areas situated atop the roof / podium of the club. All the apartments have suitably sized outdoor areas such as balconies or courtyards. The development is considered to provide an appropriate level of amenity for the future residents.
Principal 8: Safety and security Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.	☒	☐	☐	A detailed crime and safety report has been submitted with the development application. The matters of crime and safety have been adequately addressed earlier in the report. It is identified that the development application is compliant with Principal 8.

Requirement	Yes	No	N/A	Comment
Principal 9: Social dimensions and housing affordability Good design responds to the social context and needs in the neighbourhood or in the case of precincts undergoing transition, provide for the desired future community. 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.	☒	☐	☐	The apartment mix is considered to be satisfactory. The specifics of the building are:- • 7 x 1 bedroom apartments. • 67 x 2 bedroom apartments. • 7 x 3 bedroom apartments. Of those there are 9 adaptable apartments out of a total of 81 apartments. The site is within the northern side of the Auburn Town Centre but within land zoned B4 Mixed Use. Services are readily available close by such as shopping facilities, public transport, schools, healthcare and religious activities. The mix of apartments is satisfactory.
Principle 10: Aesthetics Quality aesthetics reflect the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	☒	☐	☐	The development has been suitably treated and includes appropriate finishes. A combination of building materials will be used such as masonry, glass, steel and concrete.

Residential Flat Design Code - Assessment and Comments:

Residential Flat Design Code - RFDC

Requirement	Yes	No	N/A	Comment
Part 1 - Local Context				
Building Type				
• **Residential Flat Building**. • Terrace. • Townhouse. • Mixed-use development. • Hybrid.	☒ ☐ ☐ ☐	☐ ☐ ☐ ☐	☐ ☒ ☒ ☒	The proposed development consists of a single residential flat tower building situated over a podium formed by the new soccer club building. The site is within the northern section of the Auburn Town Centre.
Subdivision and Amalgamation				

Requirement	Yes	No	N/A	Comment
Objectives • Subdivision/amalgamation pattern arising from the development site suitable given surrounding local context and future desired context. • Isolated or disadvantaged sites avoided.	☒ ☒	☐ ☐	☐ ☐	Land subdivision of the site is not proposed or required. It is determined that there are no isolated allotments created by the development. There is a single residential flat building complex to the immediate north situated on a relatively narrow site but it is determined that the site has been developed to an appropriate level. Concern is raised in relation to the impact the development will have to three south facing balconies within the development at 16 Northumberland Road. The residential flat building on that site features three south facing balconies that will face directly to a north facing wall. The applicant was requested to address the matter. In correspondence dated 12 June 2015, the building is designed so that a future building at the site could be constructed to the boundary and the indentations that provide a secondary aspect could be maintained as ventilation and light wells. The living areas of the dwellings are oriented towards the north and as such, suitable amenity is maintained for the existing apartments. Further comment: The approved plans for the building at 16 Northumberland Road shows the internal living spaces oriented towards the north. Each apartment of that building is provided with north facing balconies. Furthermore, the bedrooms of the various apartments in that building are oriented towards the north or east and not the south. There is loss of amenity but the loss is acceptable given that each apartment is provided with north facing living areas that connect to north facing balconies.
Building Height				

Requirement	Yes	No	N/A	Comment
Objectives • To ensure future development responds to the desired scale and character of the street and local area. • To allow reasonable daylight access to all developments and the public domain.	☒ ☒	☐ ☐	☐ ☐	Excluding the two storey mixed use component and club at ground level and level 1, the residential apartment tower building is nine storeys high and rises from a podium formed by the roof of the club. The planning controls support a mixed use development to a maximum height of 38 metres. The height is consistent with the permitted planning controls. The building reaches a maximum height of 38 metres but does not exceed that figure.
Building Depth				
Objectives • To ensure that the bulk of the development is in scale with the existing or desired future context. • To provide adequate amenity for building occupants in terms of sun access and natural ventilation. • To provide for dual aspect apartments.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The building when viewed from Northumberland Road is shown as being built boundary to boundary which is considered as being appropriate for a high density urban environment. The building has a smaller footprint at the rear and greater side and rear setbacks allow for the inclusion of common open space across the podium level. There are 27 dual aspect apartments but for the most part, apartments have single aspect and or face one direction.
Controls • The maximum internal plan depth of a building should be 18 metres from glass line to glass line. • Freestanding buildings (the big house or tower building types) may have greater depth than 18 metres only if they still achieve satisfactory daylight and natural ventilation. • Slim buildings facilitate dual aspect apartments, daylight access and natural ventilation. • In general an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate for satisfactory day lighting and natural ventilation are to be achieved.	☒ ☐ ☒ ☒	☐ ☐ ☐ ☐	☐ ☒ ☐ ☐	The complex incorporates a broader mass towards Northumberland Road which is appropriate for a dense urban setting within the Auburn Town Centre. The rear component of the residential flat tower complex has building depths that is less than 18 metres. There are some dual aspect apartments but most have single aspect. The design takes the form of a tower apartment complex and where possible, a slimmer building is achieved.
Building Separation				

Requirement	Yes	No	N/A	Comment
Objectives • To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings.	☒	☐	☐	
• To provide visual and acoustic privacy for existing and new residents.	☒	☐	☐	
• **To control overshadowing of adjacent properties and private or shared open space.**	☐	☒	☐	**A building of 38 metres will generate a shadow impact towards the south. Shadow analysis diagrams are provided and it is identified that the shadow impacts are significant, especially for the building at 8 to 10 Northumberland Road to the immediate south. The shadow impacts are described in greater detail where appropriate.**
• To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants.	☒	☐	☐	
• To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow.	☐	☒	☐	**Due to the location of the site within a high density urban environment and the proposed club and basement car park, it is identified that no deep soil zone is introduced into the development.** **A significant variation is identified but it is appropriate to support the development application given the context of the site and building typology.**

Requirement	Yes	No	N/A	Comment
Controls • For buildings over three storeys, building separation should increase in proportion to building height: • For buildings over three storeys, building separation should increase in proportion to building height: **Nine storeys and above / over 25 metres:** ▪ **24m between habitable rooms/balconies** ▪ **18m between habitable rooms/balconies and non habitable rooms** ▪ 12m between non habitable rooms Allow zero separation in appropriate contexts, such as in urban areas between street wall building types (party walls). • Where a building step back creates a terrace, the building separation distance for the floor below applies. • **Coordinate building separation controls with side and rear setback controls - in a suburban area where a strong rhythm has been established between buildings, smaller building separations may be appropriate.** • Coordinate building separation controls with controls for daylight access, visual privacy and acoustic privacy. • Protect the privacy of neighbours who share a building entry and whose apartments face each other by designing internal courtyards with greater building separation. • Developments that propose less than the recommended distances apart must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved.	☒ ☐ ☒ ☒ ☐ ☒ ☒ ☒	☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☒ ☐ ☐ ☐	The residential tower complex is situated across the roof / podium of the soccer club. The residential flat building complex facing Northumberland Road is shown as being boundary to boundary of the site which is appropriate. There is also a rear section that is shown as being on the southern property boundary. The tower building (Exclusive of the club which is not being assessed using the planning instrument) observes the following setbacks:- • **6 metres from the northern bedroom windows to the property boundary.** • **12.4 metres from the balconies to the northern property boundary and 12.8 metres between building elements.** • 9 metres between the western facing apartments and the fence line / property boundary of a primary school. With a private school and playground to the west, it is considered that the guideline should not be applied in its entirety and a merit assessment should be applied. **The guideline should be applied for the northern setbacks and it is determined that a variation occurs. Much of the variation lies with the subdivision pattern and the setbacks of the building known as 16 Northumberland Road from the southern property boundary. The building on that site is built to the southern boundary of the property at the front and as much as 900 mm towards the rear.** **It is not feasible or practical to have an 18 metre setback clearance along the northern boundary because this would result in more than one half of the site being rendered unusable for a residential flat building development.** **It is considered that the 6 and 12 meter setbacks for the north facing apartments is appropriate as follows:-** **The bedroom windows facing north are set at a high level for each floor.** **A wide setback as much as practical is provided for the apartments that are facing north.**
Street Setbacks				

Requirement	Yes	No	N/A	Comment
Objectives • To establish the desired spatial proportions of the street and define the street edge. • To create a clear threshold by providing a transition between public and private space. • To assist in achieving good visual privacy to apartments from the street. • To create good quality entry spaces to lobbies, foyers or individual dwelling entrances. • To allow an outlook to and surveillance of the street. • To allow for street landscape character.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	
Controls • Minimise overshadowing of the street and/or other buildings. • In general no part of a building or above ground structure may encroach into a setback zone - exceptions are underground parking structures no more than 1.2 metres above ground where this is consistent with the desired streetscape, awnings, balconies and bay windows.	☒ ☒	☐ ☐	☐ ☐	The residential flat building has a setback of 200 to 800 mm from Northumberland Road. The site is within the Auburn Town Centre and it is determined that the building should have a street setback that promotes a strong urban form to the street.
Side & Rear Setbacks				
Objectives • **To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings.** • To retain or create a rhythm or pattern of development that positively defines the streetscape so that space is not just what is left over around the building form. Objectives - Rear Setbacks • **To maintain deep soil zones to maximise natural site drainage and protect the water table.** • **To maximise the opportunity to retain and reinforce mature vegetation.** • To optimise the use of land at the rear and surveillance of the street at the front. • To maximise building separation to provide visual and acoustic privacy.	☐ ☒ ☐ ☐ ☒ ☒	☒ ☐ ☒ ☒ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	**The building will create a significant shadow across Number 8 to 10 Northumberland Road that will require greater discussion. There is a lesser impact towards Number 5 and 7 Northumberland Road located on the opposite side of the road carriageway.** **The shadow impacts are discussed at the appropriate sections of this report.** Due to a soccer club and a multiple level basement car park, it is identified that there is no capacity for the site to support deep soil zone areas. Crime prevention and surveillance is addressed elsewhere in the report and it is determined that compliance is achieved.
Controls • Where setbacks are limited by lot size and adjacent buildings, 'step in' the plan on deep building to provide internal courtyards and to limit the length of walls facing boundaries. • In general no part of a building or above ground structure may encroach into a setback zone – exceptions are underground parking structures no more than 1.2 metres above ground where this is consistent with the desired streetscape, awnings, balconies and bay windows.	☒ ☒	☐ ☐	☐ ☐	The building setbacks are considered to be satisfactory.
Floor Space Ratio				

Requirement	Yes	No	N/A	Comment
Objectives • To ensure that development is in keeping with the optimum capacity of the site and the local area. • To define allowable development density for generic building types. • To provide opportunities for modulation and depth of external walls within the allowable FSR. • To promote thin cross section buildings, which maximise daylight access and natural ventilation. • To allow generous habitable balconies.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The floor space ratio is calculated at 4.854:1 which is compliant with the Auburn Local Environmental Plan 2010 at Clause 4.4(2).
Part 02 Site Design				
Site Analysis				
• Site analysis should include plan and section drawings of the existing features of the site, at the same scale as the site and landscape plan, together with appropriate written material. • A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the application.	☒ ☒	☐ ☐	☐ ☐	The development is accompanied by a Statement of Environmental Effects which includes detailed site analysis, information in relation to existing conditions and how the proposed development performs in relation to the applicable planning controls.
Deep Soil Zones				
Objectives • To assist with management of the water table. • To assist with management of water quality. • To improve the amenity of developments through the retention and/or planting of large and medium size trees.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The development application requires the complete excavation of the site to a depth of 18.635 metres. As a result, no deep soil zone is provided on site. The issue of water tables is addressed in the Preliminary Contamination Assessment report prepared by Geo Enviro Consultancy Pty Ltd (Ref Number JE14578B) and dated December 2014. It is identified in that report that water tables are not expected to be an issue due to the soil profiles underlying the site.

Requirement	Yes	No	N/A	Comment
Design Practice **• Optimise the provision of consolidated deep soil zones within a site by the design of basement and sub basement car parking so as not to fully cover the site; and the use of front and side setbacks.** **• Optimise the extent of deep soil zones beyond the site boundaries by locating them with the deep soil zones of adjacent properties.** **• Promote landscape health by supporting for a rich variety of vegetation type and size.** **• Increase the permeability of paved areas by limiting the area of paving and/or using impervious materials.** **• A minimum of 25% of the open space area of a site should be a deep soil zone.**	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	**The development application is not compliant with the stated provisions. The site is situated within a high density urban environment of the Auburn Town Centre where the planning controls support and encourage mixed use developments on the scale shown on the plans.** **In addition, the development application is proposing the relocation of a soccer club from 5 to 7 Northumberland Road to 12 and 14 Northumberland Road which is earmarked to occupy the entire site at level 1 as well as part of the ground level.** **The ground level consists of a number of services, utilities, access paths, vehicular access ways, part of the soccer club and two additional commercial tenancies. The building works associated with the ground floor occupies the entire site area.** **The basement car park occupies the entire site to a depth of 18.635 metres.** **As a result of the works, the site will not be provided with any deep soil zone. It is considered appropriate to allow the variation to the stated controls given the typology of the building that is proposed.**
Fences and Walls				
Objectives • To define the edges between public and private land. • To define the boundaries between areas within the development having different functions or owners. • To provide privacy and security. • To contribute positively to the public domain.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The edges of the public space and private space are defined at street level. A separate entrance area is defined for the residential apartments independent of the main entry area to the club. On this ground alone, the development is considered as being compliant with the stated objectives.

Requirement	Yes	No	N/A	Comment
Design Practice • Respond to the identified architectural character for the street and/or the area. • Clearly delineate the private and public domain without compromising safety and security by designing fences and walls which provide privacy and security while not eliminating views, outlook, light and air; and limiting the length and height of retaining walls along street frontages. • Contribute to the amenity, beauty and useability of private and communal open spaces by incorporating benches and seats; planter boxes; pergolas and trellises; BBQs; water features; composting boxes and worm farms. • Retain and enhance the amenity of the public domain by avoiding the use of continuous blank walls at street level; and using planting to soften the edges of any raised terraces to the street, such as over sub basement car parking and reduce their apparent scale. • Select durable materials which are easily cleaned and graffiti resistant.	☒ ☒ ☒ ☐ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☐	The development encompasses no fence structures due to what is proposed at ground level. Security is determined as being acceptable although certain conditions as recommended by the Flemington Police Command will be essential for any consent that is issued. Common space The rear common space on level 2 includes walkways, planter box structures, seating and formal open space area. There is a separate common area situated on the southern side of the building and accessible from an open corridor that includes a playground facility.
Landscape Design				
Objectives • To add value to residents' quality of life within the development in the forms of privacy, outlook and views. • To provide habitat for native indigenous plants and animals. • To improve stormwater quality and reduce quantity. • To improve the microclimate and solar performance within the development. • To improve urban air quality. • To contribute to biodiversity.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	Limited form of landscaping is provided on Level two within the common area. The landscaping consists primarily of planter boxes which are capable of supporting shrubs and small trees.
Design Practice • Improve the amenity of open space with landscape design which: provides appropriate shade from trees or structures; provides accessible routes through the space and between buildings; screens cars, communal drying areas, swimming pools and the courtyards of ground floor units; allows for locating art works where they can be viewed by users of open space and/or from within apartments. • Contribute to streetscape character and the amenity of the public domain by: relating landscape design to the desired proportions and character of the streetscape; using planting and landscape elements appropriate to the scale of the development; mediating between and visually softening the bulk of large development for the person on the street. • Improve the energy efficiency and solar efficiency of dwellings and the microclimate of private open spaces. • Design landscape which contributes to the site's particular and positive characteristics. • Contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management. • Provide a sufficient depth of soil above paving slabs to enable growth of mature trees. • Minimise maintenance by using robust landscape elements.	☒ ☐ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☒ ☐ ☐ ☐ ☐ ☐	The landscaping on the podium occupies 202.6 square metres but contained within planter boxes. This will require water proofed membranes to prevent water penetrating the concrete slab below where appropriate. The planter boxes will be deep enough to support shrubs and small trees with a height of no greater than 6 to 10 metres. The use of planter boxes on podiums and terraces introduces some greenery into the physical building envelope which should be supported.
Open Space				

Requirement	Yes	No	N/A	Comment
Objectives • To provide residents with passive and active recreational opportunities. • To provide an area on site that enables soft landscaping and deep soil planting. • To ensure that communal open space is consolidated, configured and designed to be useable and attractive. • To provide a pleasant outlook.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	Every apartment features at least one balcony for passive outdoor activities. The apartments on Level 2 towards the rear feature terraces that are to be screened with vegetation and planter box structures. Generally, the objectives are achieved where possible.

Requirement	Yes	No	N/A	Comment
Design Practice • Provide communal open space which is appropriate and relevant to the building's setting.	☒	☐	☐	A common open space area is provided across the northern and western portions of Level 2. The common area features a pathway, landscaped elements being planter boxes and seating. There is a smaller separate common area on the south of the building that incorporates play equipment to ensures its use.
• Where communal open space is provided, facilitate its use for the desired range of activities by locating it in relation to buildings to optimise solar access to apartments; consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape; designing its size and dimensions to allow for the program of uses it will contain; minimising overshadowing; carefully locating ventilation duct outlets from basement car parks.	☒	☐	☐	
• Provide open space for each apartment capable of enhancing residential amenity in the form of balcony, deck, terrace, garden, yard, courtyard and/or roof terrace.	☒	☐	☐	
• Locate open space to increase the potential for residential amenity by designing apartment buildings which: are sited to allow for landscape design; are sited to optimise daylight access in winter and shade in summer; have a pleasant outlook; have increased visual privacy between apartments.	☒	☐	☐	
• Provide environmental benefits including habitat for native fauna, native vegetation and mature trees, a pleasant microclimate, rainwater percolation and outdoor drying area.	☒	☐	☐	
• The area of communal open space required should generally be at least 25-30% of the site area. Larger sites and brown field sites may have potential for more than 30%.	☒	☐	☐	**<u>Common open space</u>:** The common open spaces including the landscaping elements occupy an area of 520.24 square metres. If this was at grade level, this would occupy 31% of the site area. Technical compliance would be achieved if this area was at grade. The open space and planting is not situated at grade. The location of the open space area is acceptable given the type of development that is proposed.
• Where developments are unable to achieve the recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space and/or a contribution to public open space.	☒	☐	☐	
• **Minimum recommended area of private open space for each apartment at ground level or similar space on structure is 25sqm and the minimum preferred dimension is 4 metres.**	☐	☒	☐	**The Level 2 apartments within the site and facing the common area are provided with terraces that occupy areas of 13.4 square metres to 37 square metres. Only one terrace area would comply with the stated provision.** **The dimensions are adequate but most of the areas fall short of the specified provision.** **Specific to amenity, the terraces are determined as having adequate sizes for their intended uses.**
Orientation				

Requirement	Yes	No	N/A	Comment
Objectives • **To optimise solar access to residential apartments within the development and adjacent development.** • To contribute positively to desired streetscape character. • To support landscape design of consolidated open space areas. • **To protect the amenity of existing development.** • To improve the amenity of existing development.	☐ ☒ ☒ ☐ ☒	☒ ☐ ☐ ☒ ☐	☐ ☐ ☐ ☐ ☐	**The development will create a shadow impact to the south which is unavoidable especially for a building that reaches 38 metres in height within a town centre environment.**
Design Practice • Plan the site to optimise solar access by: positioning and orienting buildings to maximise north facing walls (within 30^0 east and 20^0 west of north) where possible; and providing adequate building separation within the development and to adjacent buildings. • Select building types or layouts which respond to the streetscape while optimising solar access. Where streets are to be edged and defined by buildings: align buildings to the street on east-west streets; and use courtyards, L-shaped configurations and increased setbacks to northern side boundaries on north-south streets. • Optimise solar access to living spaces and associated private open spaces by orienting them to the north. • Detail building elements to modify environmental conditions as required to maximise sun access in winter and sun shading in summer.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	**Shadow diagrams and detailed analysis diagrams are provided for June and December. The greatest shadow impact will occur during the period close to the winter solstice and the months immediately before and after the solstice.** **The worst of the shadow impact is during late Autumn and early to mid winter being May, June and July.** **The winter shadow impact especially towards Number 8 to 10 Northumberland Road to the immediate south is significant.** **There is also a less significant impact to Number 5 and 7 Northumberland Road which is expected to be redeveloped for mixed use retail and apartments in the long term.** For a town centre environment with high density planning controls, the shadow impact is unavoidable. **8 to 10 Northumberland Road** To assist in the promotion of light and ventilation within and external to the site, the architect has designed a building with a common area to the south which provides some setback from the southern property boundary. This will promote additional sunlight to the south especially during the period February to April and August to October. This is turn assists in retaining some degree of amenity to the residents of the building to the immediate south. **Internal sunlight penetration**. According to a compliance table prepared by Zhinar Architects and modelling, at least 57 of 81 apartments will receive a minimum of 2 hours of internal sunlight penetration at the winter solstice. This equates to 70.37% of the apartments receiving some sunlight penetration.
Planting on Structures				

Requirement	Yes	No	N/A	Comment
Objectives • To contribute to the quality and amenity of communal open space on roof tops, podiums and internal courtyards. • To encourage the establishment and healthy growth of trees in urban areas.	☒ ☒	☐ ☐	☐ ☐	The objectives are achieved.
Design Practice • Design for optimum conditions for plant growth by: providing soil depth, soil volume and soil area appropriate to the size of the plants to be established; providing appropriate soil conditions and irrigation methods, providing appropriate drainage. • Design planters to support the appropriate soil depth and plant selection by: ensuring planter proportions accommodate the largest volume of soil possible; and providing square or rectangular planting areas rather than long narrow linear areas. Minimum soil depths will vary depending on the size of the plant however soil depths greater than 1.5 metres are unlikely to have any benefits for tree growth. • 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. • Minimum standards: ○ **Small trees:** ▪ Minimum soil depths 800mm. ○ Ground cover: ○ Minimum soil volume 9 cubic metres. ▪ Any subsurface drainage requirements are in addition to the minimum soil depths.	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	The proposed development is consistent with the Planting on Structures objectives as adequate soil depth is provided within the respective planter boxes. The soil depth in planter boxes is 1 metre which includes shallow sand fill with drainage below plus waterproof membranes. The applicant is using planter boxes to support the shrubs and small trees. It will be possible to plant shrubs and small trees that grow up to 6 metres high. The landscape plan documents the use of feature shrubs and small shrubs in the planter boxes such as:- Magnolia Little Gem (Magnolia) - They grow up to 5 metres in height. A total of 16 are shown to be planted on site. Cupaniopsis Anacardioides (Tuckeroo) - They grow up to 6 metres in height. A total of 2 are shown to be planted on site. Strelitzis Nicoial (Giant Bird of Paradise) - They grow up to 5 metres in height. A total of 4 are shown to be planted. Cyathea Australis (Tree fern) They grow up to 4 metres in height. A total of 3 are shown to be planted.
Stormwater Management				
Objectives • To minimise the impacts of residential flat development and associated infrastructure on the health and amenity of natural waterways. • To preserve existing topographic and natural features including waterways and wetlands. • To minimise the discharge of sediment and other pollutants to the urban stormwater drainage system during construction activity.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Reduce the volume impact of stormwater on infrastructure by retaining it on site. • Optimise deep soil zones. All development must address the potential for deep soil zones. • On dense urban sites where there is no potential for deep soil zones to contribute to stormwater management, seek alternative solutions. • Protect stormwater quality by providing for stormwater filters, traps or basins for hard surfaces, treatment of stormwater collected in sediment traps on soils containing dispersive clays. • Reduce the need for expensive sediment trapping techniques by controlling erosion. • Consider using grey water for site irrigation.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	Stormwater drainage is capable of complying with the relevant controls. Council's Drainage and Development Engineer has determined that the site is capable of being provided with an appropriate storm water system and a number of conditions may be provided for any consent that may be issued. Flood Study A flood study has been prepared addressing flooding and overland flow with the building being designed in accordance with its findings. In addition, the stormwater trunk main and associated easement traversing through the site has been addressed in an appropriate manner.
Safety				
Objectives • To ensure residential flat developments are safe and secure for residents and visitors. • To contribute to the safety of the public domain.	☒ ☒	☐ ☐	☐ ☐	The proposed development is consistent with the Safety objectives as an appropriate level of safety is provided. The matters concerning safety and crime prevention is addressed earlier in the report.
Design Practice • Reinforce the development boundary to strengthen the distinction between public and private space. This can be actual or symbolic and may include: employing a level change at the site and/or building threshold; signage; entry awnings; fences; walls and gates; change of material in paving between the street and the development. • 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. • Improve the opportunities for casual surveillance by: orienting living areas with views over public or communal open spaces where possible; using bay windows and balconies which protrude beyond the main façade and enable a wider angle of vision to the street; using corner windows which provide oblique views of the street; providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks. • Minimise opportunities for concealment by: avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor car parking, along corridors and walkways; providing well lit routes throughout the development; providing appropriate levels of illumination for all common areas; providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard. • Control access to the development by: making apartments inaccessible from the balconies, roofs and windows of neighbouring buildings; separating the residential component of a development's car	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The matter of crime prevention and safety is addressed earlier in the report. A crime safety audit has been submitted with the development application which makes a number of recommendations for addressing certain matters. The safety report should be incorporated into any consent that may be issued due to the recommendations that are made. Flemington Police Command has provided a number of conditions to address crime and safety matters.

Requirement	Yes	No	N/A	Comment
parking from any other building use and controlling car park access from public and common areas; providing direct access from car parks to apartment lobbies for residents; providing separate access for residents in mixed-use buildings; providing an audio or video intercom system at the entry or in the lobby for visitors to communicate with residents, providing key card access for residents. • Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	☒	☐	☐	
Visual Privacy				
Objectives • To provide reasonable levels of visual privacy externally and internally during the day and night. • To maximise outlook and views from principal rooms and private open space without compromising visual privacy.	☒ ☒	☐ ☐	☐ ☐	The proposed development is consistent with the Visual Privacy Objectives as outlook of open space is maximised where possible, without creating adverse impacts.
Design Practice • Locate and orient new development to maximise visual privacy between buildings on site and adjacent buildings by providing adequate building separation, employing appropriate rear and side setbacks, utilise the site layout to increase building separation. • Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments by: balconies to screen other balconies and any ground level private open space; separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms; changing the level between ground floor apartments with their associated private open space, and the public domain or communal open space. • Use detailed site and building design elements to increase privacy without compromising access to light and air.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	It is determined that compliance is achieved. The residential flat building is sited in an appropriate location given the site constraints and the position of adjoining buildings. Of critical importance, the architect has avoided direct view lines into the adjoining buildings to the north and south of the site. There is a private school to the rear at 3 Macquarie Road. To lessen the direct view lines to the west, a 9 metre setback is provided. Additionally, the landscape plan shows 6 Tuckeroo trees being planted at the rear to assist in breaking or reducing the view lines of residents towards the west. It is identified that there is a similar sized residential flat building proposed for Number 5 and 7 Northumberland Road and to some degree, there will be some view lines between balconies and living spaces. Both buildings would be separated by a distance of 20 metres. The road carriageway affords a suitable setback between buildings. Louvre screens are shown across portions of the front façade to assist privacy levels with the degree of screening considered as being appropriate.
Building Entry				

Requirement	Yes	No	N/A	Comment
Objectives • To create entrances which provide a desirable residential identity for the development. • To orient the visitor. • To contribute positively to the streetscape and building facade design.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposed development is consistent with the Building Entry Objectives as the entrance point to the site is clearly visible, identifiable and separate from the club area.
Design Practice • Improve the presentation of the development to the street by: locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network; designing the entry as a clearly identifiable element of the building in the street; utilising multiple entries where it is desirable to activate the street edge or reinforce a rhythm of entries along a street. • Provide as direct a physical and visual connection as possible between the street and the entry. • Achieve clear lines of transition between the public street, the shared private circulation spaces and the apartment unit. • Ensure equal access for all. • Provide safe and secure access. • Provide separate entries from the street for pedestrians and cars; different uses and ground floor apartments. • Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces. • Provide and design mailboxes to be convenient for residents and not to clutter the appearance of the development from the street.	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	The entry to the residential flat building tower is recognisable and separate to the club. In addition, the walkway to the residential flat building is identifiable. Equitable access is proposed via the use of two lift compartments and ramps where appropriate. Mail boxes: A condition will be required for the provision of suitable mail boxes should consent be given to this application. The mail boxes are shown on the plans adjacent to the front entry of the building. Flemington Police Command has recommended that access cards be given to the residents to prevent people who are not residents of the building complex from gaining access to the building.
Parking				
Objectives • To minimise car dependency for commuting and recreational transport use and to promote alternative means of transport - public transport, bicycling and walking. • To provide adequate car parking for the building's users and visitors depending on building type and proximity to public transport. • To integrate the location and design of car parking with the design of the site and the building.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The building is located close to or adjacent to public transport services. **Residential flat building only (Excludes the club)** The residential flat building component is required to be provided with a minimum of 98 car parking spaces to support the apartment mix and 8 additional spaces for visitor use. Therefore, 106 spaces are required to be provided for the residential flat building. The plans show 98 spaces for residential use and 8 spaces for visitor use which achieves the minimum requirement.

Requirement	Yes	No	N/A	Comment
Design Practice • Determine the appropriate car parking spaces in relation to the development's proximity to public transport, shopping and recreational facilities; the density of the development and the local area; the site's ability to accommodate car parking. • Limit the number of visitor parking spaces, particularly in small developments where the impact on landscape and open space is significant. • Give preference to underground parking wherever possible. Design considerations include: retaining and optimising the consolidated areas of deep soil zones; facilitating natural ventilation to basement and sub basement car parking areas; integrating ventilation grills or screening devices of car park openings into the façade design and landscape design; providing safe and secure access for building users, including direct access to residential apartments where possible; provide a logical and efficient structural grid. • Where aboveground enclosed parking cannot be avoided ensure the design of the development mitigates any negative impact on streetscape and street amenity by avoiding exposed parking on the street frontage; hiding car parking behind the building façade – where wall openings occur, ensure they are integrated into the overall façade scale, proportions and detail; wrapping the car parks with other uses. • Minimise the impact of on grade parking by: locating parking on the side or rear of the lot away from the primary street frontage; screening cars from view of streets and buildings; allowing for safe and direct access to building entry points; incorporating parking into the landscape design of the site. • Provide bicycle parking which is easily accessible from ground level and from apartments.	☒ ☐ ☒ ☐ ☐ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☒ ☐ ☒ ☒ ☐	Car parking is within a basement car park which is 6 storeys high. Vehicular access is via a driveway from Northumberland Road. The residential component (Excluding commercial and registered club components) requires the following:- <u>Minimum requirements</u> 7 x 1 bedroom apartments = 7 spaces. 67 x 2 bedroom apartments = 80.4 spaces. 7 x 3 bedroom apartments = 10.5 spaces. Total minimum requirement is 98 spaces. Including visitors:- 8 spaces. Total:- 106 spaces at the minimum requirement. There is an adequate number of car parking spaces to support the residential flat building component of the development. <u>Note</u>:- *This does not include an assessment of the club. The combined assessment of car parking and the club is addressed elsewhere in the report at the appropriate section*. **<u>Loading and unloading</u>** A loading area is provided at the rear of the club for multiple use for loading and unloading, furniture removals and garbage collection. An appropriate link is provided between the loading / unloading area and the residential entry. This will enable furniture removals to occur within the site. **<u>Bike bays</u>** There are 17 bike parking bays provided.
Pedestrian Access				
<u>Objectives</u> • To promote residential flat development which is well connected to the street and contributes to the accessibility of the public domain. • To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their apartments and use communal areas via minimum grade ramps, paths, access ways or lifts.	☒ ☒	☐ ☐	☐ ☐	Access to and from the development is found to be acceptable.

Requirement	Yes	No	N/A	Comment
Design Practice • Utilise the site and its planning to optimise accessibility to the development. • Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entries, lobbies, communal open space, site facilities, parking areas, public streets and internal roads. • Promote equity by ensuring the main building entrance is accessible for all from the street and from car parking areas; integrating ramps into the overall building and landscape design.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	An Access Compliance Report has been prepared with the development application which is prepared by Certified Building Specialists (Report Number A410311) and dated 17 December 2014. The report identifies the areas of compliance that is achieved. It would be appropriate that the report be included into the bundle of plans to be approved should the development application be supported by the Joint Regional Planning Panel.
• Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space. • Maximise the number of accessible, visitable and adaptable apartments in a building. • Separate and clearly distinguish between pedestrian access ways and vehicle access ways. • Consider the provision of public through site pedestrian access ways in large development sites. • Identify the access requirements from the street or car parking area to the apartment entrance. • Follow the accessibility standard set out in AS1428 as a minimum. • Provide barrier free access to at least 20% of dwellings in the development.	☐ ☒ ☒ ☐ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☐ ☐ ☒ ☐ ☐ ☐	There are no ground floor apartments in this development. There are nine adaptable apartments within the development.
Vehicle Access				
Objectives • To integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety. • To encourage the active use of street frontages.	☒ ☒	☐ ☐	☐ ☐	The proposed development is consistent with the Vehicle Access objectives. The vehicle entry driveway is located in an appropriate location.
Design Practice • Ensure that pedestrian safety is maintained by minimising potential pedestrian/vehicle conflicts. • Ensure adequate separation distances between vehicular entries and street intersections. • Optimise the opportunities for active street frontages and streetscape design by: making vehicle access points as narrow as possible; limit the number of vehicle access ways to a minimum; locating car park entry and access from secondary streets and lanes. • Improve the appearance of car parking and service vehicle entries by: screening garbage collection, loading and servicing areas visually away from the street; setback or recess car park entries from the main façade line; avoid 'black holes' in the façade by providing security doors to car park entries; where doors are not provided, ensure that the visible interior of the car park is incorporated into the façade design and materials selection and that building services - pipes and ducts - are concealed; return the façade material into the car park entry recess for the extent visible from the street as a minimum. • Generally limit the width of driveways to a maximum of 6 metres. • Locate vehicle entries away from main pedestrian entries and on secondary frontages.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	One vehicular access way is provided to the building complex from Northumberland Road. The access area is shared with the car park associated with the registered club **Loading and unloading and garbage** An appropriate link is provided between the loading / unloading area and the residential entry. This will enable furniture removals to occur within the site. **The driveway** The driveway is 6.1 metres wide which is adequate for the development.
Part 03 Building Design				

Requirement	Yes	No	N/A	Comment
Apartment Layout				
Objectives • To ensure the spatial arrangement of apartments is functional and well organised. • To ensure that apartment layouts provide high standards of residential amenity. • To maximise the environmental performance of apartments. • To accommodate a variety of household activities and occupants' needs.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	It is considered that the objectives are complied with.
Design Practice • Determine appropriate sizes in relation to: geographic location and market demands; the spatial configuration of an apartments; affordability. • Ensure apartment layouts are resilient over time by accommodating a variety of furniture arrangements; providing for a range of activities and privacy levels between different spaces within the apartment; utilising flexible room sizes and proportions or open plans; ensuring circulation by stairs, corridors and through rooms is planned as efficiently as possible thereby increasing the amount of floor space in rooms. • 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. • Locating main living spaces adjacent to main private open space; locating habitable rooms, and where possible kitchens and bathrooms, on the external face of buildings; maximising opportunities to facilitate natural ventilation and to capitalise on natural daylight by providing corner apartments, cross-over/cross-through apartments; split-level/maisonette apartments, shallow/single aspect apartments. • Avoid locating kitchen as part of the main circulation spaces of an apartment, such as a hallway or entry space. • Include adequate storage space in apartment • Ensure apartment layouts and dimensions facilitate furniture removal and placement. • **Single aspect apartments should be limited in depth to 8 metres from a window.** • **The back of a kitchen should be no more than 8 metres from a window.** • The width of cross-over/cross-through apartments over 15 metres deep should be 4 metres or greater. • Buildings not meeting the minimum standards must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly for habitable rooms. • If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest minimum apartment sizes: **1 bed = 50sqm, 2 bed = 70sqm**, **3 bed = 95sqm.**	☒ ☒ ☒ ☒ ☒ ☐ ☐ ☐ ☒	☐ ☐ ☐ ☐ ☐ ☒ ☒ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐	The apartments achieve a satisfactory furniture layout due to their shape and orientation. The widths of the living spaces reach at least 4 metres for the two bedroom apartments. **Distance from windows** There are no kitchens that exceed a distance of more than 8 metres from a window. There are 45 kitchens situated near a window. **Kitchen windows** A total of 81 kitchens out of 81 kitchens comply with the provision specific to "Back of a kitchen should be no more than 8 metres from a window". **Living areas of apartments** The living area of each apartment is connected to the balcony or terrace. The kitchens do not form part of the major circulation space of any apartment. Adequate storage is provided for the apartments. The apartments have the following areas:- The one bedroom apartments occupy 54.8 square metres. The two bedroom apartments occupy areas of between 70 and 80.4 square metres. The three bedroom apartments occupy 95.4 square metres. Compliance is achieved. **Comment on size of apartments** All the apartments are large enough and comply with the minimum size provision stated. **Apartment mix**

Requirement	Yes	No	N/A	Comment
				The apartment mix include:- • 7 x 1 bedroom apartment. • 67 x 2 bedroom apartments. • 7 x 3 bedroom apartments. Of those there are 9 adaptable apartments out of a total of 81 apartments. The range of adaptable apartments is appropriate. There is a satisfactory mixture of apartments in the development although there is an emphasis on the provision of two bedroom apartments. All the apartments above Level 2 feature an outdoor space predominantly in the form of a balcony attached to the living area.
Apartment Mix				
Objectives • To provide a diversity of apartment types, which cater for different household requirements now and in the future. • To maintain equitable access to new housing by cultural and socio-economic groups.	☒ ☒	☐ ☐	☐ ☐	The proposed development is consistent with the Apartment Mix objectives as an acceptable mixture of 1, 2 and 3 bedroom apartments are proposed which will deliver a range of apartments to meet occupant requirements.
Design Practice • Provide a variety of apartment types particularly in large apartment buildings. Variety may not be possible in smaller buildings (up to 6 units). • 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.	☒ ☒ ☐ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☒ ☐ ☐	The comments provided above in Part 3 - Building Design (Apartment Layout) is relevant to this part. A satisfactory range of apartments is proposed to meet the expected demand of occupants. The site enjoys the advantage of being within the Auburn Town Centre. Hence, shops, transport services and access to community facilities are readily available or close by to the site. There are no apartments proposed for the ground floor or first floor of the building complex. The first level of the residential flat building commences at Level 2 being the podium level (the roof of the soccer club). There is a mix of apartments at all levels.
Balconies				
Objectives • 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.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is consistent with the Balconies objectives as all apartments are provided with suitably sized private open spaces which integrate with the overall architectural form of the building and provide casual overlooking of communal and public areas.
Design Practice • Where other private open space is not provided,	☒	☐	☐	All apartments where appropriate have

Requirement	Yes	No	N/A	Comment
provide at least one primary balcony. • Primary balconies should be: located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space; sufficiently large and well proportioned to be functional and promote indoor/outdoor livening – a dining table and 2 chairs (small apartment) and 4 chairs (larger apartment) should fit on the majority of balconies in the development.	☒	☐	☐	at least one balcony or large useable terrace with access provided directly from living areas. There are 9 apartments that are provided with one additional terrace / balcony given that there is space for such additional features.
• 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.	☐	☐	☒	
• Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies by: locating balconies which predominantly face north, east or west to provide solar access; utilising sun screens, pergolas, shutters ad operable walls to control sunlight and wind; providing 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.	☒	☐	☐	The balconies above the ground level for the various apartments have adequate size. The balustrades for the majority of the apartments are shown to be glazed. A minority of the apartments are shown with solid balustrades. Should the development be supported by the Joint Regional Planning Panel, then relevant conditions shall be included into any consent for the subtle treatment of building services, as not to detract from the appearance of the building.
• Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy.	☒	☐	☐	
• Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design.	☒	☐	☐	
• Consider supplying a tap and gas point on primary balconies.	☐	☐	☒	
• Provide primary balconies for all apartments with a minimum depth of 2 metres (2 chairs) and 2.4 metres (4 chairs).	☒	☐	☐	
• Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context – noise, wind, cannot be satisfactorily ameliorated with design solutions.	☐	☐	☒	
• Require scale plans of balcony with furniture layout to confirm adequate, useable space when an alternate balcony depth is proposed.	☒	☐	☐	
Ceiling Heights				
<u>Objectives</u> • 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.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is consistent with the Ceiling Heights objectives as suitable ceiling heights are provided for the residential nature of apartments.

Requirement	Yes	No	N/A	Comment
Design Practice				
• Design better quality spaces in apartments by using ceilings to define a spatial hierarchy between areas of an apartment using double height spaces, raked ceilings, changes in ceiling heights and/or the location of bulkheads; enable better proportioned rooms; maximise heights in habitable rooms by stacking wet areas from floor to floor; promote the use of ceiling fans for cooling/heating distribution.	☒	☐	☐	
• Facilitate better access to natural light by using ceiling heights which enable the effectiveness of light shelves in enhancing daylight distribution into deep interiors; promote the use of taller windows, highlight windows and fan lights. This is particularly important for apartments with limited light access such as ground floor apartments and apartments with deep floor plans.	☒	☐	☐	
• Design ceiling heights which promote building flexibility over time for a range of other uses, including retail or commercial, where appropriate.	☒	☐	☐	
• Coordinate internal ceiling heights and slab levels with external height requirements and key datum lines.	☒	☐	☐	
• Count double height spaces with mezzanines as two storeys.	☐	☐	☒	
• Cross check ceiling heights with building height controls to ensure compatibility of dimensions, especially where multiple uses are proposed.	☒	☐	☐	
• Minimum dimensions from finished floor level to finished ceiling level:				
○ Mixed use buildings: 3.3 metres minimum for ground floor retail/commercial and for first floor residential, retail or commercial.	☒	☐	☐	This is achieved for the club.
○ For RFBs in mixed use areas 3.3 metres minimum for ground floor;	☐	☐	☒	
○ **For RFBs or other residential floors in mixed use buildings: 2.7 metres minimum for all habitable rooms on all floors, 2.4 metres preferred minimum for non-habitable rooms but no less than 2.25 metres;**	☒	☐	☐	The floor to ceiling height of the apartments from Level 2 is 2.7 metres for every level. Compliance is achieved.
○ 2 storey units: 2.4 metres for second storey if 50% or more of the apartments has 2.7 metres minimum ceiling heights;	☐	☐	☒	
○ 2 storey units with a 2 storey void space: 2.4 metres minimum;	☐	☐	☒	
○ Attic spaces: 1.5 metres minimum wall height at edge of room with a 30^0 minimum ceiling slope.	☐	☐	☒	
• Developments which seek to vary the recommended ceiling heights must demonstrate that apartments will receive satisfactory daylight.	☐	☐	☒	
Flexibility				
Objectives				
• To encourage housing designs which meet the broadest range of the occupants' needs as possible.	☒	☐	☐	The proposed development is consistent with the Flexibility objectives as layouts promote changes to furniture arrangement and a suitable number can be adapted to the changing needs of residents.
• To promote 'long life loose fit' buildings, which can accommodate whole or partial changes of use.	☒	☐	☐	
• To encourage adaptive reuse.	☒	☐	☐	
• To save the embodied energy expended in building demolition.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Provide robust building configurations, which utilise multiple entries and circulation cores, especially in larger buildings over 15 metres long 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. • Provide apartment layouts which accommodate the changing use of rooms. • Utilise structural systems which support a degree of future change in building use or configuration. • Promote accessibility and adaptability by ensuring: the number of accessible and visitable apartments is optimised; and adequate pedestrian mobility and access is provided.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	Apartment layout provides for basic changes to internal configuration. Accessible and visitable apartments are promoted. There are 81 apartments in the development. Of that figure, 9 are to be designated as "Adaptable apartments". This is 11% of the total number of apartments in the development. There is an appropriate mix of adaptable apartments within the development.
Ground Floor Apartments				
Objectives • To contribute to the desired streetscape of an area and to create active safe streets. • To increase the housing and lifestyle choices available in apartment buildings.	☐ ☐	☐ ☐	☒ ☒	There are no ground floor apartments within the development due to the proposed club occupying the ground level and Level 1. The objectives stated here would not be relevant to the development. Notwithstanding this, if Level 2 is to be treated as the ground level, then the development would be capable of complying with the relevant objectives.
Design Practice • Design front gardens or terraces which contribute to the spatial and visual structure of the street while maintaining adequate privacy for apartment occupants. • Ensure adequate privacy and safety of ground floor units located in urban areas with no street setbacks by: stepping up the ground floor level from the level of the footpath a maximum of 1.2 metres; designing balustrades and establishing window sill heights to minimise site lines into apartments, particularly in areas with no street setbacks; determining appropriateness of individual entries; ensuring safety bars or screens are integrated into the overall elevation design and detailing. • Promoting house choice by: providing private gardens, which are directly accessible from the main living spaces of the apartment and support a variety of activities; maximising the number of accessible and visitable apartments on the ground floor; supporting a change or partial change in use, such as a home office accessible from the street or a corner shop. • Increase opportunities for solar access in ground floor units, particularly in denser areas by: providing higher ceilings and taller windows; choosing trees and shrubs which provide solar access in winter and shade in summer. • Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. • Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	The provisions of this Part cannot apply to the development because no ground floor apartments are proposed. The residential flat building complex commences from Level 2. It is identified that:- The level 2 apartments are provided with terraces that are accessible from the living areas of the apartments. The terraces are screened from the common spaces via the use of planter boxes or planting to screen private areas. There is an appropriate range of apartments at Level 2 including one apartment suitable for people with disabilities. There are no apartments that face direct south. The concepts outlined under the stated headings are achieved where appropriate notwithstanding the fact that the lowest residential level is at Level Two.

Requirement	Yes	No	N/A	Comment
Internal Circulation				
Objectives • To create safe and pleasant spaces for the circulation of people and their personal possessions. • To facilitate quality apartment layouts, such as dual aspect apartments. • To contribute positively to the form and articulation of the building façade and its relationship to the urban environment. • To encourage interaction and recognition between residents to contribute to a sense of community and improve perceptions of safety.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	
Design Practice • Increase amenity and safety in circulation spaces by: providing generous corridor widths and ceiling heights particularly in lobbies, outside lifts and apartment entry doors; providing appropriate levels of lighting, including the use of natural daylight where possible; minimising corridor lengths to give short, clear sight lines; avoiding tight corners; providing legible signage noting apartment numbers, common areas and general directional finding; providing adequate ventilation. • Support better apartment building layouts by designing buildings with multiple cores which: increase the number of entries along a street; increase the number of vertical circulation points; give more articulation to the façade; limiting the number of units off a circulation core on a single level. • Articulate longer corridors by: utilising a series of foyer areas and/or providing windows along or at the end of a corridor. • Minimise maintenance and maintain durability by using robust materials in common circulation areas. • **Where units are arranged off a double loaded corridor, the number of units accessible from a single core/corridor should be limited to 8 - exceptions for: adaptive reuse buildings; where developments can demonstrate the achievement of the desired streetscape character and entry response; where developments can demonstrate a high level of amenity for common lobbies, corridors and units.**	☒ ☒ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☒	☐ ☐ ☐ ☐ ☐	There are no enclosed corridors. The circulation space per floor level is open. There is one central core supporting each residential level of the building. The corridors are open to the elements. **Apartments per corridor** There are nine (9) apartments per floor. This is slightly more than 8 as suggested. When reviewing this, it is identified that each connecting corridor is open to the elements. It is considered more appropriate to have a single corridor servicing each level considering the number of apartments per level. A second corridor servicing apartments is not considered to be viable.
Mixed Use				

Requirement	Yes	No	N/A	Comment
Objectives • To support a mix of uses that complement and reinforce the character, economics and function of the local area.	☒	☐	☐	A mixed use development is proposed.
• Choose a compatible mix of uses. • Consider building depth and form in relation to each use's requirements for servicing and amenity. • Design legible circulation systems, which ensure the safety of users by: isolating commercial service requirements such as loading docks from residential access, servicing needs and primary outlook; locating clearly demarcated residential entries directly from the public street; clearly distinguishing commercial and residential entries and vertical access points; providing security entries to all entrances into private areas, including car parks and internal courtyards; providing safe pedestrian routes through the site, where required. • Ensure the building positively contributes to the public domain and streetscape by: fronting onto major streets with active uses; avoiding the use of blank walls at the ground level. • Address acoustic requirements for each use by: separate residential uses, where possible, from ground floor retail or leisure uses by utilising an intermediate quiet-use barrier, such as offices; design for acoustic privacy from the beginning of the project to ensure that future services, such as air conditioning, do not cause acoustic problems later. • Recognising the ownership/lease patterns and separating requirements for purposes of BCA.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	Compatibility of the uses In terms of compatibility of the uses, Flemington Police Command has considered the development and does not object to such a development on crime and safety grounds. The development is supported subject to conditions. On this account, it is considered that the development and uses are compatible. This is addressed and an appropriate acoustic report has been provided addressing noise impacts to and within the development. The acoustic report addresses noise emissions within and external to the club and makes a number of recommendations. Should the Joint Regional Planning Panel support the development, the acoustic report would need to be incorporated into any consent that is issued.
Storage				
Objectives • To provide adequate storage for everyday household items within easy access of the apartment. • To provide storage for sporting, leisure, fitness and hobby equipment.	☒ ☒	☐ ☐	☐ ☐	The apartments are provided or capable of being provided with adequate storage areas.

Requirement	Yes	No	N/A	Comment
Design Practice • Locate storage conveniently for apartments including: at least 50% of the required storage within each apartment and accessible from either the hall or living area - best provided as cupboards accessible from entries and hallways and/or under internal stairs; dedicated storage rooms on each floor within the development, which can be leased by residents as required; providing dedicated and/or leasable storage in internal or basement car parks.	☒	☐	☐	There are 89 storage lockers available in the basement which would be adequate for the number of apartments proposed. It is possible that 8 apartments would be provided with two storage locker cages or alternatively a few could be merged to form larger storage areas.
• Provide storage which is suitable for the needs of residents in the local area and able to accommodate larger items such as sporting equipment and bicycles.	☒	☐	☐	The storage spaces provided are in addition to normal cupboard space and wardrobes.
• Ensure that storage separated from apartments is secure for individual use.	☒	☐	☐	
• Where basement storage is provided: ensure that it does not compromise natural ventilation in car parks or create potential conflicts with fire regulations; exclude it from FSR calculations.	☒	☐	☐	
• Consider providing additional storage in smaller apartments in the form of built-in cupboards to promote a more efficient use of small spaces.	☐	☐	☒	
• In addition to kitchen cupboards and wardrobes, provide accessible storage facilities at the following rates: ○ Studio = 6cum; ○ 1 bed = 6cum; ○ 2 bed = 8cum; ○ 3+ bed = 10cum.	☒	☐	☐	
Acoustic Amenity				
Objectives • To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private open spaces.	☒	☐	☐	The proposed development is consistent with the Acoustic Amenity objectives as acoustic intrusion is minimised through building separation and the grouping of like-use rooms in a majority of the apartments.
Design Practice • Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings.	☒	☐	☐	**Internal privacy** Generally the level of internal privacy is satisfactory.
• Arrange apartments within a development to minimise noise transition between flats by: locating busy, noisy areas next to each other and quieter areas next to other quieter areas (kitchen near kitchen, bedroom near bedroom); using storage or circulation zones within an apartment to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas; minimising the amount of party walls with other apartments.	☒	☐	☐	**Like use apartments** Like-use areas of apartments are grouped where feasible to avoid acoustic disturbance of neighbouring apartments. (i.e. bedrooms adjoin bedrooms and living areas adjoin living areas).
• 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.	☒	☐	☐	Where possible, noisier areas such as bathrooms and laundries are distanced from bedrooms.
• Resolve conflicts between noise, outlook and views by using design measures including: double glazing, operable screened balconies; continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements.	☒	☐	☐	
• Reduce noise transmission from common corridors or outside the building by providing seals at entry doors.	☒	☐	☐	
Daylight Access				

Requirement	Yes	No	N/A	Comment
Objectives • To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development.	☒	☐	☐	This is achieved where possible.
• To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.	☒	☐	☐	
• To provide residents with the ability to adjust the quantity of daylight to suit their needs.	☒	☐	☐	
Design Practice • Plan the site so that new residential flat development is oriented to optimise northern aspect.	☒	☐	☐	There are many apartments that face the south east but none facing direct south or south west.
• Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.	☒	☐	☐	This is achieved for the main common open space area situated along the northern and western curtilage of the building.
• Optimise the number of apartments receiving daylight access to habitable rooms and principal windows: ensure daylight access to habitable rooms and private open space, particularly in winter; use skylights, clerestory windows and fanlights to supplement daylight access; promote two storey and mezzanine, ground floor apartments or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces; limit the depth of single aspect apartments; ensure single aspect , single storey apartments have a northerly or easterly aspect; locate living areas to the north and service areas to the south and west of development; limit the number of south acing apartments and increase their window area; use light shelves to reflect light into deeper apartments.	☒	☐	☐	
• Design for shading and glare control, particularly in summer: using shading devices such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting; optimising the number of north facing living spaces; providing external horizontal shading to north facing windows; providing vertical shading to east or west windows; using high performance glass but minimising external glare off windows (avoid reflective films, use a glass reflectance below 20%, consider reduced tint glass).	☒	☐	☐	
• Limit the use of light wells as a source of daylight by prohibiting their use as the primary source of daylight in habitable rooms.	☒	☐	☐	Limited use of skylights is provided but considered appropriate for the development. There are skylights provided for Apartments Numbered U1001, U1002 and U1003 which is considered to be acceptable.
• Where light wells are used: relate light well dimensions to building separation; conceal building services and provide appropriate detail and materials to visible walls; ensure light wells are fully open to the sky; allow exceptions for adaptive reuse buildings, if satisfactory performance is demonstrated.	☒	☐	☐	
• Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter. In dense urban areas, a minimum of 2 hours may be acceptable.	☒	☐	☐	This is achieved because there are no direct south facing apartments. It is identified that 57 of 81 apartments will received a minimum of 2 hours of sunlight at or near the winter solstice based on modelling undertaken by the applicant. This represents 70.37% of the apartments. As such, compliance is achieved for a dense urban
• Limit the number of single aspect apartments	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed. • Developments which seek to vary from the minimum standards must demonstrate how site constrains and orientation prohibits the achievement of these standards and how energy efficiency is addressed.	☐	☐	☒	environment as envisaged by the planning controls for the site.
Natural Ventilation				
Objectives • To ensure that apartments are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants. • To provide natural ventilation in non-habitable rooms, where possible. • To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposed development is consistent with the Natural Ventilation objectives as all habitable rooms, and where possible non-habitable rooms, have openings for ventilation. The BASIX commitments dictate energy consumption requirements.
Design Practice • Plan the site to promote and guide natural breezes by: determining prevailing breezes and orient buildings to maximise use, where possible; locating vegetation to direct breezes and cool air as it flows across the site and by selecting planting or trees that do not inhibit air flow. • Utilise the building layout and section to increase the potential for natural ventilation. • Design the internal apartment layout to promote natural ventilation by: minimising interruptions in air flow through an apartment; grouping rooms with similar usage together. • Select doors and operable windows to maximise natural ventilation opportunities established by the apartment layout. • Coordinate design for natural ventilation with passive solar design techniques. • Explore innovative technologies to naturally ventilate internal building areas or rooms. • Building depths which support natural ventilation typically range from 10-18 metres. • 60% of residential units should be naturally cross ventilated. • 25% of kitchens within a development should have access to natural ventilation. • Developments which seek to vary from the minimum standards must demonstrate how natural ventilation can be satisfactorily achieved particularly in relation to habitable rooms.	☒ ☒ ☒ ☒ ☐ ☒ ☒ ☐ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☒	Many apartments feature layouts that are designed to maximise natural ventilation through the use of open-plan living areas and suitable openings to living areas and bedrooms. It is identified that 72 of 81 apartments achieve appropriate ventilation thus achieving compliance. This represents 88.8% of the total number of apartments. Kitchens close to a window There are 45 kitchens situated adjacent to a window representing 55.5% of the total number of apartments within the development. It is found through the BASIX assessment that all the apartments will achieve and comply with the BASIX Certificate issued subject to the BASIX Commitments being complied with.
Awnings and Signage				
Objectives • To provide shelter for public streets. • To ensure signage is in keeping with desired streetscape character and with the development in scale, detail and overall design	☒ ☒	☐ ☐	☐ ☐	Amended plans show an awning structure at the front and over the footpath for weather protection.

Requirement	Yes	No	N/A	Comment
Design Practice *Awnings* • Encourage pedestrian activity on streets by providing awnings to retail strips, where appropriate, which: give continuous cover in areas which have a desired pattern of continuous awnings; complement the height, depth and form of the desired character or existing pattern of awnings; provide sufficient protection for sun and rain.	☒	☐	☐	
• Contribute to the legibility of the residential flat development and amenity of the public domain by locating local awnings over building entries.	☒	☐	☐	
• Enhance safety for pedestrians by providing under-awning lighting.	☒	☐	☐	
Signage • Councils should prepare guidelines for signage based on the desired character and scale of the local area.	☒	☐	☐	Signage is proposed in this application but it is related to the soccer club and not the residential flat building component. The signage has been assessed using the relevant State Environmental Planning Policy.
• Integrate signage with the design of the development by responding to scale, proportions and architectural detailing.	☒	☐	☐	
• Provide clear and legible way finding for residents and visitors.	☒	☐	☐	
Facades				
Objectives • To promote high architectural quality in residential flat buildings.	☒	☐	☐	A satisfactory design and facade treatment has been proposed.
• To ensure that new developments have facades which define and enhance the public domain and desired street character.	☒	☐	☐	
• To ensure that building elements are integrated into the overall building form and façade design.	☒	☐	☐	
Design Practice • Consider the relationship between the whole building form and the façade and/or building elements.	☒	☐	☐	The building will present a strong facade and a hard urban edge to Northumberland Road.
• Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character.	☒	☐	☐	
• Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the façade orientation.	☒	☐	☐	The residential flat building tower occupies much of the site but setbacks have been introduced to allow some site landscaping across the podium level (Level 2) and to permit the introduction of terraces or courtyards on the Level 2 apartments.
• Express important corners by giving visual prominence to parts of the façade.	☐	☐	☒	
• Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design.	☒	☐	☐	
• Coordinate security grills/screens, ventilation louvres and car park entry doors with the overall façade design.	☒	☐	☐	
Roof Design				
Objectives • To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings.	☒	☐	☐	The proposed development is consistent with the roof design objectives. A flat roof is proposed.
• To integrate the design of the roof into the overall façade, building composition and desired contextual response.	☒	☐	☐	
• To increase the longevity of the building through weather protection.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Relate roof design to the desired built form. • Design the roof to relate to the size and scale of the building, the building elevations and three dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials. • Design roofs to respond to the orientation of the site. • Minimise the visual intrusiveness of service elements (lift overruns, service plants, chimneys, vent stacks, telecommunication infrastructure, gutters, downpipes, signage) by integrating them into the design of the roof. • Support the use of roofs for quality open space in denser urban areas by: providing space and appropriate building systems to support the desired landscape design; incorporating shade structures and wind screens to encourage open space use; ensuring open space is accessible. • Facilitate the use or future use of the roof for sustainable functions e.g. rainwater tanks, photovoltaics, water features. • Where habitable space is provided within the roof optimise residential amenity in the form or attics or penthouse apartments.	☒ ☒ ☒ ☒ ☐ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☒ ☐ ☒	Generally, the roof has a satisfactory appearance. It will be possible to incorporate solar panels to the roof in due course if desired. No habitable space is provided for the roof structure.
Energy Efficiency				
Objectives • To reduce the necessity for mechanical heating and cooling. • To reduce reliance on fossil fuels. • To minimise greenhouse gas emissions. • To support and promote renewable energy initiatives.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is consistent with the Energy Efficiency objectives as a BASIX Certificate which achieves the relevant energy targets is provided and the relevant commitments are shown on the plans.

Requirement	Yes	No	N/A	Comment
Design Practice Requirements superseded by BASIX.	☒	☐	☐	The BASIX Certificate for the development requires a number of sustainability features to be constructed into the development. A NatHERS Thermal Comfort Assessor Certificate is provided for the development which addresses the thermal comfort for every apartment. The report identifies that the apartments achieve a Star rating of between 4 for the worst performing domiciles to 8 for the best performing domiciles. There are 16 apartments that achieve a Star Rating of 8. There are 9 apartments that achieve a Star rating of 7 to 8. There are 21 apartments that achieve a Star rating of 6 to 7. This represents 56.8% that have Star ratings of 6 or higher. The rest have lower Star ratings. The average Star rating for the tower building is 6.3. The BASIX Certificate will need to be incorporated into the approved bundle of plans should the development be supported by the Joint Regional Planning Panel.
Maintenance				
Objectives • To ensure long life and ease of maintenance for the development.	☒	☐	☐	The proposed development is consistent with the Maintenance objectives as relevant conditions shall be included in any consent to ensure the site is suitably maintained. The plans show an office suitable for use by the Strata Manager to assist with the day to day operations and management of the residential flat building.
Design Practice • Design windows to enable cleaning from inside the building, where possible.	☒	☐	☐	
• Select manually operated systems in preference to mechanical systems.	☒	☐	☐	
• Incorporate and integrate building maintenance systems into the design of the building form, roof and façade.	☒	☐	☐	
• Select durable materials, which are easily cleaned and are graffiti resistant.	☒	☐	☐	
• Select appropriate landscape elements and vegetation and provide appropriate irrigation systems.	☒	☐	☐	
• For developments with communal open space, provide a garden maintenance and storage area, which is efficient and convenient to use and is connected to water and drainage.	☐	☐	☒	A storage shed is not provided. The landscaping does not include lawns or turf areas that will require mowing. It is considered that a storage shed would not be required for the development.

Requirement	Yes	No	N/A	Comment
Waste Management				
Objectives • To avoid the generation of waste through design, material selection and building practices. • To plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development. • To encourage waste minimisation, including source separation, reuse and recycling. • To ensure efficient storage and collection of waste and quality design of facilities.	☒ ☒ ☒ ☐	☐ ☐ ☐ ☒	☐ ☐ ☐ ☐	A waste storage bin for the residential component of the building complex is provided. The waste storage area is connected to the residential access and pedestrian paths and lifts which will enable residents to access the bin store for removal of household garbage. The plan and layout also allows on site waste disposal to occur without affecting the operations of the club or the street.
Design Practice • Incorporate existing built elements into new work, where possible. • Recycle and reuse demolished materials, where possible. • Specify building materials that can be reused and recycled at the end of their life. • Integrate waste management processes into all stages of the project, including the design stage. • Support waste management during the design stage by: specifying modestly for the project needs; reducing waste by utilising the standard product/component sizes of materials to be used; incorporating durability, adaptability and ease of future service upgrades. • Prepare a waste management plan for green and putrescible waste, garbage, glass, containers and paper. • Locate storage areas for rubbish bins away from the front of the development where they have a significant negative impact on the streetscape, on the visual presentation of the building entry and on the amenity of residents, building users and pedestrians. • Provide every dwelling with a waste cupboard or temporary storage area of sufficient size to hold a single day's waste and to enable source separation. • Incorporate on-site composting, where possible, in self contained composting units on balconies or as part of the shared site facilities. • Supply waste management plans as part of the DA submission.	☐ ☒ ☒ ☒ ☒ ☒ ☒ ☐ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐	A waste management plan has been submitted with the development application. The waste management plan addresses waste. A waste storage bin for the residential component of the building complex is provided The waste storage area is connected to the residential access and pedestrian paths and lifts which will enable residents to access the bin store for removal of household garbage. The plan and layout also allows on site waste disposal to occur at the rear of the club without affecting the operations of the club or the street.
Water Conservation				
Objectives • To reduce mains consumption of potable water. • To reduce the quantity of urban stormwater runoff.	☒ ☒	☐ ☐	☐ ☐	The proposed development is consistent with the Water Conservation objectives as on-site detention and a suitable stormwater drainage plan is proposed.
Design Practice • Requirements superseded by BASIX.	☐	☐	☒	The design practice requirements are superseded by commitments listed in the accompanying BASIX Certificate.

State Environmental Planning Policy 64 "Advertising and Signage"

Requirement	Yes	No	N/A	Comment
Part 1 - Preliminary				
Clause 3(1)(a)(i) Aims, objectives *Signage is compatible with the desired amenity and visual character of an area.*	☒	☐	☐	The development application proposes one business identification sign for the front of the building which reads "Club Auburn". The lettering is blue in colour and occupies an area of 3.3 square metres. The wording is relatively simple in nature. The sign is satisfactory in terms of appearance, location and size.
Clause 3(1)(a)(ii), Aims, objectives *Signage provides effective communication in suitable locations.*	☒	☐	☐	
Clause 3(1)(a)(iii), Aims objectives *Signage is high quality design and finish.*	☒	☐	☐	The sign is relatively simple and not excessive in nature or scale.
Part 2 - Signage Generally				
Clause 8 Granting of consent to signage *A consent authority must not grant consent to an application to display signage unless:* *(a) that signage is consistent with the objectives of the Policy at clause 3(1)(a)* *(b) (b) that the signage satisfies the assessment criteria specified in Schedule 1*	☒ ☒	☐ ☐	☐ ☐	
Part 4 - Definitions				Definition:- There is one business identification sign proposed in this application.
Part 3 - Advertisements (this part does not apply to business identification signs, building identification signs, signage that, or the display of which, is exempt development under an EPI, signage on vehicles)				
Schedule 1 - Assessment Criteria				
Character of the area				
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	☒	☐	☐	The sign is generally satisfactory in terms of appearance and size.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	☒	☐	☐	The proposed sign is consistent with other signs situated in the locality. The sign is relatively low key in nature and does not dominate the locality.
Special areas				
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	☐	☒	☐	
Views and vistas				
Does the proposal obscure or compromise important views?	☐	☒	☐	There are no important views compromised.
Does the proposal dominate the skyline and reduce the quality of vistas?	☐	☒	☐	The business identification sign is to be situated on the fascia of the club building facing Northumberland Road.
Does the proposal respect the viewing rights of other advertisers?	☒	☐	☐	The viewing rights of advertisers are not adversely impacted by the new signage.
Streetscape, setting or landscape				

Requirement	Yes	No	N/A	Comment
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	☒	☐	☐	The business identification sign is satisfactory in terms of appearance, location and size.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	☒	☐	☐	
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	☒	☐	☐	An excessive amount of signage is not proposed.
Does the proposal screen unsightliness?	☐	☒	☐	A new soccer club is proposed within a new purpose built building. There is no unsightliness to screen.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	☐	☒	☐	
Does the proposal require ongoing vegetation management?	☐	☒	☐	
Site and building				
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which proposed signage is to be located?	☒	☐	☐	The business identification sign is satisfactory in terms of appearance, location and size. The lettering is simple and advises the viewer of the presence of a club.
Does the proposal respect important features of the site or building, or both?	☒	☐	☐	The sign is to be erected on the wall fascia of the club at the first level. It is to be erected on that part of the wall that has no significant design features.
Does the proposal show innovation and imagination in its relationship to the site or building or both?	☒	☐	☐	
Associated devices and logos with advertisements and advertising structures				
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is displayed?	☐	☒	☐	This is not required.
Illumination				
Would illumination result in unacceptable glare?	☒	☐	☐	The sign will be illuminated at night in blue.
Would illumination affect safety for pedestrians, vehicles or aircraft?	☐	☐	☐	The illumination would be visible in the locality and the residents occupying the west facing apartments of the building complex at 5 to 7 Northumberland Road would have views towards the sign. The degree of illumination would be acceptable.
Would illumination detract from the amenity of any residence or other form of accommodation?	☐	☒	☐	
Can the intensity of the illumination be adjusted, if necessary?	☒	☐	☐	An appropriate condition is required regarding the sign and illumination.
Is the illumination subject to a curfew?	☐	☒	☐	
Safety				
Would the proposal reduce the safety for any public road?	☐	☒	☐	The safety of road users is not affected by the sign.
Would the proposal reduce the safety for pedestrians or bicyclists?	☐	☒	☐	
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sight lines from public areas?	☐	☒	☐	

Auburn Local Environmental Plan 2010

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

Clause	Yes	No	N/A	Comment
Part 1 Preliminary				
1.1 Name of Plan This Plan is *Auburn Local Environmental Plan 2010*.	☒	☐	☐	
1.1 AA Commencement This Plan commences on the day on which it is published on the NSW legislation website.	☒	☐	☐	The plan was gazetted on 29 October 2010.
1.3 Land to which Plan applies (1) This Plan applies to the land identified on the Land Application Map. **Note.** Part 23 of Schedule 3 to the *State Environmental Planning Policy (Major Development) 2005* applies to certain land identified on the Land Application Map. (2) Despite subclause (1), this Plan does not apply to the land identified on the Land Application Map as "Deferred matter".	☒ ☒	☐ ☐	☐ ☐	The plan will apply to the site.
1.6 Consent authority The consent authority for the purposes of this Plan is (subject to the Act) the Council.	☐	☒	☐	The Joint Regional Planning Panel is the consent authority for this development. In this regard, the cost of construction of the development exceeds $20 million in value and as a result, Council cannot determine the application.
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. (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies: State Environmental Planning Policy No 1—Development Standards Sydney Regional Environmental Plan No 24—Homebush Bay Area	☒ ☐	☐ ☐	☐ ☒	There are a number of State Environmental Planning Policies that will apply to the development application. These are addressed earlier in the report. The state policy and regional environmental plan stated will not be relevant to this application.
1.9A Suspension of covenants, agreements and instruments (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose. (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	☒ ☐	☐ ☐	☐ ☒	There are two easements situated across the site, one of those is an easement to drain water which is 3.66 metres wide. The main easement is Sydney Water infrastructure that will be impacted by the works. The applicant has presented the project to Sydney Water. As per advice received 11 March 2015, it is identified that Sydney Water would have no objection to the proposed development

Clause	Yes	No	N/A	Comment
Crown Lands Act 1989, or (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or *(d)* to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or *(e)* to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act. (3) This clause does not affect the rights or interests of any public authority under any registered instrument. (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).	☐ ☐	☐ ☐	☒ ☒	However should the development application be supported, the applicant will be required to comply with a "**Notice of Requirements**" prior to any Section 73 Certificate being issued. This has created a number of issues with the development conflicting with the underground pipeline owned by Sydney Water. To obtain the Section 73 Certificate, the development must not impact the pipeline. The applicant is negotiating with Sydney Water on appropriate methods to addressing the matter and solutions in order to obtain a Section 73 Certificate. The applicant has recently advised Council that the parties are in negotiation with a view to resolving the issue to the satisfaction of both parties. As such, it is considered that this application can proceed forward. Sydney Water has provided deferred commencement consent conditions addressing the matter which allows the application to proceed forward to determination. Subclause 2 3 and 4 Subclause (2), (3) and (4) will not need to apply to the development application.
Part 2 Permitted or prohibited development				
2.1 Land use zones The land use zones under this Plan are as follows: **Business Zones** B1 Neighbourhood Centre B2 Local Centre **B4 Mixed Use** B6 Enterprise Corridor B7 Business Park	☒	☐	☐	The land is zone B4 Mixed Use which permits the critical development forms being:- • A registered club. • A residential flat building. • Café. • Retail outlet. Subject to consent. In addition, the development application is proposing signage at the front of the building associated with the registered club. The business identification sign is permitted with consent on the site.
2.3 Zone objectives and land use table (1) The Table at the end of this Part specifies for each zone: (a) the objectives for development, and (b) development that may be carried out without consent, and	☒	☐	☐	The objectives of the zone have been considered during the assessment of the development application.

Clause	Yes	No	N/A	Comment
(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.	☒	☐	☐	
(3) In the Table at the end of this Part: (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.	☒	☐	☐	
(4) This clause is subject to the other provisions of this Plan.	☒	☐	☐	
Notes. 1. Schedule 1 set out additional permitted uses for particular land. 2. Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act. 3. Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent). 4. Clause 2.6 requires consent for subdivision of land. 5. Part 5 contains other provisions which require consent for particular development. 6. Part 6 contains local provisions which require consent for particular development.				
2.4 Unzoned land				
(1) Development may be carried out on unzoned land only with consent.	☐	☐	☒	The land is within the B4 Mixed Use zone.
(2) Before granting consent, the consent authority: (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for	☐	☐	☒	

Clause	Yes	No	N/A	Comment
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.				
2.5 Additional permitted uses for particular land (1) Development on particular land that is described or referred to in Schedule 1 may be carried out: (a) with consent, or (b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development. (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.	☐ ☐	☐ ☐	☒ ☒	
2.6 Subdivision—consent requirements (1) Land to which this Plan applies may be subdivided, but only with consent. **Notes.** 1 *If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent*. 2 *Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development*. (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.	☒ ☐	☐ ☐	☐ ☒	A land subdivision is not proposed. As a result, the clause will not apply to the development application. The development application does not include Strata Title subdivision of the residential flat building component, This would be addressed as a separate development application in the event that the project is approved by the Joint Regional Planning Panel.
2.7 Demolition requires consent The demolition of a building or work may be carried out only with consent. **Note.** If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development, the Act enables it to be carried out without development consent.	☐	☐	☒	Generally, no significant demolition work will be undertaken on site because no buildings are identified as being within the site.
Land Use Table **Note.** A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:				

Clause	Yes	No	N/A	Comment
State Environmental Planning Policy (Affordable Rental Housing) 2009 (including provision for secondary dwellings). *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.* ***State Environmental Planning Policy (Infrastructure) 2007* (relating to public facilities such as those for air transport, correction, education, electricity generation, health services, ports, railways, roads, waste management and water supply systems).** *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.* *State Environmental Planning Policy (Rural Lands) 2008.* *State Environmental Planning Policy No 33—Hazardous and Offensive Development.* *State Environmental Planning Policy No 50—Canal Estate Development.* *State Environmental Planning Policy No 62—Sustainable Aquaculture.* ***State Environmental Planning Policy No 64—Advertising and Signage.***				
Zone B4 Mixed use zone **1 Objectives of zone** • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To encourage high density residential development. • To encourage appropriate businesses that contribute to economic growth. • To achieve an accessible, attractive and safe public domain. **2 Permitted without consent** Nil **3 Permitted with consent** Backpackers' accommodation; Boarding houses; Business Premises, Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); **Registered clubs**; **Residential flat buildings**; **Retail premises**; Roads; Self-storage units; Seniors housing; Serviced apartments; Shop top housing; Warehouse or distribution centres; Any other development not specified in item 2 or 4 **4 Prohibited** Agriculture; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	The relevant objectives are complied with in which the development is within the Auburn Town Centre and situated close to a range of services. The land is zone B4 Mixed Use which permits the critical development forms being:- • A registered club. • A residential flat building with consent. • Café. • Retail outlet. Subject to consent. The definition of a "retail premise" in the Auburn Local Environmental Plan 2010 includes shops and food and drink premises. In addition, the development application is proposing signage at the front of the building associated with the registered club. The business identification sign is permitted with consent on the site. Note:- The Auburn Soccer Club will be relocated to the site from Number 5 and 7 Northumberland Road. It is clear in the plans that

Clause	Yes	No	N/A	Comment
(sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies				liquor will be sold within the premise and as such, the club will be required to hold a license under the Liquor Act 2007. As a result, the club will comply with the definition of a registered club within the Auburn Local Environmental Plan 2010.
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.	☐	☐	☒	A land subdivision of the site is not proposed. A minimum allotment size is not designated for the site or immediate locality under the Auburn Local Environmental Plan 2010.
(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	☐	☐	☒	

Clause	Yes	No	N/A	Comment
square metres, (c) multi dwelling housing - 170 square metres for each dwelling, (d) attached dwellings - 170 square metres. (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.	☐	☐	☒	
4.3 Height of buildings (1) The objectives of this clause are as follows: (a) to establish a maximum building height to enable appropriate development density to be achieved, and (b) to ensure that the height of buildings is compatible with the character of the locality	☒	☐	☐	The maximum height of buildings specific on the map is 38 metres. The development is compliant with the height limit of 38 metres. While the building reaches the maximum height limit, it does not exceed the limit. Notwithstanding this, it is considered appropriate that a condition be placed onto any consent requiring the levels to be followed and to ensure the maximum height limit is not breached.
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	☒	☐	☐	
(2A) Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is: (a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres, (b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map—14 metres.	☐	☐	☒	
4.4 Floor space ratio (1) The objectives of this clause are as follows: To establish a maximum floor space ratio to enable appropriate development density to be achieved, and To ensure that development intensity reflects its locality.	☒	☐	☐	The floor space ratio for the development is calculated at 4.854:1. This is based on a building with a floor area of 8,120 square metres and with the corridors being open.
(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	☒	☐	☐	
(2A) Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows: (a) for sites less than 1,300 square	☐	☐	☒	

Clause	Yes	No	N/A	Comment
metres—0.75:1, (b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1, (c) for sites that are 1,800 square metres or greater—0.85:1.	☐	☐	☒	
(2B) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows: (a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and (b) 3:1 for office premises and hotel or motel accommodation.	☐	☐	☒	
(2C) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Floor Space Ratio Map, is as follows: (a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and (b) 2:1 for office premises and hotel or motel accommodation.	☐	☐	☒	
(2D) Despite subclause (2), the maximum floor space ratio for retail premises on land in Zone B6 Enterprise Corridor within the Commercial Precinct, as shown edged green on the Floor Space Ratio Map is 1.5:1.	☐	☐	☒	
4.5 Calculation of floor space ratio and site area **(1) Objectives** The objectives of this clause are as follows: (a) to define ***floor space ratio***, (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to: (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and (iii) requires community land and public places to be dealt with separately. **(2) Definition of "floor space ratio"** The ***floor space ratio*** of buildings on a site is	☒	☐	☐	

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

Clause	Yes	No	N/A	Comment
proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings. **(9) Covenants to prevent "double dipping"** When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot. **(10) Covenants affect consolidated sites** If: (a) a covenant of the kind referred to in subclause (9) applies to any land (***affected land***), and (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development, the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land. **(11) Definition** In this clause, ***public place*** has the same meaning as it has in the *Local Government Act 1993*.	☒ ☐ ☐ ☐	☐ ☐ ☐ ☐	☐ ☒ ☒ ☒	
4.6 Exceptions to development standards (1) The objectives of this clause are: (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances. (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause. (3) Consent must not be granted for development that contravenes a	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	Clause 4.6 does not need to apply to the development.

Clause	Yes	No	N/A	Comment
development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard.				
(4) Consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that: (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and (b) the concurrence of the Director-General has been obtained.	☐	☐	☒	
(5) In deciding whether to grant concurrence, the Director-General must consider: (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and (b) the public benefit of maintaining the development standard, and (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.	☐	☐	☒	
(6) Development consent must not be granted under this clause for a subdivision of land in Zone RUI Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental				

Clause	Yes	No	N/A	Comment
Living if:				
(a) The subdivision will result will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or	☐	☐	☒	
(b) The subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.	☐	☐	☒	
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).	☐	☐	☒	
(8) This clause does not allow consent to be granted for development that would contravene any of the following:	☐	☐	☒	
(a) a development standard for complying development,				
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,				
(c) clause 5.4.				
Part 5 Miscellaneous provisions				
5.6 Architectural roof features				
(1) The objectives of this clause are:				
(a) To ensure that any decorative roof element does not detract from the architectural design of the building, and	☐	☐	☒	An architectural roof feature is not proposed in this development.
(b) To ensure that prominent architectural roof features are contained within the height limit.				
(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.	☐	☐	☒	
(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:	☐	☐	☒	
(a) the architectural roof feature:				
(i) comprises a decorative element on the uppermost portion of a building, and				
(ii) is not an advertising structure, and				
(iii) does not include floor space				

Clause	Yes	No	N/A	Comment
area and is not reasonably capable of modification to include floor space area, and (iv) will cause minimal overshadowing, and (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.				
5.9 Preservation of trees or vegetation (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council. **Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner. (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by: (a) development consent, or (b) a permit granted by the Council. (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought. (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna. (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property. (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation: (a) that is or forms part of a heritage item, or that is within a heritage conservation area, or (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied	☒ ☒ ☒ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☒ ☒ ☒ ☒	The development application includes the removal of a number of trees within the perimeter of the site. An Arborist Report prepared by Redgum Horticultural (Ref Number 1222) and dated 10 December 2014 has been prepared with the documentation. The arborist report identifies at least 18 trees on the site affected by the development. The report identifies the following trees species:- • Agonis Flexuosa (Weeping Myrtle). • Cinnamomum Camphora (Camphor Laurel). • Livistona Chinesis (Chinese Fan Palm). • Platanus x Hispanica (London Plane Tree). • Casuarina Cunninghamiana (River She Oak). Many of the species are found to be in fair condition and the report determines that the species should be removed. Many of the species are mature but they are not locally indigenous species. Others are exotic species and palms. All the species are within the building footprint. Some of the species identified are competing with one another for space. The trees are recommended for removal because they will compete with the building works such as excavation for the basement car park.

Clause	Yes	No	N/A	Comment
that the proposed activity: (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area. **Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent. (8) This clause does not apply to or in respect of: (a) the clearing of native vegetation: (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003,* or (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*. **Note.** Permissibility may be a matter that is determined by or under any of these Acts. (9) Not adopted	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☐	The Cinnamomum Camphora (Camphor Laurel) is a declared noxious tree weed especially if the tree is less than 10 metres in height. None of the camphor laurel trees have a height of less than 10 metres. The removal of the trees to stop any spread would be supported.
5.10 Heritage conservation **Note.** Heritage items, if any are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5. (1) **Objectives** The objectives of this clause are as follows:				

Clause	Yes	No	N/A	Comment
(a) to conserve the environmental heritage of Auburn, (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance. (2) **Requirement for consent** Development consent is required for any of the following: (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land: (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land: (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance. (3) **When consent not required**	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	The site is not listed in the Auburn Local Environmental Plan 2010 as containing items of heritage. The provisions of the clause will not apply to the development application. There are no heritage listed sites situated immediately close to the development site that will be impacted by the proposed works. Note:- The Clyde Marshalling Yards are listed as an archaeological item in the Auburn Local Environmental Plan 2010 but the development does not front onto the yards.

Clause	Yes	No	N/A	Comment
However, development consent under this clause is not required if: (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development: (i) is of a minor nature, or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site, or a building, work, relic, tree or place within the heritage conservation area, and (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or (b) the development is in a cemetery or burial ground and the proposed development: (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or (d) the development is exempt development.	☐	☐	☒	
(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause, in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	☐	☐	☒	
(5) **Heritage assessment** The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land	☐	☐	☒	

Clause	Yes	No	N/A	Comment
referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned. (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause. (7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies): (a) notify the Heritage Council of its intention to grant consent, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent. (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance: 2010 No 616 Auburn Local Environmental Plan 2010 Clause 5.11 Miscellaneous provisions Part 5 Page 47 (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate about the application and take into consideration any response received within 28 days after the notice is sent. (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item: (a) notify the Heritage Council about the application, and	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	The nearby Clyde Marshalling Yards is an archaeological item as specified by the Auburn Local Environmental Plan 2010 (Numbered A50) but the works will have no impact on the marshalling yards. A detailed heritage study will not be required for the purpose of this application.

<table>
<tr><th>Clause</th><th>Yes</th><th>No</th><th>N/A</th><th>Comment</th></tr>
<tr><td>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

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

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

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

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

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

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

(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

<table><tr><th>Class</th><th>Works of Land</th></tr><tr><td>1</td><td>Any works.</td></tr><tr><td>2</td><td>Works below the natural ground surface. Works by which the water table is likely to be lowered.</td></tr><tr><td>3</td><td>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</td></tr><tr><td>4</td><td>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres</td></tr></table></td><td>☒

☒</td><td>☐

☐</td><td>☐

☐</td><td>The land is given a Class 5 rating and situated more than 500 metres from land given another rating.

A significant amount of excavation work will be undertaken to a depth of 18.65 metres. It is estimated that 30,200 cubic metres of spoil will be excavated from the site to create the void required for the basement levels.

The plans show the minimum basement level being minus 2.355 metres below sea level (AHD) which implies substantial excavation work.

The excavation work will expose an easement and a Sydney Water stormwater channel which will require reconstruction in the long term.

The issue of groundwater penetration is addressed in the preliminary contamination</td></tr>
</table>

Clause		Yes	No	N/A	Comment
	below the natural ground surface.				assessment. It is identified that groundwater penetration should be limited due to the highly plastic subsoils present. Groundwater is not considered to be a significant issue in the immediate area due to the soil profiles. This would imply that the issue of acid sulphate soils would not be a serious concern on the site.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.				
(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.		☐	☐	☒	
(4) Despite subclause (2) Development consent is not required under this clause for the carrying out of works if:		☐	☐	☒	
(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and					
(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.					
(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):		☐	☐	☒	
(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,					
(b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),					
(c) minor work, being work that costs less than $20,000 (other than drainage work).		☐	☐	☒	
(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:					
(a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of					

Clause	Yes	No	N/A	Comment
artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or (b) the works are likely to lower the watertable.				
6.2 Earthworks (1) The objectives of this clause are as follows: (a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land, (b) to allow earthworks of a minor nature without separate development consent. (2) Development consent is required for earthworks, unless: (a) the work does not alter the ground level (existing) by more than 600 millimetres, or (b) the work is exempt development under this Plan or another applicable environmental planning instrument, or (c) the work is ancillary to other development for which development consent has been given. (3) Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or of the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area. **Note.** The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	As stated above a significant amount of excavation work will be undertaken to a depth of 18.65 metres to support the basement car park. The earthworks form part of the development application and such work will change the typology of the site. The earthworks form a crucial part of the development proposed and the nature of the site will be altered. In addition:- • The works will impact on a substantial easement and stormwater channel which will require the channel to be relocated or altered. • The works form part of the proposed development and the basement is an essential component of the development. • A preliminary contamination assessment report has been submitted with the information package which identifies that the site is suitable to support a development of this nature. • Excavation works are taking place close to the property boundaries. A dilapidation report would be required to ensure adjoining building assets are not adversely impacted by the proposed works. • The waste management plan identifies that the excavated material will be taken to Art Excavations and Demolitions at Bankstown. A review of the Western Sydney Recycling Directory identifies that the company accepts excavated material. • The site is not identified as having archaeological features in the Auburn Local Environmental Plan 2010. • The works are not occurring

Clause	Yes	No	N/A	Comment
				within or close to any formal water course or drinking water catchment.
6.3 Flood planning (1) The objectives of this clause are: (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment. (2) This clause applies to: (a) land that is shown as "Flood planning area" on the Flood Planning Map, and (b) other land at or below the flood planning level. (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development: (a) is compatible with the flood hazard of the land, and (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. (4) A word or expression used in this clause has the same meaning as it has in the NSW Government's *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this clause. (5) In this clause: ***flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard. ***Flood Planning Map*** means the Auburn Local Environmental Plan 2010 Flood Planning Map.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The site is prone to flooding and or overland flow. As a result, a flood study has been submitted with the information package which is prepared by NPC and dated June 2015 2014. Council's engineers have assessed the flood study and determine that the report is satisfactory. The site is capable of being drained in an appropriate manner. Several conditions are provided addressing stormwater drainage and deferred commencement consent is being pursued.
6.5 Essential Services (1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements	☒	☐	☐	In correspondence dated 10 June 2015, AUSGRID has identified that an L Type kiosk substation will be required to support the development. The works are classified as Connection Works.

Clause	Yes	No	N/A	Comment
have been made to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage. (d) stormwater drainage or on-site conservation, (e) suitable road access.				The development has been given Number 190054753 by AUSGRID. Permanent electrical supply can be made available to the building. The proposed substation will be located within the development site at Number 5 and 7 Northumberland Road with the substations servicing all three sites known as 5 and 7, 12 and 14 Northumberland Road and Number 6 and 8 Station Road.
(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.	☐	☐	☒	The aim of this is to co ordinate power supply from the one location making such supply more efficient rather than having separate supply from two locations. Correspondence confirms that critical services are capable of being supplied to the development.
Schedule 1 Additional permitted uses "Nil"				

Auburn Development Control Plan 2010

Local Centres

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.	☒	☐	☐	The architecture of the building is acceptable in terms of detailing, treatment of lower storeys and street facades. The building presents a large mass and volume to Northumberland Road but this is considered appropriate for a town centre environment.
b. To establish the scale, dimensions, form and separation of buildings appropriate for local centre locations.	☒	☐	☐	
c. To encourage mixed use development with residential components that achieve active street fronts with good physical and visual connection between buildings and the street, and maintain residential amenity.	☒	☐	☐	An active street frontage is provided to Northumberland Road due to the proposed club. Appropriate connections to Northumberland Road are achieved.
d. To achieve active street frontages with good physical and visual connections between buildings and the street.	☒	☐	☐	
e. To ensure consistency in the main street frontages of buildings.	☒	☐	☐	The concept of a mixed use development incorporating a club, two commercial outlets and a residential flat building is supported. The development will improve or enhance the visual quality of the immediate locality.
f. To ensure building depth and bulk appropriate to the environmental setting and landform.	☒	☐	☐	
g. To ensure building separation is adequate to protect amenity, daylight	☐	☒	☐	A shadow issue is identified towards the south although it is lessened due to

penetration and privacy between adjoining developments. h. To ensure that the form, scale, design and nature of development enhances the streetscape and visual quality of commercial areas. i. To ensure that the built form and density of a new development respects the scale, density and desired future character of the area. j. To ensure development appropriately supports the centres hierarchy.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	the inclusion of the southern common open space.
Development Controls **D1** To allow for their adaptive use, mixed use buildings are to incorporate the following flexible design requirements: • the number of internal apartment structural walls are to be minimised; and • ceiling heights for the ground floor is to be a minimum of 3.6 metres. **D2** Residential components are to be provided with direct access to street level with entrances clearly distinguishable from entries to commercial premises. **D3** Secure entries are to be provided to all entrances to private areas, including car parks and internal courtyards. **D4** Car parking provided for the residential component of the development is to be clearly delineated and provided separate to general customer parking. **D5** Development shall be designed to locate loading bays, waste storage/collection areas and any other noise and odour generating aspects of buildings away from residential areas. **D6** Vehicular circulation areas must be legible and must differentiate between the commercial service requirements, such as loading areas, and residential access. **D7** Mechanical plant is to be located on the roof or visually and acoustically isolated from residential uses.	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	The proposed layout and design of the apartments are considered to be flexible to allow reconfiguration at a later date. The ground floor and first floor are to be occupied by commercial tenancies and the club. The ceiling heights are appropriate. The entrance to the residential tower is separate to the entrance to the club and ground floor commercial tenancies. A crime safety audit has been provided which identifies a number of safety issues that requires attention. This is addressed earlier in the report. An appropriate loading facility is provided to support the building. The loading and unloading area is situated at the rear of the club building. Appropriate pedestrian access is included within the design of the loading bay. The majority of the upper basement levels is earmarked for use for club patrons while the lower levels is earmarked for use for the residents. 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	☒	☐	☐	The proposed development is considered to provide an acceptable level of amenity for the intended

developments. **Development controls** **D1** The minimum finished floor level (FFL) to finished ceiling level (FCL) shall be as follows: • **3300mm for ground level (regardless of the type of development);** • 3300 for all commercial/retail levels; and • 2700mm for all residential levels above ground floor.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	occupants. The club has floor to ceiling heights of 3.8 metres to 4.2 metres. Floor to ceiling heights of 2.7m have been provided for the residential levels above the club level.
2.2 Articulation and proportion **Performance criteria** **P1** The bulk, scale and intensity of development is consistent with the scale of surrounding existing and planned developments.	☒	☐	☐	The building is articulated into a clearly defined base with discernable pedestrian access. All facades are appropriately articulated through the use of vertical and horizontal elements, including balconies, windows, varied setbacks and external finishes.
P2 Existing horizontal or vertical rhythms in a streetscape are complemented by new facades. Visual interest in a building is achieved by: articulation of facade into horizontal divisions of base, middle and top; balcony and fenestration details; and proportion, spacing and modelling of the surface through detail and relief.	☒	☐	☐	The proposed building complex will exceed the height and scale of nearby existing buildings by a wide margin. However the planning controls allow for this to occur to promote residential development close to transport nodes. The treatment of the new soccer club is considered to complement the scale of existing buildings within the vicinity.
P3 New facades complement the predominant horizontal and vertical proportions in the street and are compatible with surrounding buildings.	☐	☐	☒	The facades have balanced horizontal and vertical elements and well-spaced windows.
P4 Ensure infill development is well articulated, makes a positive contribution to the streetscape and responds to local urban character.	☒	☐	☐	It is considered that an awning structure would complement the street footpath level.
P5 Retain the use of awnings as visually dominant and coordinating townscape features.	☐	☐	☒	
P6 Ensure new development maintains a pedestrian scale, and provides weather protection at street level	☒	☐	☐	
Development controls **D1** Buildings shall incorporate: • balanced horizontal and vertical proportions and well spaced and proportioned windows; • a clearly defined base, middle and top; • modulation and texture; and • architectural features which give human scale at street level such as	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The ground floor treatment is of an appropriate scale and includes large areas of glazing.

entrances and porticos.				
D2 The maximum width of blank walls for building exteriors along key retail streets shall be 5m or 20% of the street frontage, whichever is the lesser.	☒	☐	☐	
D3 Articulation of the building exterior shall be achieved through recesses in the horizontal and vertical plane, adequate contrasts in materials, design features and the use of awnings.	☒	☐	☐	
D4 Features such as windows and doors shall be in proportion with the scale and size of the new building and any adjoining buildings which contribute positively to the streetscape.	☒	☐	☐	
D5 Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development.	☒	☐	☐	An awning is provided over the footpath and shown on the modified plans.
D6 Where development has two (2) street frontages the streetscape should be addressed by both facades.	☐	☐	☒	The building has a frontage to one road.
2.3 Materials **Performance criteria** **P1** Materials enhance the quality and character of the business precinct.	☒	☐	☐	The proposed materials are considered to be of high quality and contemporary appearance which will enhance the character of the town centre.
P2 The use of face brick (smooth faced) is encouraged.	☒	☐	☐	A full list of materials to be used in the development has been provided and determined as being satisfactory.
P3 The use of cement render on building facades is discouraged due to the high ongoing maintenance issues.	☒	☐	☐	
Development controls **D1** New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the character of buildings in the locality. The use of cement rendering shall be minimised.	☒	☐	☐	The material sheet does not suggest any use of render material for the development.
D2 Building materials and finishes complement the finishes predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building.	☒	☐	☐	
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.	☒	☐	☐	Large portions of the club facing Northumberland Road at ground level comprise glazed elements.
D4 Visible light reflectivity from building materials used on the facades of new	☒	☐	☐	

buildings shall not exceed 20%.				
2.4 Roofs **Performance criteria** **P1** Roof design is integrated into the overall building design. **Development controls** **D1** Design of the roof shall achieve the following: • concealment of lift overruns and service plants; • presentation of an interesting skyline; • enhancing views from adjoining developments and public places; and • complementing the scale of the building. **D2** Roof forms shall not be designed to add to the perceived height and bulk of the building. **D3** Where outdoor recreation areas are proposed on flat roofs, shade structures and wind screens shall be provided.	☒ ☒ ☐	☐ ☐ ☒	☐ ☐ ☐	Plant rooms are to be located in the basement. The lift overruns are integrated into the design of the buildings. There are no recreation areas proposed on the roof of the tower building.
2.5 Balconies **Performance criteria** **P1** Balconies contribute positively to the amenity of residents and the visual quality of the local centre. **Development controls** **D1** Opaque glazing and / or masonry for balconies is encouraged. **D2** Clear glazing for balconies is prohibited. **D3** Verandas and balconies shall not be enclosed. **D4** Balconies and terraces shall be oriented to overlook public spaces. **D5** The design of the underside of the balcony shall take into consideration the view of the underside from the street and shall not have exposed pipes and utilities. **D6** Screens, louvers or similar devices shall be provided to balconies so as to visually screen any drying of laundry.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	The balustrades for the majority of the apartments are shown to be glazed using opaque glazing material. A minority of the apartments are shown with solid balustrades. None of the balconies are to be enclosed. The facade and balconies present to Northumberland Road in a coordinated manner.
2.6 Interface with schools, places of public worship, and public precincts **Development controls** **D1** Where a site adjoins a school, place of				

public worship or public open space: • This interface shall be identified in the site analysis plan and reflected in building design; • Building design incorporates an appropriate transition in scale and character along the site boundary(s); • Building design presents an appropriately detailed facade and landscaping in the context of the adjoining land use. **D2** The potential for overlooking of playing areas of schools shall be minimised by siting, orientation or screening. **D3** Fencing along boundaries shared with public open space shall have a minimum transparency of 50%. **D4** Sight lines from adjacent development to public open space shall be maintained and/or enhanced. Direct, secure private access to public open space is encouraged, where possible.	☒ ☒ ☒ ☒ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☒ ☒	The site adjoins a private primary school to the rear being the Sydney Adventist College. The college is situated at 3 Macquarie Road. The rear of the building is facing a school hall and playground area. Of critical importance, overlooking of the school playground is a potential issue from the common area and from the balconies of the west facing apartments. The residential tower building is setback 9 metres from the boundary of the site whereas the club building is shown to be built adjacent to the building. The plans and model shows no windows of the club facing the school. There are planter boxes and shrubbery shown on the landscape plan to address view lines into the school from the common area. The west facing balconies are provided with louvre screens to enhance the degree of privacy towards the school.
3.0 Streetscape and Urban form				
Objectives a. To ensure development integrates well with the locality and respects the streetscape, built form and character of the area. b. To encourage innovative development which is both functional and attractive in its context.	☒ ☒	☐ ☐	☐ ☐	The proposed building if approved and built would be the first significant building for the locality however the long term vision for the locality is for other mid rise buildings of similar height and stature to promote more residential development close to a transport node. The building is consistent with the long term vision for the locality. The architectural treatment of the building is functional and attractive.
3.1 Streetscape **Performance criteria** **P1** New and infill development respects the integrity of the existing streetscape and is sympathetic in terms of scale, form, height, shopfront character, parapet, veranda design, and colours and materials, in a manner which interprets the traditional architecture, albeit in modern forms and materials. **P2** New development conserves and enhances the existing character of the street with particular reference to architectural themes. **P3** To ensure that a diversity of active street frontages is provided which are compatible with the scale, character and architectural treatment of Auburn's local area.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The design concept and façade treatments of the development are compatible with the streetscape. Active frontages are provided to Northumberland Road. The treatment of the ground floor is compatible with the scape, 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.	☐	☐	☒	
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.	☒	☐	☐	The two shop fronts being the café and additional retail shop are shown to be glazed.
Development controls				
D1 Applicants shall demonstrate how new development addresses the streetscape and surrounding built environment.	☒	☐	☐	
D2 New shopfronts shall be constructed in materials which match or complement materials used in the existing building.	☒	☐	☐	The shopfronts are to be fully glazed which is compatible with the materials proposed for the remainder of the building at ground level.
D3 Development shall provide direct access between the footpath and the shop.	☒	☐	☐	
D4 Development shall avoid the excessive use of security bars.	☒	☐	☐	
D5 Block-out roller shutters are not permitted.	☒	☐	☐	
D6 Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	☒	☐	☐	Signage is proposed as part of this application and addressed earlier in the report.
3.2 Setbacks **Performance criteria**				
P1 The setback of new buildings is consistent with the setback of adjoining buildings.	☒	☐	☐	The planning controls allow a hard edge built form to Northumberland Road. The ground level is setback 6.4 metres from the street to allow an appropriate entrance to the club as well as a patron drop off / patron collection area. The Level 2 club is shown to be built on the front property boundary. The nine storey residential flat tower building above has a setback of 200 to 800 mm from Northumberland Road which is consistent with the planning controls.
P2 The built edge of development at the street frontage contributes to a sense of enclosure and scale within the centre.	☒	☐	☐	
P3 Building design minimises building bulk within the streetscape through use of setbacks, architectural features and variations in materials and colour palette.	☒	☐	☐	
Development controls				
D1 New development or additions to existing development shall adopt front setbacks, as shown in Figure 2 (refer to section 14.2 Setbacks for Auburn Town Centre) and Figure 8 (refer to section 15.2 Setbacks for Lidcombe Town Centre).	☒	☐	☐	
4.0 Mixed Use Developments				
Objectives				
a. To encourage sustainable development by permitting services and employment-generating uses in conjunction with residential uses.	☒	☐	☐	The proposed development generally satisfies the objectives for mixed use development insofar as employment generating uses are provided in conjunction with residential uses, a mix of apartment sizes is provided in close proximity to transport and services, and the vitality and safety of the town centre is enhanced or maintained.
b. To provide affordable residential development within close proximity to transport, employment and services.	☒	☐	☐	
c. To enhance the vitality and safety of commercial centres by encouraging further residential development.	☒	☐	☐	
d. To achieve a lively and active street frontage by encouraging the integration of appropriate retail and commercial uses	☒	☐	☐	

with urban housing. e. To manage the bulk, scale and traffic generation of mixed use developments. f. To ensure that mixed use developments are designed having adequate regard for the amenity of occupants and surrounding development.	☒ ☒	☐ ☐	☐ ☐	
4.1 Building design **Performance criteria** **P1** Mixed use developments are designed to architecturally express the different functions of the building while sympathetically integrating into the local centre streetscape.	☒	☐	☐	This is achieved in which the club is clearly defined. The appearance of the residential flat building is different to the club in terms of building materials, and colours.
P2 Ensure key landmark corner sites are developed to ensure distinctive and unique design of buildings that will form gateways and entrance statements to commercial centres.	☐	☐	☒	
Development controls				
D1 The architecture of ground level uses shall reflect the commercial/retail function of the centre.	☒	☐	☐	
D2 Buildings shall achieve a quality living environment that sympathetically integrates into the character of the commercial precinct.	☒	☐	☐	
D3 Commercial and retail servicing, loading and parking facilities shall be separated from residential access and servicing and parking.	☒	☐	☐	An appropriate loading facility is provided to support the building. The loading and unloading area is situated at the rear of the club building. Appropriate pedestrian access is included within the design of the loading bay.
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.	☐	☐	☒	The site is not situated on a street corner.
4.2 Active street frontages **Performance criteria** **P1** Active frontage uses are defined as one of a combination of the following at street level: ■ front entry to shopfront; ■ shop front; ■ café or restaurant if accompanied by an entry from the street; ■ active office uses, such as reception, if visible from the street; and ■ public building if accompanied by an entry.	☒ ☒ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☒	The development includes a club, retail outlet and a café at ground level facing Northumberland Road which will promote an active street frontage at grade.
Development controls				
D1 Retail outlets and restaurants are located at the street frontage on the ground level.	☒	☐	☐	This is achieved due to the proposed café and retail outlet being established at ground level.
D2 A separate and defined entry shall be provided for each use within a mixed use development.	☒	☐	☐	This is achieved.
D3 Only open grill or transparent security (at least 70% visually transparent) shutters	☐	☐	☒	No security grills are provided to the development.

are permitted to retail frontages.				
4.3 Awnings **Performance criteria** **P1** Street frontage awnings are to be provided in all areas with active frontage	☒	☐	☐	The plans show an awning situated over the footpath on Northumberland Road to provide weather protection.
Development controls **D1** Awning dimensions shall generally be:				
▪ horizontal in form;	☒	☐	☐	
▪ minimum 2.4m deep (dependent on footpath width);	☒	☐	☐	
▪ minimum soffit height of 3.2m and maximum of 4m;	☒	☐	☐	
▪ steps for design articulation or to accommodate sloping streets are to be integral with the building design and should not exceed 700mm;	☐	☐	☒	
▪ low profile, with slim vertical fascia or eaves (generally not to exceed 300mm height);	☒	☐	☐	
▪ 1.2m setback from kerb to allow for clearance of street furniture, trees, and other public amenity elements; and	☒	☐	☐	
▪ In consideration of growth pattern of mature trees.	☐	☐	☒	
D2 Awning design must match building facades, be complementary to those of adjoining buildings and maintain continuity.	☒	☐	☐	
D3 Awnings shall wrap around corners for a minimum 6m from where a building is sited on a street corner.	☐	☐	☒	
D4 Vertical canvas drop blinds may be used along the outer edge of awnings along north-south streets. These blinds must not carry advertising or signage.	☐	☐	☒	
D5 Under awning lighting shall be provided to facilitate night use and to improve public safety recessed into the soffit of the awning or wall mounted onto the building.	☒	☐	☐	
D6 Soft down lighting is preferred over up lighting to minimise light pollution.	☒	☐	☐	
D7 Any under awning sign is to maintain a minimum clearance of 2.8m from the level of the pavement.	☒	☐	☐	
D8 All residential buildings are to be provided with awnings or other weather protection at their main entrance area.	☒	☐	☐	
4.4 Arcades **Performance criteria** **P1** Provide safe and convenient connections to enhance the pedestrian network and to provide linkages between shopping areas, public spaces and car parking.	☐	☐	☒	The development does not incorporate a traditional enclosed arcade element. The controls specified at this part will not apply to the development application.
P2 Encourage the use of parking at the rear of a development site by providing good access to the front of the site.	☐	☐	☒	
P3 Encourage activity within arcades.	☐	☐	☒	

Development controls **D1** Arcades shall: ▪ Accommodate active uses such as shops, commercial uses, public uses, residential lobbies, cafes or restaurants; ▪ Be obvious and direct thoroughfares for pedestrians; ▪ Provide for adequate clearance to ensure pedestrian movement is not obstructed; ▪ Have access to natural light for all or part of their length and at the openings at each end, where practicable; ▪ Have signage at the entry indicating public accessibility and to where the arcade leads; and ▪ Have clear sight lines and no opportunities for concealment. **D2** Where arcades or internalised shopping malls are proposed, those shops at the entrance must have direct pedestrian access to the street.	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒	
4.5 Amenity **Performance criteria** **P1** The amenity provided for residents of a mixed use development is similar to that expected in residential zones in terms of visual and acoustic privacy, solar amenity and views. **Development controls** **D1** The internal environment of dwellings within mixed use developments in the vicinity of major arterial roads or railway lines shall provide an appropriate level of amenity for privacy, solar access and views.	☒ ☒	☐ ☐	☐ ☐	The development provides for an appropriate level of residential amenity. Refer to the SEPP 65/Residential Flat Design Code assessment section of the report. An acoustic report has been prepared with the development application to address internal and external noise sources. The report should be incorporated into any consent that may be issued due to the many recommendations that are made.
4.6 Residential flat building component of mixed use developments Applicants shall consult the Residential Flat Buildings Part of this DCP for the design requirements for the residential flat building component of a mixed use development.	☒	☐	☐	Refer to the Auburn DCP - Residential Flat Buildings compliance table.
5.0 Privacy and Security				
Objectives a. To provide personal and property security for residents and visitors and enhance perceptions of community safety. b. To ensure that new development achieves adequate visual and acoustic privacy levels for neighbours and residents. c. To create a balance of uses that are safe and easily accessible. d. To ensure there is adequate lighting and signage to provide a safe environment. e. To enhance the architectural character of	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The development is subject of a detailed crime assessment. In addition, the development application has been reviewed by the Flemington Police Command who has provided a number of recommendations to address crime. The matters of crime prevention have been addressed earlier in the report.

buildings at night, improve safety and enliven the town centre at night.	☒	☐	☐	
Performance criteria				
P1 Private open spaces and living areas of adjacent dwellings are protected from overlooking.	☒	☐	☐	This is achieved.
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.	☒	☐	☐	
Development controls				
D1 Views onto adjoining private open space shall be obscured by:				
• Screening with a maximum area of 25% openings is permanently fixed and made of durable materials; or	☒	☐	☐	The level of privacy is determined as being acceptable. Louvre screens are provided as appropriate to enhance the degree of privacy within and external to the site. The use of louvres towards the front and rear will be important to limit view lines to an adjoining development proposed at 5 to 7 Northumberland Road and a school at the rear.
• Incorporating planter boxes into walls or balustrades to increase visual separation between areas. Existing dense vegetation or new planting may be used as a secondary measure to further improve privacy.	☒	☐	☐	
D2 Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings.	☒	☐	☐	Children using the small south facing playground will have oblique views towards a number of apartments situated at 8 to 10 Northumberland Road. The small playground in question is provided with planter boxes and the landscape plan shows some shrubbery comprising of Murraya Paniculata (Orange Jasminea) that grows to a height of 1.5 metres. Combined with the planter box walls, the effective height of the screening from the level 2 podium is 2.5 metres. The Murraya is a hedge plant which is suited for promoting suitable levels of privacy. This will assist in promoting privacy towards 8 to 10 Northumberland Road from the south facing common area.
D3 Shared pedestrian entries to buildings shall be lockable.	☒	☐	☐	
D4 Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	☒	☐	☐	
D5 Pedestrian walkways and car parking shall be direct, clearly defined, visible and provided with adequate lighting, particularly those used at night.	☒	☐	☐	
D6 Landscaping and site features shall not block sight lines and are to be minimised.	☒	☐	☐	
D7 Seating provided in commercial areas of a development shall generally only be located in areas of active use where it will be regularly used.	☐	☐	☒	No external seating is proposed in this development adjacent to the club / café or shop at ground level.
D8 Adequate lighting shall be provided to minimise shadows and concealment spaces.	☒	☐	☐	

D9 All entrances and exits shall be made clearly visible.	☒	☐	☐	The entry to the residential part of the building is separate to the entry area to the club. The entrances are visible.
D10 Buildings shall be arranged to overlook public areas and streets to maximise surveillance.	☒	☐	☐	
D11 Development shall be consistent with Council's Policy on Crime Prevention Through Environmental Design.	☒	☐	☐	
5.1 Lighting				
Performance criteria				
P1 Lighting is provided to highlight the architectural features of a building and enhance the identity and safety of the public domain but does not floodlight the facade.	☒	☐	☐	Conditions of consent could be imposed with regards to lighting. Generally, the plans show no significant light sources facing Northumberland Road.
P2 The use of integrated lighting systems in retail shops is both functional and decorative.	☒	☐	☐	
P3 Lighting is sufficient for its purpose and used to make bold design statements.	☒	☐	☐	
P4 Lighting does not interfere with amenity of residents or safety of motorists.	☒	☐	☐	
Development controls				
D1 Lighting design shall be integrated with the interior design of a retail/commercial premise. The use of low voltage track lighting, recesses spotlighting and designer light fittings is encouraged.	☒	☐	☐	
D2 Lighting systems shall incorporate specific display lighting to reinforce merchandise and provide a contrast against the street lighting generally.	☒	☐	☐	
D3 Surface mounted fluorescent fixtures shall not be considered in any part of the retail areas of the premises.	☐	☐	☒	
D4 The light source shall be selected to provide the desired light effect; however, fitting and methods shall be chosen produce the highest energy efficiency.	☒	☐	☐	
D5 Lighting shall not interfere with the amenity of residents or affect the safety of motorists.	☒	☐	☐	The development application does not include the use and fit out of the retail tenancy. The plans show 4 tables and 16 seats within the café and direct access from the street and club foyer area.
D6 Excessive lighting shall not be permitted. Light spill onto the street into the public domain shall be minimised.	☒	☐	☐	
5.2 Shutters and grilles				
Performance criteria				
P I Security shutters, grilles and screens	☐	☐	☒	Part 5.2 will not apply to the

allow the viewing of shopfront windows and light to spill out onto the footpath.				development application.
P2 Shutters, grilles and screens are to be made from durable, graffiti-resistant materials and compatible with the building style.	☐	☐	☒	
Development controls				
D1 Windows and doors of existing shopfronts shall not be filled in with solid materials.	☐	☐	☒	
D2 Security shutters, grilles and screens shall:				
• be at least 70% visually permeable (transparent);	☐	☐	☒	
• not encroach or project over Council's footpaths; and	☐	☐	☒	
• be made from durable, graffiti-resistant materials.	☐	☐	☒	
D3 Solid, external roller shutters shall not be permitted.	☐	☐	☒	
5.3 Noise				
Performance criteria				
P1 New developments within major arterial roads or railway lines are designed to mitigate noise and vibration impacts.	☒	☐	☐	The matter of noise has been addressed earlier in the report under State Environmental Planning Policy "Infrastructure 2007 and at the appropriate section of The Auburn Development Control Plan Residential Flat Buildings specific to internal and external noise issues.
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.	☒	☐	☐	
Development controls				
D1 New development shall comply with the provisions of the relevant acts, regulations, environmental planning instruments, Australian Standards and guidelines produced by the NSW Department of Environment, Climate Change and Water, the NSW Roads and Traffic Authority and the NSW Department of Planning as applicable for noise, vibration and quality assurance. This includes:				
• Development Near Rail Corridors and Busy Roads, NSW Department of Planning, December 2008 - Interim Guidelines.	☒	☐	☐	
• NSW Industrial Noise Policy;	☐	☐	☒	
• Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and	☒	☐	☐	
• Environmental Criteria for Road and Traffic Noise.	☒	☐	☐	

Restaurant and cafe design shall minimise the impact of noise associated with late night operation on nearby residents. Operation includes loading/unloading of goods/materials and the use of plant and equipment at a proposed commercial premise.	☒	☐	☐	This is achieved.
D2 An acoustic report shall be submitted with a development application for a proposed commercial use in the local centre that operates during the hours between 10pm and 6am.	☒	☐	☐	The acoustic report provided by Acoustic Logic has been assessed specific to internal and external noise sources. The report makes many recommendations to address potential noise sources. The report should be incorporated into any consent issued due to the recommendations that are made.
5.4 Wind Mitigation **Performance Criteria** **P1** New developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians. **Development Controls** **D1** Site design for tall buildings (towers) shall: ▪ set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower; ▪ ensure that tower buildings are well spaced from each other to allow breezes to penetrate local centres; ▪ consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level; and ▪ ensure useability of open terraces and balconies. **D2** A Wind Effects Report is to be submitted with the DA for all buildings greater than 35m in height. **D3** For buildings over 48m in height, results of a wind tunnel test are to be included in the report.	☒ ☒ ☒ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☒	A wind assessment report has been submitted with the development application and prepared by SLR Global Environmental Solutions (Report Number 610.14748-R1). The report identifies:- • The Northumberland Road footpath will continue to be exposed to the north east winds. • There is good shielding to the south and west which will assist in reducing wind speed around the sites. • The common areas will be protected by winds due to the barriers that are proposed. • Sliding shutters will be required for the upper level balconies to assist in reducing adverse winds to higher risk balconies. Generally, the report does not find any adverse impact specific to wind issues.
6.0 Access and Car Parking In addition to this section, applicants shall consult the Parking and Loading Part of this DCP for other access, parking and loading requirements for all development within local centres.				
6.1 Access, loading and car parking requirements **Development controls** **D1 Car parking rates shall be provided in accordance with the Parking and Loading Part of this DCP.**	☐	☒	☐	It is determined that adequate car parking is provided to support the residential flat building as discussed earlier in the report. <u>Car parking for the club</u> There is a shortfall of 64 car parking spaces to support the club and retail tenancies. Following review, the shortfall may be accepted because the

				site is located within the Auburn Town Centre where patrons have ready access to bus and rail facilities. The applicant has requested that Council and the Joint Regional Planning Panel support the car parking that is provided in the determination of the development application.
6.2 Creation of new streets and laneways **Performance criteria** **P1** All new proposed roads are designed to convey the primary function of the street, including: • Safe and efficient movement of vehicles and pedestrians; • Provision for parked vehicles and landscaping, where appropriate; • Location, construction and maintenance of public utilities; and • Movement of service and delivery vehicles. **Development controls** **D1** On some sites, new streets may be able to be introduced. Where a new street shall be created, the street shall be built to Council's standards, Road Design Specification D1 and relevant Quality Assurance requirements while having regards to the circumstances of each proposal. Consideration will be given to maintaining consistency and compatibility with the design of existing roads in the locality. **D2** On site car parking shall be provided below ground or located within the building and well screened. **D3** Development adjoining a new laneway shall contribute to an attractive streetscape and presents a well designed and proportioned facade and incorporates windows, balconies, doorways and landscaping, where possible. **D4** New public laneways created within large blocks shall maximise pedestrian and vehicle connections within local centres. **D5** A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side. **D6** New streets shall be dedicated to Council. The area of any land dedicated to Council shall be included in the site area for the purpose of calculating the floor space ratio.	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	The proposal does not include any new streets or laneways. The provisions stated here will not apply to the development.
7.0 Landscaping				
Objectives a. To create attractive buildings, public spaces and walkways. b. To improve visual quality and contribute to a more positive local centre experience. c. To reduce impacts on climate change at the local level and improve the natural environmental features and local ecology of the local centre. d. To improve the amenity of business and	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The concept landscape plan indicates appropriate landscaping which responds to the scale of the development. The landscape plan shows limited forms of landscaping at the ground level but more landscaping across Level 2 mainly surrounding and within

commercial precincts through preserving and retaining existing mature trees where practical.	☒	☐	☐	the common open space areas. Landscaping is limited due to the presence of a registered club and associated services at ground level and Level 1 which occupies the entire site.
e. To support landscape design that incorporates the planting of endemic landscape species wherever possible.	☒	☐	☐	
f. To ensure that new street furniture is coordinated with existing street furniture and does not create clutter and obstacles in public spaces.	☐	☐	☒	
g. To ensure that public areas respond to the needs of people with sensory and other disabilities.	☒	☐	☐	
Performance criteria				
P1 Landscaping forms an integral part of the overall design concept.	☒	☐	☐	
P2 Landscape reinforces the architectural character of the street and positively contributes to maintaining a consistent and memorable character.	☒	☐	☐	
P3 Landscaped areas are used to soften the impact of buildings and car parking areas as well as for screening purposes.	☐	☐	☒	All car parking is to be provided within the basement levels.
P4 Landscaped areas are provided for passive and recreational use of workers.	☒	☐	☐	
P5 Enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings.	☒	☐	☐	
P6 Encourage the planting of low water consumption plants and trees.	☒	☐	☐	
Development controls				
D1 Development shall incorporate landscaping in the form of planter boxes to soften the upper level of buildings.	☒	☐	☐	All the landscaping across the site consists of planter boxes rather than deep soil zone. There are no opportunities for deep soil zone within the site.
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.	☐	☐	☒	Car parking areas at grade are not proposed in this application.
D3 In open parking areas, one (1) shade tree per ten (10) spaces shall be planted within the parking area.	☐	☐	☒	
D4 Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to provide associated site security.	☒	☐	☐	It can be argued that the planter boxes across Level 2 have a similar function to a fence which assists in minimising visual impacts of the development.
D5 Paving and other hard surfaces shall be consistent with architectural elements.	☒	☐	☐	
7.1 Street trees				
D1 Street trees shall be planted at a rate of one (1) tree per lineal metre of street frontage, even in cases where a site has more than one street frontage, excluding frontage to laneways.	☐	☐	☒	The landscape plan does not show any street trees at the front of the site.

D2	Street tree planning shall be consistent with Council's Street Tree Masterplan or relevant Public Domain Plan or Infrastructure Manual.	☐	☐	☒	The Street Tree Manual suggests the use of Lagerstroemia Natchez species on and within the western side of Northumberland Road.
D3	Significant existing street trees shall be conserved and, where possible, additional street trees shall be planted to ensure that the existing streetscape is maintained and enhanced.	☐	☐	☒	It is considered appropriate not to pursue the planting of new trees at the front of the site given the presence of the awning structure.
D4	Where street trees and the provision of awnings are required, cut-outs shall be included in the awning design to accommodate existing and future street trees.	☐	☐	☒	
D5	Driveways and services shall be located to preserve significant trees.	☒	☐	☐	
D6	At the time of planting, street trees shall have a minimum container size of 200 litres and a minimum height of 3.5m, subject to species availability.	☐	☐	☒	
D7	Planter boxes (or similar) surrounding trees in the footpath shall be 1.2m x 1.2m, filled with approved gravel and located 200mm from the back of the kerb line.	☐	☐	☒	
8.0 Energy Efficiency and Water Conservation					
Objectives					
a.	To achieve energy efficient commercial and retail developments.	☒	☐	☐	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). There will be overshadowing of the public domain south east of the building which is inevitable given the size and height of the building. Overshadowing of the public domain is limited to footpath and road surfaces and not parklands. The development will create shadow impacts onto certain apartments situated at 8 to 10 Northumberland Road and onto the proposed development at 5 to 7 Northumberland Road as discussed earlier in the report.
b.	To encourage site planning and building design which optimises site conditions to achieve energy efficiency.	☒	☐	☐	
c.	To minimise overshadowing of the public domain including streets and open space.	☒	☐	☐	
d.	To give greater protection to the natural environment by reducing greenhouse gas emissions.	☒	☐	☐	
e.	To encourage the installation of energy efficient and water conserving appliances.	☒	☐	☐	
f.	To reduce the consumption of non-renewable energy sources for the purposes of heating, water, lighting and temperature control.	☒	☐	☐	
g.	To minimise potable water mains demand of non-residential development by implementing water efficiency measures.	☒	☐	☐	
8.1 Energy efficiency					
Performance criteria					
P I	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.	☒	☐	☐	The internal layout of the building is generally considered acceptable. The building will be constructed of appropriate masonry materials with suitable thermal massing properties.
Development controls					
D I	Any hot water heaters to be installed, as	☒	☐	☐	The BASIX Certificate documents the hot water system required to service

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.				the building but does not provide a Star rating. It demonstrates that a central hot water system is to be provided
D2 The practicability of all external lighting and common areas (e.g. undercover car parking) being lit utilising renewable energy resources generated on site shall be investigated. Larger developments (buildings exceeding 400m^2 in area) shall investigate the viability of utilising renewable energy resources for all lighting on site. A statement shall be included with the development application addressing these requirements.	☒	☐	☐	The BASIX Certificate requires energy efficient lighting be installed in common areas and this is considered an acceptable energy efficient measure.
8.2 Water conservation **Performance criteria** **P1** Water efficiency is increased by appropriate building design, site layout, internal design and water conserving appliances.	☒	☐	☐	The submitted BASIX Certificate addresses water conservation.
Development controls **D1** New developments shall connect to recycled water if serviced by a dual reticulation system for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes.	☐	☐	☒	
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.	☒	☐	☐	A rainwater tank with a capacity of 5,000 litres is proposed. A rainwater tank is shown at Level 2 adjacent to a stairwell.
D3 Development shall install all water using fixtures that meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.	☒	☐	☐	The installation of water efficient fixtures is a BASIX requirement.
8.3 Stormwater drainage Applicants shall consult the Stormwater Drainage Part of this DCP for requirements for stormwater management.	☒	☐	☐	Engineering conditions are provided although deferred commencement consent is to be pursued. It is determined that the site is capable of being drained in an appropriate manner.
8.4 Rainwater tanks **Performance criteria** **P1** Adequate measures are incorporated into new development to encourage the collection and reuse of stormwater and reduce stormwater runoff. **Development controls** **D1** Rainwater tanks shall be installed as part of all new development in accordance with the following:	☒	☐	☐	A rainwater tank with a capacity of 5,000 litres is proposed. A rainwater tank is shown at Level 2 adjacent to a stairwell.

• The rainwater tank shall comply with the relevant Australian Standards; • The rainwater tank shall be constructed, treated or finished in a non-reflective material that blends in with the overall tones and colours of the subject and surrounding development; • Rainwater tanks shall be permitted in basements provided that the tank meets applicable Australian Standards; • The suitability of any type of rainwater tanks erected within the setback area of development shall be assessed on an individual case by case basis. Rainwater tanks shall not be located within the front setback; and • The overflow from rainwater tanks shall discharge to the site stormwater disposal system. For details refer to the Stormwater Drainage Part of this DCP.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	
8.5 Ventilation **Performance criteria** **P1** Natural ventilation is incorporated into the building design. **Development controls** **D1** The siting, orientation, use of openings and built form of the development shall maximise opportunities for natural cross ventilation for the purposes of cooling and fresh air during summer and to avoid unfavourable winter winds.	☒ ☒	☐ ☐	☐ ☐	The proposed development achieves the minimum requirements for natural ventilation under SEPP 65.
8.6 Solar amenity **Performance criteria** **P1** **New buildings are designed to protect solar amenity for the public domain and residents.** **Development controls** **D1** Shadow diagrams shall accompany development applications for buildings which demonstrate that the proposal will not reduce sunlight to less than 3 hours between 9.00 am and 3.00 pm on 21 June for: • public places or open space; • **50% of private open space areas;** • 40% of school playground areas; or • **windows of adjoining residences**. **D2** Lighter colours in building materials and exterior treatments shall be used on the western facades of buildings.	☐ ☒ ☐ ☒ ☐ ☒	☒ ☐ ☒ ☐ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☐	**A shadow issue towards the south at Number 8 to 12 Northumberland Road has been identified which is discussed earlier in the report and at Part 6.0 Auburn Development Control Plan 2010 - Residential Flat Buildings. It is determined that the shadow impact could be supported.** Refer to the discussion of the shadow impacts under the Residential Flat Design Code and the Auburn Development Control Plan 2010 Residential Flat Buildings.

9.0 Ancillary Site Facilities				
9.1 Provision for goods and mail deliveries **Performance criteria**				
P1 New development incorporates adequate provision in its design for the delivery of goods and mail to both business and residential occupants.	☒	☐	☐	
Development controls				
D1 Provision shall be made on-site for courier car parking spaces in a convenient and appropriately signposted location, preferably with access off the principal street frontage, for developments incorporating greater than 3,000m^2 of gross leasable floor area devoted to commercial premises.	☒	☐	☐	A club is proposed and therefore, loading and unloading facilities will be essential for the building. Deliveries are likely to take the form of food products and beverages. A loading area is provided at the rear of the club with vehicular access along the northern side of the site.
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.	☒	☐	☐	Mailboxes are to be provided adjacent to the ground floor entry to the residential tower building.
10.0 Other Relevant Controls				
10.1 Waste **D1** Applicants shall consult the Waste Part of this DCP for requirements for disposal.	☒	☐	☐	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.
10.2 Access and amenity **D1** Applicants shall consult the relevant provisions within the Access and Mobility Part of this DCP.	☒	☐	☐	The proposed development provides suitable access in accordance with the Access and Mobility part of the Auburn Development Control Plan 2010.
11.0 Public Domain				
Objectives a. To ensure private development contributes to a safe, attractive and useable urban environment within the local centres of the Auburn local government area.	☒	☐	☐	The proposed development is consistent with the objectives and development controls relating to the public domain insofar as it will: • Contribute to a safe and useable urban environment; • Encourage both night and day pedestrian activity; • Contribute to a positive pedestrian environment; and • Contribute positively to the public domain.
b. To ensure the public domain forms an integrated part of the urban fabric of commercial centres.	☒	☐	☐	
c. To encourage both night and day pedestrian activity in the commercial centres.	☒	☐	☐	
d. To ensure private development contributes to a positive pedestrian environment.	☒	☐	☐	This will be achieved through appropriate building design and provision of ground floor retail / café uses.
e. To ensure that outdoor dining areas do not interfere with pedestrian amenity.	☐	☐	☒	No outdoor dining areas are proposed.
f. To encourage public art in new development.	☐	☐	☒	The development makes no provision for external art features.
Development controls **D1** Any works within the public domain or	☒	☐	☐	Conditions would be required addressing the public domain in

	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.				accordance with the relevant manual where appropriate.
D2	New buildings shall contribute to the public domain through the provision of awnings, sheltered building entries, verandas and canopies, safe pedestrian linkages to car parks, landscaping, and open space, where appropriate.	☒	☐	☐	This is achieved where relevant but it is identified that certain aspects specified by Subpart D2 cannot be achieved due to the type of development that is proposed.
D3	Outdoor dining on footpaths shall be limited. Refer to Council's relevant Public Domain Plan, Outdoor Dining Policy and Public Art Policy.	☐	☐	☐	No outdoor dining is proposed in this application.
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.	☐	☐	☒	Subdivision of the site is not proposed. The development application does not include Strata Subdivision of the residential flat tower development into 81 allotments. Strata Subdivision would need to be addressed via a separate development application should the Joint Regional Planning Panel support the development.
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.	☐	☐	☒	
12.1 Size and dimensions					
Performance criteria					
P1	The size and dimension of proposed lots contribute to the orderly development of the commercial centres.	☐	☐	☒	Subpart 12.1 will not apply to the development application.
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.	☐	☐	☒	
12.2 Utility services					
Performance criteria					
P1	All essential public utility services are provided to the development to the satisfaction of relevant authorities.	☒	☐	☐	An electricity substation is required for the development. The matter has been addressed comprehensively under Clause 6.5 of the Auburn Local Environmental Plan 2010 earlier in the report. The other issue concerning the stormwater pipe and Sydney Water easement has also been addressed earlier in the report.
Development controls					
D1	The applicant shall demonstrate that each proposed allotment can be connected to appropriate utility services including water, sewerage, power and telecommunications and (where available) gas. This may include advice from the relevant service authority or a suitably qualified consultant as to the availability and capacity of services.	☒	☐	☐	
D2	Common trenching for gas, electricity and telecommunications shall be provided in	☒	☐	☐	

accordance with agreements between the relevant servicing authorities in NSW.				
13.0 Residential Interface				
Objectives: a. To ensure that commercial development does not have adverse impacts on the amenity of adjoining and nearby residential zones.	☒	☐	☐	The development is located within the Auburn Town Centre. There is no land zoned for residential use adjacent and adjoining to the site.
b. To ensure that commercial buildings are appropriately setback from nearby residential zones.	☐	☐	☒	
c. To ensure that heavy vehicles associated with commercial development do not adversely impact upon the residential amenity.	☒	☐	☐	
Development controls **D1** Buildings adjoining residential zones and/or open space shall be setback a minimum of 3 metres from that property boundary.	☐	☐	☒	
D2 Loading areas, driveways, rubbish, storage areas, and roof top equipment shall not be located directly adjacent to residential zones, or if unavoidable shall be suitably attenuated or screened.	☐	☐	☒	
D3 Any commercial buildings which may have the potential to accommodate the preparation of food from a commercial tenancy shall provide ventilation facilities to ensure that no odour is emitted in a manner that adversely impacts upon any residential zones.	☐	☐	☒	
D4 External lighting shall be positioned to avoid light spillage to adjoining residential zones.	☐	☐	☒	
D5 Where noise generating development is proposed adjacent to residential or other noise sensitive uses, such as places of worship and child care centres, an acoustic report shall be submitted with a development application, outlining methods to minimise adverse noise impact.	☐	☐	☒	
14.0 Auburn Town Centre				
14.1 Development to which this section applies This section applies to the Auburn Town Centre which is zoned B4 Mixed Use under *Auburn LEP 2010.* Refer to Figure 1. The development controls apply in addition to the development controls presented in previous sections of this Part. Where there are inconsistencies between the controls contained within this section and other controls within this DCP, these controls prevail to the extent of the inconsistency.	☒	☐	☐	The subject development site is located within the Auburn Town Centre.
14.2 Setbacks **Performance Criteria** **P1** The built edge of development fronting the	☒	☐	☐	

street contributes to a sense of enclosure, scale and appropriate transition within the town centre. **Development controls** **D1** Setbacks within the town centre shall be consistent with Figure 2.				
14.3 Active frontages **Development controls** **D1** As a minimum, buildings shall provide active street frontages consistent with Figure 3.	☒	☐	☐	The development control plan requires an active street frontage to Northumberland Road. The development provides active street frontages to Northumberland Road.
14.4 Laneways **Development controls** **D1** Redevelopment within the Auburn Town Centre shall make provision for the creation of new laneways as shown in Figure 4.	☐	☐	☒	No laneways are proposed within or adjacent to the site.

Auburn Development Control Plan 2010

Residential Flat Buildings

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.				This is noted.
1.2 Purpose of this Part The purpose of this Part is to ensure residential flat buildings: • are pleasant to live in and create enjoyable urban places; • promote amenable, vibrant and lively streets: • facilitate a safe, welcoming and attractive public domain; • 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.	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	The apartments acquire satisfactory amenity for future residents specific to solar penetration, aspect and orientation. It is shown that the services needed to support the population are capable of being provided on the site.

2.0 Built Form				
Objectives				
• To ensure that all development contributes to the improvement of the character of the locality in which it is located.	☒	☐	☐	A redevelopment of the site is supported as this will improve the streetscape in the locality.
• To ensure that development is sensitive to the landscape setting and environmental conditions of the locality.	☒	☐	☐	The design quality details relevant to this Part are addressed under Principle 2: Scale - of State Environmental Planning Policy 65 - Design Quality of Residential Flat Development.
• To ensure that the appearance of development is of high visual quality and enhances and addresses the street.	☒	☐	☐	
• To ensure that the proposed development protects the amenity of adjoining and adjacent properties.	☒	☐	☐	The residential flat tower building is presented as a hard urban edge to the street with no setbacks provided. The planning controls allow this form of urban development to occur.
• To ensure that the form, scale and height of the proposed development responds appropriately to site characteristics and the local character.	☒	☐	☐	
• To ensure that development relates well to surrounding developments including heritage items, open space and other land uses.	☒	☐	☐	The BASIX Certificate addresses sustainable features in the development.
• To ensure that development maximises sustainable living.	☒	☐	☐	
• To maximise views, solar and daylight access.	☒	☐	☐	
• To provide an acceptable interface between character areas.	☒	☐	☐	
• **To minimize the impacts of buildings over shadowing open spaces and improve solar access to the street.**	☐	☒	☐	**As identified in the assessment under State Environmental Planning Policy 65 and the Residential Flat Design Code, the building will create a significant shadow impact towards the south over the smaller development at 8 to 10 Northumberland Road.** **For a town centre environment with high density planning controls, the shadow impact is unavoidable. Due to the inclusion of a common area on the southern side of the building, the shadow impact has been lessened as much as feasible.**
• To contribute to the streetscape and form a clear delineation between the public and private domain.	☒	☐	☐	
2.1 Site area **Performance criteria** **P1** The site area of a proposed development is of sufficient size to accommodate residential flat buildings and provide adequate open space and car parking consistent with the relevant requirements of this DCP.	☒	☐	☐	As identified in the assessment under State Environmental Planning Policy 65 and the associated code for residential flat developments, there is adequate car parking provided to support a residential flat building of this nature on the site.
Development controls **D1** A residential flat building development shall have a minimum site area of 1,000 square	☒	☐	☐	The site occupies an area of 1,672.8 square metres and has a

metres and a street frontage of 20 metres in the B4 Zone or 26 metres in the R4 zone.				width of 33.8 metres.
D2 Where lots are deep and have narrow street frontages the capacity for maximising residential development is limited. Two or more sites may need to be amalgamated to provide a combined site with sufficient width for good building design.	☐	☐	☒	The site has an appropriate size and shape and no adjoining allotments will need to be consolidated to form larger sites.
2.2 Site coverage **Performance criteria**				
P1 Ensure that new development and alterations and additions to existing development result in site coverage which allows adequate provision to be made on site for infiltration of stormwater, deep soil tree planting, landscaping, footpaths, driveway areas and areas for outdoor recreation.	☒	☐	☐	There are provisions that cannot apply to the site due to the site being situated within the Auburn Town Centre.
P2 Minimise impacts in relation to overshadowing, privacy and view loss.	☐	☒	☐	**There is a shadow issue to the south across Number 8 and 10 Northumberland Road.**
P3 Ensure through-site links for pedestrians are incorporated where applicable.	☐	☐	☒	**For a town centre environment with high density planning controls, the shadow impact is unavoidable. Due to the inclusion of a common area on the southern side of the building, the shadow impact has been lessened as much as feasible.**
Development controls				
D1 The built upon area shall not exceed 50% of the total site area.	☐	☐	☒	
D2 The non-built upon area shall be landscaped and consolidated into one communal open space and a series of courtyards.	☒	☐	☐	The provision should not apply given the context of the site within the Auburn Town Centre and what is occurring on the ground level and Level 1. Common space for the residential flat building is provided at Level 2 along the northern and western sides of the tower building. There is a second common space area situated on the southern side of the building. The space incorporates a small playground area for children. The provision of the south facing common area assists in reducing the shadow impact towards the south.
2.3 Building envelope **Performance criteria**				
P1 The height, bulk and scale of a residential flat building development is compatible with neighbouring development and the locality. Residential flat buildings:				
• addresses both streets on corner sites;	☐	☐	☒	The locality is considered to be an area undergoing transition and to this extent, the development proposal is not identified as being compatible in terms of height, bulk
• align with the street and/or proposed new streets;	☒	☐	☐	
• form an L shape or a T shape where	☐	☐	☒	

there is a wing at the rear. **Note:** The development control diagrams in section 10.0 illustrate building envelope controls**.** **Development controls** **D1** Council may consider a site specific building envelope for certain sites, including: • double frontage sites; • sites facing parks; • sites adjoining higher density zones; and • isolated sites.	☐	☐	☒	and scale to some of the adjoining developments at the present time. The applicable planning controls support a reasonably large development and as such the development is considered as being consistent with the long term future vision for the locality where taller buildings are expected to predominate.
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	☐	☒	☐	**The dimensions of the residential flat building are 33.8 metres x 40 metres at the widest points although there are variations.** **<u>Note</u>:- the residential flat building tower has a wide range of dimensions to ensure a significant bulk and mass is avoided.**
D3 The tower component of any building above the podium or street wall height is to have a maximum floor plate of 850m2.	☐	☒	☐	**The footprint of the residential flat building tower at Level 2 and above is calculated at approximately 946 square metres which is 96 square metres more than the 850 square metres permitted by Part D3.** **The variation is 11.29% which is not excessive with the figure including the balconies, lift wells and the access corridors.**
2.4 Setbacks **Performance criteria**				
P1 Impact on the streetscape is minimised by creating a sense of openness, providing opportunities for landscaping and semi-private areas, and providing visual continuity and building pattern.	☒	☐	☐	This is achieved as much as possible.
P2 Integrate new development with the established setback character of the street.	☒	☐	☐	
P3 Ensure adequate separation between buildings, consistent with the established character and rhythm of built elements in the street.	☒	☐	☐	
P4 Ensure adequate separation between buildings for visual and acoustic privacy.	☒	☐	☐	
P5 Maintain a reasonable level of amenity for neighbours with adequate access to sunlight.	☐	☒	☐	**There is a significant shadow impact created by the development onto Number 8 to 10 Northumberland Road to the immediate south during the winter months. It is identified that the shadow impact is lessened due to the placement**

					of a common open space area along the southern side of the building. This would assist in providing additional levels of sunlight especially during the period August to October and March to May. **The development should be supported under Part P5 given that an attempt has been made at reducing the level of shadowing across Number 8 to 10 Northumberland Road.**
Development controls **2.4.1 Front setback**					
D1	**The minimum front setback shall be between 4 to 6m (except for residential flat development in the B1 and B2 zones) to provide a buffer zone from the street where residential use occupies the ground level.**	☐	☐	☒	The development does not comply with the stated provision however there are no residential apartments at ground level. Generally Subpart D1 will not apply due to the fact that there are no apartments at grade and the site is within the Auburn Town Centre.
D2	Where a site has frontage to a lane, the minimum setback shall be 2m, however, this will vary depending on the width of the lane.	☐	☐	☒	
D3	Where a new building is located on a corner, the main frontage shall be determined on the existing streetscape patterns. Where the elevation is determined as the 'secondary' frontage, the setback may be reduced to 3m except where it relates to a primary frontage on that street.	☐	☐	☒	
D4	Front setbacks shall ensure that the distance between the front of a new building to the front of the building on the opposite side of the street is a minimum of 10m for buildings up to 3 storeys high. For example, a 2m front setback is required where a 6m wide laneway is a shareway between the front of 2 buildings. Where a footpath is to be incorporated a greater setback shall be required.	☒	☐	☐	
D5	All building facades shall be articulated by bay windows, verandas, balconies and/or blade walls. Such articulation elements may be forward of the required building line up to 1 metre.	☒	☐	☐	
D6	In all residential zones, levels above 4 storeys are to be setback for mid block sites.	☐	☐	☒	The site is not situated within a residential zone.
2.4.2 Side setback					
D1	In all residential zones, buildings shall have a side setback of at least 3m.	☐	☐	☒	The site is not situated within a residential zone.
D2	Eaves may extend a distance of 700mm from the wall.	☐	☐	☒	
2.4.3 Rear setback					
D1	**Rear setbacks shall be a minimum of 10m from the property boundary.**	☐	☒	☐	The development site is situated within the town centre of Auburn.
D2	Where there is a frontage to a street and a rear laneway the setback to the rear laneway shall	☐	☐	☒	**Notwithstanding this, the rear setback is 9 metres which is a**

be a minimum of 2m. **D3** Where a building is an L or T shape with the windows facing side courtyards the rear setback shall be a minimum of 2m.	☐	☐	☒	**variation of 1 metre to Subpart D1.** **It has been determined earlier in the assessment report that the rear setback of the tower building is adequate.**
2.4.4 Haslam's creek setback **D1** A minimum 10m setback from the top of the creek bank of Haslam's Creek and its tributaries shall be required. Refer to the Stormwater Drainage Part of this DCP for additional controls.	☐	☐	☒	The site is not situated close to Haslam's Creek.
2.4.5 Setbacks at Olympic Drive, Lidcombe **Performance criteria** **P1** Sites with frontage to Olympic Drive, Lidcombe, address this road and provide an appropriately landscaped setback. **P2** East-west streets maintain view corridors to Wyatt Park. **Development controls** **D1** For sites with frontage to Olympic Drive, buildings shall be designed to address Olympic Drive and provide a setback of 4m. **D2** The setback area and verge shall be landscaped and planted with a double row of street trees. **D3** The setback to east-west streets shall be generally 4 to 6m and ensure view corridors to Wyatt Park are maintained.	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	Part 2.4.5 will not apply to the development application.
2.5 Building depth **Performance criteria** **P1** A high level of amenity is provided for residents. **Development controls** **D1** The maximum depth of a residential flat building shall be 24m (inclusive of balconies and building articulation but excluding architectural features).	☒ ☒	☐ ☐	☐ ☐	Generally, a building with a depth of less than 24 metres is achieved.
2.6 Floor to ceiling heights **Performance criteria** **P1** Floor to ceiling heights provide well proportioned rooms and spaces to allow for light and ventilation into the built form. **Development controls** **D1** The minimum floor to ceiling height shall be 2.7m. This does not apply to mezzanines. **D2** Where there is a mezzanine configuration, the floor to ceiling height may be varied.	☒ ☒ ☐	☐ ☐ ☐	☐ ☐ ☒	Floor to ceiling heights of each floor is addressed under "Ceiling heights" of State Environmental Planning Policy 65 - "Design Quality of Residential Flat Development" and found to be satisfactory.
2.7 Floor to ceiling heights **Performance criteria**				

P1 Window heights allow for light penetration into rooms and well proportioned elevations.	☒	☐	☐	
Development controls				
D1 The head height of windows and the proportion of windows shall relate to the floor to ceiling heights of the dwelling.	☒	☐	☐	
D2 For storeys with a floor to ceiling height of 2.7 metres, the minimum head height of windows shall be 2.4 metres.	☒	☐	☐	The head height of the main windows is satisfactory being 2.4 metres.
D3 For storeys with a floor to ceiling height of 3 metres, the minimum head height of windows shall be 2.7 metres.	☐	☐	☒	
2.8 Heritage				
Performance criteria				
P1 Development does not adversely affect the heritage significance of heritage items and heritage groups and archaeological sites as well as their settings, distinctive streetscape, landscape and architectural styles.	☒	☐	☐	The site is not listed in the Auburn Local Environmental Plan 2010 as containing items of heritage. The provisions of the clause will not apply to the development application.
Development controls				
D1 All development adjacent to and/or adjoining a heritage item shall be:	☒	☐	☐	The site is not situated adjacent to a heritage item. As a result, a heritage study will not be required for this application.
• 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.	☒	☐	☐	
2.9 Building design				Note:- The site is not situated within a residential area but some of the contents will be relevant.
Performance criteria				
P1 Building design, detailing and finishes provide an appropriate scale to the street and add visual interest.	☒	☐	☐	The colours of the building materials to be used in the development are satisfactory.
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.	☒	☐	☐	However it is identified that the building imposes itself as a hard urban edge to the street. The building will dominate the locality due to the height of current buildings in the locality. Given the local planning controls that support such developments and the future intentions, it is expected that this will change over time.
Development controls				
2.9.1 Materials				
P1 The use of face brick (smooth faced) is encouraged.	☒	☐	☐	A full list of materials to be used in the development has been provided which include:-
P2 The use of cement render on building facades is discouraged due to high ongoing maintenance issues.	☒	☐	☐	Opaque glass for the balustrades. Composite panels for the side walls being Alucobond materials being blue, grey and white.
Development Controls				
D1 All developments shall be constructed from durable	☒	☐	☐	

high quality materials.				The materials are satisfactory and appropriate for the location.
2.9.2 Building articulation **D1** Windows and doors in all facades shall be provided in a balanced manner and respond to the orientation and internal uses. **D2** Dwelling entrances shall create a sense of individuality and act as a transitional space between private and communal spaces. Entrances shall be clearly articulated and identifiable from the street through use of address signage, lighting, canopies and/or architectural statements. **D2** Elevations shall provide for variation and depth rather than relying on front façade treatment only. Varied massing projections and recesses shall be used to create a sense of articulation and depth.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The entrance to the tower building is required to be separate to the entrance of the club building. The entrance is identifiable and the safety issues have been reviewed by Flemington Police Command as discussed earlier in the report.
2.9.2 Roof form **D1** Roof forms shall be designed in a way that the total form does not add to height and bulk of the building.	☒	☐	☐	The roof form is supported.
2.9.4 Balustrades and balconies **D1** Balustrades and balconies shall be designed to maximise views of the street. The design of the underside of the balcony shall take into consideration the view of the underside from the street and shall avoid having exposed pipes and utilities. **D2** Opaque glazing and or masonry for balustrading and balconies is encouraged. **D3** Clear glazing for balustrading and balconies is prohibited.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The balustrades for the majority of the apartments are shown to be glazed using opaque glass. A minority of the apartments are shown with solid balustrades.
2.10 Dwelling size **Performance criteria** **P1** Internal dwelling sizes and shapes are suitable for a range of household types. **P2** All rooms are adequate in dimension and accommodate their intended use. **Development controls** **D1 The size of the dwelling shall determine the maximum number of bedrooms permitted.** **Number of bedrooms — Dwelling size** Studio — 50m^2 1 bedroom (cross through) — 50m^2 1 bedroom (masionette) — 62m^2 **1 bedroom (single aspect) — 63m^2** **2 bedrooms (corner) — 80m^2** **2 bedrooms (cross through or over) — 90m^2** **3 bedrooms — 115m^2** 4 bedrooms — 130m^2	☒ ☒ ☐	☐ ☐ ☒	☐ ☐ ☐	**The apartments occupy areas of:-** **One bedroom apartments - 54.8 square metres.** **The two bedroom apartments occupy areas of 70 square metres to 80.4 square metres.** **The three bedroom apartments occupy areas of 95.4 square metres.** **Under the local planning controls, it is determined that 9 apartments comply with the**

D2	At least one living area shall be spacious and connect to private outdoor areas.	☒	☐	☐	**provision.** **Under the State Policy and supporting document, all the apartments comply with the minimum floor areas.** **It is considered appropriate to permit a variation to Part 2.10 Subpart D1 on the basis that the apartments are fully complaint with the Residential Flat Design Code and minimum areas are achieved or exceeded.** The room sizes allow an adequate layout of furniture and open plan layouts are used which reduces lost space within apartments.
2.11 Apartment mix and flexibility					
Performance criteria					
P1	A diversity of apartment types are provided, which cater for different household requirements now and in the future.	☒	☐	☐	
P2	Housing designs meet the broadest range of the occupants' needs possible.	☒	☐	☐	
Development controls					
D1	A variety of apartment types between studio, one, two, three and three plus-bedroom apartments shall be provided, particularly in large apartment buildings. Variety may not be possible in smaller buildings, for example, up to six units.	☒	☐	☐	A satisfactory variety of apartments are proposed in the development.
D2	The appropriate apartment mix for a location shall be refined by: ▪ considering population trends in the future as well as present market demands; and ▪ noting the apartment's location in relation to public transport, public facilities, employment areas, schools and universities and retail centres.	☒	☐	☐	
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.	☒	☐	☐	There are no apartments at the ground level. Instead, Level 2 should be treated as the lowest residential level being the podium level. Level Two contains an acceptable mix of apartments.
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.	☒	☐	☐	
D5	Robust building configurations which utilise multiple entries and circulation cores shall be provided especially in larger buildings over 15m long.	☒	☐	☐	

D6 Apartment layouts which accommodate the changing use of rooms shall be provided. Design solutions may include: ■ windows in all habitable rooms and to the maximum number of non-habitable rooms; ■ adequate room sizes or open-plan apartments, which provide a variety of furniture layout opportunities; and ■ dual master bedroom apartments, which can support two independent adults living together or a live/work situation.	☒	☐	☐	The design reflects the position of the site within the Auburn Town Centre where mix use developments are supported. Master bedrooms are distinguishable in all the apartments and where appropriate, bedrooms can support independent adults living together.
D7 Structural systems that support a degree of future change in building use or configuration shall be used. Design solutions may include: ■ a structural grid, which accommodates car parking dimensions, retail, commercial and residential uses vertically throughout the building; ■ the alignment of structural walls, columns and services cores between floor levels; ■ the minimisation of internal structural walls; ■ higher floor to ceiling dimensions on the ground floor and possibly the first floor; and ■ knock-out panels between apartments to allow two adjacent apartments to be amalgamated.	☒ ☒ ☒ ☐ ☐	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☒	
3.0 Open space and landscaping				
Objectives a. To provide sufficient and accessible open space for the recreation needs of the likely residents of the proposed dwelling. b. To provide private open areas that relate well to the living areas of dwellings. c. To provide sufficient areas for deep soil planting. d. To provide a mix of hard and soft landscape treatments. e. To help provide a visual and acoustic buffer from the street without preventing passive surveillance. f. To enhance the appearance and amenity of residential flat buildings through integrated landscape design.	☒ ☒ ☐ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☒ ☐ ☐ ☐	There is no deep soil planting on site due to the nature of the development. Landscaping elements are provided at Level 2 but confined to planter boxes. Landscaping is limited in nature given the context of the type of development that is proposed. The apartments facing Northumberland Road are arranged to offer residents views to the street. Direct passive surveillance to the street is not required due to the presence of the club at street level and across Level 1. Given that thirty six apartments are facing the street, it is identified that

				appropriate passive surveillance to the street would be achieved.
g. To provide for the preservation of existing trees and other natural features on the site, where appropriate. h. To provide low maintenance communal open space areas. i. To provide adequate opportunities for water infiltration and tall trees to grow and to spread, so as to create a canopy effect. j. To conserve and enhance street tree planting.	☒ ☒ ☒ ☐	☐ ☐ ☐ ☐	☐ ☐ ☐ ☒	All the trees across the site are required to be removed. An Arborist report has been submitted with the information package addressing the removal of the trees. This is addressed earlier in the report. The landscape plan does not show the planting of new street trees at the front of the site. Council engineers have provided suitable conditions addressing the public domain and final streetscape appearance within the locality. The final streetscape appearance will be controlled via conditions.
3.1 Development application requirements A landscape plan shall be submitted with all development applications for residential flat buildings. The landscape plan should specify landscape themes, vegetation (location and species), paving and lighting that provide a safe, attractive and functional environment for residents, integrates the development with the neighbourhood and contributes to energy efficiency and water management. A landscape plan prepared by a professionally qualified landscape architect or designer shall be submitted with the development application which shows: ■ proposed site contours and reduced levels at embankments, retaining walls and other critical locations; ■ existing vegetation and the proposed planting and landscaping (including proposed species); ■ general arrangement of hard landscaping elements on and adjoining the site; ■ location of communal facilities; ■ proposed lighting arrangements; ■ proposed maintenance and irrigation systems; and ■ proposed street tree planting.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The Landscape Plan is prepared by Vision Dynamics Pty Ltd and is considered to be satisfactory.
3.2 Landscaping **Performance criteria** **P1** Paving may be used to: ■ ensure access for people with limited mobility; ■ add visual interest and variety; ■ differentiate the access driveway from the public street; and	☒ ☒ ☒ ☐	☐ ☐ ☐ ☐	☐ ☐ ☐ ☒	The landscape elements are considered appropriate for a development that encompasses high density living within the Auburn Town Centre.

■ encourage shared use of access driveways between pedestrians, cyclists and vehicles.				
Development controls	☒	☐	☐	
D1 If an area is to be paved, consideration shall be given to selecting materials that will reduce glare and minimise surface run-off.	☒	☐	☐	
D2 All landscaped podium areas shall maintain a minimum soil planting depth of 600mm for tree provision and 300mm for turf provision.				The planter beds within the planter boxes are at least 1 metre deep.
3.3 Deep soil zone				
Performance criteria				
P1 A deep soil zone allows adequate opportunities for tall trees to grow and spread.	☐	☐	☒	**Given the typology of the building and the introduction of a club at ground level and across level 1, there is no capacity of the site to support deep soil zone.**
Note: Refer to the development control diagrams in section 10.0.	☐	☐	☒	
Development controls				**It is considered appropriate and reasonable not to require deep soil zone within the site.**
D1 A minimum of 30% of the site area shall be a deep soil zone.	☐	☐	☒	
D2 The majority of the deep soil zone shall be provided as a consolidated area at the rear of the building.	☐	☐	☒	
D3 Deep soil zones shall have minimum dimensions of 5m.	☐	☐	☒	
D4 Deep soil zones shall not include any impervious (hard) surfaces such as paving or concrete.	☐	☐	☒	
3.4 Landscape setting				
Performance criteria				
P1 Development does not unreasonably intrude upon the natural landscape, particularly on visually prominent sites or sites which contribute to the public domain.	☒	☐	☐	The development is occurring across a car park associated with the soccer club. There is no natural landscape areas provided on site.
P2 Residential flat buildings are adequately designed to reduce the bulk and scale of the development.	☒	☐	☐	
P3 Landscaping assists with the integration of the site into the streetscape.	☒	☐	☐	Landscaping is limited in extent and nature but considered to be appropriate where provided.
P4 Enhance the quality and amenity of the built form.	☒	☐	☐	
P5 Provide privacy and shade in communal and private open space areas.	☒	☐	☐	
Development controls				
D1 Development on steeply sloping sites shall be stepped to minimise cut and fill.	☐	☐	☒	
D2 Existing significant trees shall be retained within the development.	☐	☐	☒	The Arborist report does not document any significant trees on the site. All the trees require removal to facilitate the excavation

					works associated with the basement car park.
D3	The minimum soil depth for terraces where tree planting is proposed is 800 mm.	☒	☐	☐	There are planter boxes proposed with soil depths of 1,000 mm. The landscape plan does not show significant trees to be planted within their confines. Generally, planting is limited to shrubbery, small trees and ground covers.
D4	Applicants shall demonstrate that the development will not impact adversely upon any adjoining public reserve or bushland.	☐	☐	☒	
D5	Residential flat buildings shall address and align with any public open space and/or bushland on their boundary.	☐	☐	☒	The site does not adjoin any bushland.
D6	All podium areas and communal open space areas, which are planted, shall be provided with a water efficient irrigation system.	☒	☐	☐	An irrigation system is shown on the landscape plan.
3.5	**Private open space**				
Performance criteria					
P1	Private open space is clearly defined and screened for private use.	☒	☐	☐	
P2	Private open space:				
	■ takes advantage of available outlooks or views and natural features of the site;	☒	☐	☐	
	■ reduces adverse impacts of adjacent buildings on privacy and overshadowing; and	☒	☐	☐	
	■ resolves surveillance, privacy and security issues when private open space abuts public open space.	☒	☐	☐	
P3	Development should take advantage of opportunities to provide north facing private open space to achieve comfortable year round use.	☒	☐	☐	This is achieved where possible.
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.	☒	☐	☐	This is achieved.
D2	Dwellings on the ground floor shall be provided with a courtyard that has a minimum area of $9m^2$ and a minimum dimension of 2.5m.	☒	☐	☐	The smallest courtyard space across Level two is attached to Apartment Numbered U204. The courtyards vary in area from 13.4 square metres to 37.13 square metres.
D3	Dwellings located above ground level shall be provided with a balcony or roof terrace that has a minimum area of $8m^2$ and a minimum dimension of 2m.	☒	☐	☐	The main balconies occupy areas of between 9.15 square metres to 13.12 square metres. Apartments Numbered U304, U404, U504, U604, U704, U804, U904 and U1004 are provided with smaller secondary balconies occupying 5.9 square metres. Compliance is achieved.
D4	Balconies may be semi enclosed with louvres and screens.	☒	☐	☐	There are many balconies that are provided with louvres to assist privacy where appropriate.
D5	Private open space shall have convenient				

access from the main living area.	☒	☐	☐	
D6 Part of the private open space shall be capable of serving as an extension of the dwelling for relaxation, dining, recreation, entertainment and children's play.	☒	☐	☐	
D7 Additional small, screened service balconies may be provided for external clothes drying areas and storage.	☒	☐	☐	Smaller secondary balconies are provided for apartments Numbered U304, U404, U504, U604, U704, U804, U904 and U1004. The balconies are relatively screened.
D8 Private open space and balconies shall take advantage of mid to long distance views where privacy impacts will not arise.	☒	☐	☐	
3.6 Communal open space				
Performance criteria				
P1 The site layout provides communal open spaces which:				
▪ contribute to the character of the development;	☒	☐	☐	The main common open space area wraps around the northern and western elevations of the tower building complex.
▪ provide for a range of uses and activities;	☒	☐	☐	
▪ allows cost-effective maintenance; and	☒	☐	☐	There is a smaller common area situated on the southern side of the building consisting of a small playground area.
▪ contributes to stormwater management.	☒	☐	☐	
Development controls				
D1 Communal open space shall be useable and where possible have a northern aspect and contain a reasonable proportion of unbuilt upon (landscaped) area and paved recreation area.	☒	☐	☐	The common open spaces including the landscaping elements occupy an area of 520.24 square metres. If this was at grade level, this would occupy 31% of the site area.
D2 The communal open space area shall have minimum dimensions of 10m.	☒	☐	☐	The common area is considered to have adequate dimensions to enable its use as a low key passive area.
3.7 Protection of existing trees				
Performance criteria				
P1 Major existing trees are retained where practicable through appropriate siting of buildings, access driveways and parking areas and appropriate landscaping.	☐	☐	☒	The Arborist report does not document any significant trees on the site. All the trees currently on site require removal to facilitate the excavation works associated with the basement car park.
Development controls				
D1 Building structures or disturbance to existing ground levels shall not be within the drip line of existing significant trees to be retained.	☒	☐	☐	
D2 Existing trees are to be retained and integrated into a new landscaping scheme, wherever possible. **Suitable replacement trees are to be provided if existing trees cannot be retained.**	☒	☐	☐	
Note: For additional requirements, applicants shall refer to the Tree Preservation Part of this DCP.				

3.8 Biodiversity **Performance criteria** **P1** Existing and native flora at canopy and understorey levels is preserved and protected. **P2** Plantings are a mix of native and exotic water-wise plant species. **Development controls** **D1** The planting of indigenous species shall be encouraged.	☐ ☒ ☒	☐ ☐ ☐	☒ ☐ ☐	All the trees on site require removal to facilitate the construction of a basement car park and club at ground level and level 1. The Arborist report addresses the removal of the trees in a satisfactory manner.
3.9 Street trees **Performance criteria** **P1** Existing street landscaping is maintained and where possible enhanced. **Development controls** **D1** Driveways and services shall be located to preserve existing significant trees. **D2** Additional street trees shall be planted at an average spacing of 1 per 10 lineal metres of street frontage. **Note:** Where a site has more than one street frontage, street tree planting shall be applied to all street frontages, excluding frontage to laneways.	☐ ☒ ☐	☐ ☐ ☐	☒ ☐ ☒	The landscape plan does not document the planting of street trees at the front of the site. Given the presence of an awning structure, it is considered appropriate not to pursue the introduction of street trees into the development. The Public Domain Manual will control the streetscape upgrades required at the front of the site. The Manual suggests:- • Repaving of Northumberland Road. • Improved street tree planting. Should the development application be supported, appropriate conditions would be included in the recommendation addressing the public domain.
4.0 Access and car parking				
Objectives **4.1 Access and car parking requirements** **Note:** Applicants shall consult the Parking and Loading Part of this DCP. **4.2 Basements** **Performance criteria** **P1** Basements allow for areas of deep soil planting. **Development controls** **D1** Where possible, basement walls shall be located directly under building walls. **D2** **A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary.** **D3** Basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting.	☒ ☐ ☒ ☐ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☒	☐ ☒ ☐ ☐ ☐ ☐	It is identified that there is adequate car parking to support the residential part of the building. There is no capacity for the site to support deep soil zone due to the typology of the building. A report is required due to the size and depth of the excavation required to facilitate the development which may be addressed as a condition attached to any consent that may be issued.

D4 Basement walls visible above ground level shall be appropriately finished (such as face brickwork and/or render) and appear as part of the building.	☐	☐	☒	The basement car park occupies the entire site and the building works forming the club occupies the same footprint as the basement car park. Excavation work is expected to a depth of 18.655 metres which is significant but permitted for a site within a town centre. No part of the basement lies above ground level.
5.0 Privacy and security				
Objectives a. To ensure the siting and design of buildings provide visual and acoustic privacy for residents and neighbours in their dwellings and private open spaces. *b.* To provide personal and property security for residents and visitors and enhance perceptions of community safety.	☒ ☒	☐ ☐	☐ ☐	It is identified that the development achieves a satisfactory level of privacy to the north and south due to how the apartments are orientated.
5.1 Privacy **Performance criteria** **P1** Private open spaces and living areas of adjacent dwellings are protected from overlooking. **Development controls** **D1** Buildings shall be designed to form large external courtyards with a minimum distance of 10 to 12m between opposite windows of habitable rooms. **D2** Windows to living rooms and main bedrooms shall be oriented to the street and to the rear, or to the side when buildings form an 'L' or 'T' shape. Where it is impracticable to locate windows other than facing an adjoining building, the windows should be off-set to avoid a direct view of windows in adjacent buildings. **D3** Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings. **D4** Views onto adjoining private open space shall be obscured by: ■ Screening that has a maximum area of 25% openings, shall be permanently fixed and made of durable materials; or ■ Existing dense vegetation or new planting.	☒ ☐ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☒ ☐ ☐ ☐	Amenity issues such as privacy and security have been addressed at the following parts of State Environmental Planning Policy 65 - Design Quality of Residential Flat Development:- - Building separation. - Safety. - Visual privacy. - Acoustic amenity. Generally privacy north and south is satisfactory. It is identified that there is a similar sized residential flat building proposed for Number 5 and 7 Northumberland Road and to some degree, there will be some view lines between balconies and living spaces. Both buildings would be separated by a distance of 20 metres. The road carriageway affords a suitable setback between buildings. Louvre screens are shown across portions of the front façade to assist privacy levels with the degree of screening considered as being appropriate.
5.2 Noise **Performance criteria** **P1** The transmission of noise between adjoining properties is minimised. **P2** New dwellings are protected from existing and likely future noise sources from adjoining	☒ ☒	☐ ☐	☐ ☐	Most of the noise impacts have been addressed in detail above under State Environmental Planning Policy (Infrastructure) 2007 earlier in the report.

residential properties and other high noise sources (such as busy roads, railway corridors and industries) and the transmission of intrusive noise to adjoining residential properties is minimised. **Development controls** **D1** For acoustic privacy, buildings shall: ■ be designed to locate noise sensitive rooms and private open space away from the noise source or by use of solid barriers where dwellings are close to high noise sources; ■ minimise transmission of sound through the building structure and in particular protect sleeping areas from noise intrusion; and ■ all shared floors and walls between dwellings to be constructed in accordance with noise transmission and insulation requirements of the BCA. **Note:** For development within or adjacent to a rail corridor, or major road corridor with an annual average daily traffic volume of more than 40,000 vehicles, applicants must consult *State Environmental Planning Policy (Infrastructure) 2007* and the NSW Department of Planning's Development Near Rail Corridors and Busy Roads - Interim Guidelines, 2008.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	It is appropriate to refer to the comprehensive discussion provided in that part of the report. **Notwithstanding this, noise emissions from the club to residential receivers within the site have been addressed which is not covered in earlier discussion.** Noise transmission from the club to sleeping and living areas of apartments above will require attention. The satisfactory sound level is 30 decibels and full compliance with AS 2107:2000 is required. Certain treatment controls will be essential including:- • A minimum 200 mm thick reinforced concrete slab between building compartments (Level 1 club) and Level 2 residential floor. • 1 x 16 mm thick plasterboard suspended at least 300 mm below the slab on resilient ceiling hangers equal to Embelton RH2. • 75 mm thick 11 kg/ cubic metre glasswool insulation in the ceiling cavity. • Glazing in the bistro to be a minimum 6.38 mm thick laminate glazing with acoustic seals achieving a minimum Rw of 31. • Glazing for the outdoor area sliding doors (Entry to gaming lounge and the bar) to be a minimum 10.38 mm laminated glazing with acoustic seals achieving a minimum Rw of 35. • Line the available walls of the outdoor area from 1 metre above the finish floor level with 100 mm thick Tontine Acoustisorb 3 insulation. • No music in the outdoor area. • No operation of the outdoor area after midnight. • Sliding doors to be automated to remain closed except when a patron enters or leaves the room. • Warning signs for patrons to

				keep noise to a minimum after 10 pm. • The operable wall / door of the function room to be closed from the bar area during functions. • The operable wall / door between the function room and bar to have a minimum Rw rating of 40. • Construct a baffle in the ceiling cavity above the operable wall / door. • Any loud speakers within the club to be vibration isolated from the structure using Embelton NRD mounts. • Garbage collection to occur between 7 am and 10 pm. • Appropriate signage. The above is expected to maintain an appropriate level of amenity to the residents above. The acoustic report would need to be incorporated into any consent issued should the Joint Regional Planning Panel support the development.
5.3 Security **Performance criteria** **P1** Provide personal and property security for residents and visitors. **P2** Site layout and design of the dwellings, including height of front fences and use of security lighting, minimises the potential for crime, vandalism and fear. **P3** Ensure a development is integrated with the public domain and contributes to an active pedestrian-orientated environment. **P4** Ensure effective use of fencing or other means to delineate private and public areas. **Note:** Consideration shall also be given to Council's Policy on Crime Prevention Through Environmental Design (CPTED). **Development controls** **D1** Shared pedestrian entries to buildings shall be lockable. **D2** Ensure lighting is provided to all pedestrian paths, shared areas, parking areas and building entries. **D3** High walls which obstruct surveillance are not	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	Crime prevention measures for the building complex are addressed earlier in the report under "External referrals". It is appropriate to refer to that part of the report for a comprehensive discussion on crime prevention. There are provisions specified at Part 5.3 that will not be relevant to the application. Where appropriate the boxes are ticked as not applicable on the grounds that the provisions would not apply to the type of building proposed.

permitted.				
D4 The front door of a residential flat building shall be visible from the street.	☒	☐	☐	
D5 Buildings adjacent to public streets or public spaces should be designed so residents can observe the area and carry out visual surveillance. At least one window of a habitable room should face the street or public space.	☒	☐	☐	
D6 A council approved street number should be conspicuously displayed at the front of new development or the front fence of such development.	☒	☐	☐	
D7 Fences higher than 900mm shall be of an open semitransparent design.	☐	☐	☒	
D8 Balconies and windows shall be positioned to allow observation of entrances.	☒	☐	☐	
D9 Proposed planting must not obstruct the building entrance from the street or sightlines between the building and the street frontage.	☒	☐	☐	
D10 Blank walls facing a rear laneway should be avoided to discourage graffiti.	☒	☐	☐	
D11 Pedestrian and vehicular entrances must be designed so as to not be obstructed by existing or proposed plantings.	☒	☐	☐	
D12 If seating is provided in communal areas of a development it should generally only be located in areas of active use where it will be regularly used.	☒	☐	☐	
D13 Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	☒	☐	☐	
D14 Ground floor apartments may have individual entries from the street.	☐	☐	☒	
D15 Residential flat buildings adjoining a park or public open space shall be treated like a front entrance/garden for the length of the park. Refer to Figure 4 - Park frontage in section 10.0.	☐	☐	☒	

5.4 Fences **Performance controls**				
P1 Front fences and walls maintain the streetscape character and are consistent with the scale of development.	☐	☐	☒	The provisions under Part 5.4 Fences will not apply to the development application.
P2 Ensure that views from streets are maintained and not obstructed by excessively high fences.	☐	☐	☒	
P3 Reduce the impact of front fencing on the streetscape and encourage fencing which is sympathetic to the existing streetscape, general topography and the architectural style of the existing dwelling or new development.	☐	☐	☒	
P4 Ensure that materials used in front fencing are of high quality and are sympathetic to the exiting streetscape character.	☐	☐	☒	
Development controls				
D1 The front and side dividing fences, where located within the front yard area, shall not exceed 1.2m as measured above existing ground level and shall be a minimum of 50% transparent.	☐	☐	☒	
D2 Materials of construction will be considered on their merit, with regard being given to materials that are similar to other contributory fences in the vicinity, with a general prohibition on the following materials: • Cement block; • Metal sheeting, profiled, treated or pre-coated. • Fibro, flat or profile; • Brushwood; and • Barbed wire or other dangerous material.	☐	☐	☒	
D3 All fences forward of the building alignment shall be treated in a similar way.	☐	☐	☒	
D4 Solid pre-coated metal fences shall be discouraged and shall not be located forward of the front building line.	☐	☐	☒	
D5 Front fences shall satisfy the acoustic abatement criteria and be provided with a landscaped area on the street side of the fence.	☐	☐	☒	
D6 Fences located on side or rear boundaries of the premises, behind the main building line shall not exceed a maximum height of 1.8m.	☐	☐	☒	
D7 Fencing and associated walls must be positioned so as not to interfere with any existing trees.	☐	☐	☒	
D8 Gates and doors are to be of a type which does not encroach over the street alignment during operation.	☐	☐	☒	
6.0 Solar amenity and storm water 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.	☐	☒	☐	Amenity issues such as sunlight penetration into private and public spaces have been addressed at the following parts of State Environmental Planning Policy 65 - Design Quality of Residential Flat Development:-
b. To create comfortable living environments.	☒	☐	☐	
c. To provide greater protection to the natural environment by reducing the amount of greenhouse gas emissions.	☒	☐	☐	1 - Orientation. Note:- **The shadow impact especially towards Number 8 to 10 Northumberland Road to the south during the winter months has been reduced as much as possible by the introduction of a common area on the southern side of the development which in turn provides improved amenity towards the south. It is considered appropriate to support the shadow impacts.**
d. To reduce the consumption of non-renewable energy sources for the purposes heating water, lighting and temperature control.	☒	☐	☐	
e. To encourage installation of energy efficient appliances that minimise greenhouse gas generation.	☒	☐	☐	
6.1 Solar amenity Performance criteria				
P1 Buildings are sited and designed to ensure daylight to living rooms in adjacent dwellings and neighbouring open space is not significantly decreased.	☐	☒	☐	Amenity issues such as sunlight penetration into private and public spaces have been addressed earlier in the report.
P2 Buildings and private open space allow for the penetration of winter sun to ensure reasonable access to sunlight or daylight for living spaces within buildings and open space around buildings.	☐	☒	☐	
Development controls				
D1 Solar collectors proposed as part of a new development shall have unimpeded solar access between 9:00am to 3:00pm on June 21.	☐	☐	☒	No solar collectors are proposed in this development.
Solar collectors existing on the adjoining properties shall not have their solar access impeded between 9:00am to 3:00pm on June 21.	☐	☐	☒	There are no solar panels situated on the roofs of nearby 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.	☐	☒	☐	**The shadow analysis diagrams show that the roof of the building at 8 to 10 Northumberland Road will receive adequate sunlight from 10.30 am to 3 pm but not for the period 9 am to 10.30 am. A variation of at least 1.5 hours is identified.**
Note: Where the proposed development is located on an adjacent northern boundary this may not be possible.	☐	☒	☐	
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.	☐	☒	☐	A number of variations to this Part would need to be supported given the location of the site and the planning controls in place. The development incorporates a common space on the southern side of the building which assists in reducing the shadow impact southwards and as such the architect has sought to reduce the shadow impact where feasible and practical.
D3 If the principal area of ground level private open space of adjoining properties does not currently receive at least this amount of sunlight, then the new building shall not further reduce solar access.	☐	☒	☐	

D4	Habitable living room windows shall be located to face an outdoor space.	☒	☐	☐	
D5	**North-facing windows to living areas of neighbouring dwellings shall not have sunlight reduced to less than 3 hours between 9:00am and 3:00pm on June 21 over a portion of their surface.**	☐	☒	☐	This will not be achieved for the residential apartments and their associated balcony areas situated at 8 to 10 Northumberland Road to the immediate south of the site that face the west and or north west.
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.**	☒	☐	☐	The planning controls allow a midrise building with building heights of 38 metres and a floor space ratio of 5:1. The building at 8 to 10 Northumberland Road was approved and built at a time when the planning controls allowed much smaller buildings with smaller floor space ratios and footprints. It is identified that the applicant is unable to comply with the provisions of Parts D1, D2, D3 and D4 due to Councils vision for the future being higher developments close to railway nodes.
D7	Internal living areas and external recreation areas shall have a north orientation for the majority of units in the development, where possible.	☒	☐	☐	
D8	The western walls of the residential flat building shall be appropriately shaded.	☒	☐	☐	
6.2	**Ventilation**				
	Performance criteria				
P1	The design of development is to utilise natural breezes for cooling and fresh air during summer and to avoid unfavourable winter winds.	☒	☐	☐	<u>Ventilated apartments</u> Using advice provided by the applicant, it is identified that 72 or 81 apartments achieve appropriate ventilation thus achieving compliance. This represents 88.8% of the total number of apartments.
	Development controls				
D1	Rooms with high fixed ventilation openings such as bathrooms and laundries shall be situated on the southern side to act as buffers to insulate the building from winter winds.	☒	☐	☐	
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.	☒	☐	☐	There are 27 dual aspect apartments within the development.
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.	☒	☐	☐	This is achieved where possible.
6.3	**Rainwater tanks**				
	Performance criteria				
P1	The development design reduces stormwater runoff.				
	Development controls				
D1	Developments may have rain water tanks for the collection and reuse of stormwater for car washing and watering of landscaped areas.	☒	☐	☐	A storm water harvesting system is to be installed on site to service the development. The BASIX Certificate suggests the installation of a minimum 5,000 litre rainwater tank on site to service the
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.				development. The plans show a water tank on Level 2 adjacent to a stairwell.
D3 The suitability of rainwater tanks erected within the side setback areas of development will be assessed on an individual case by case basis.	☐	☐	☒	
D4 Rainwater tanks shall not be located within the front setback.	☒	☐	☐	
D5 The overflow from the domestic rain water tank shall discharge to the site stormwater disposal system. For additional details refer to the Stormwater Drainage Part of this DCP.	☒	☐	☐	
D6 The rain water tank shall comply with the applicable Australian Standards AS/NZ 2179 and AS 2180 for rainwater goods and installation.	☒	☐	☐	
6.4 Stormwater drainage Applicants shall refer to the stormwater drainage requirements in the Stormwater Drainage Part of this DCP.	☒	☐	☐	Storm water drainage is capable of complying with Council's requirements and conditions may be provided should consent be granted to the development.
7.0 Ancillary site facilities				
Objectives a) To ensure that site facilities are effectively integrated into the development and are unobtrusive.	☒	☐	☐	Secure mail boxes are to be incorporated into the development. The Ground Floor plan shows mail boxes being located adjacent to the pedestrian entrance to the residential tower complex.
b) To maintain and enhance the character of streetscapes.	☒	☐	☐	
c) To ensure site facilities are adequate, accessible to all residents and easy to maintain.	☒	☐	☐	
d) To cater for the efficient use of public utilities including water supply, sewerage, power, telecommunications and gas services and for the delivery of postal and other services.	☒	☐	☐	
7.1 Clothes washing and drying **Performance criteria** **P1** Adequate open-air clothes drying facilities which are easily accessible to all residents and screened, are provided.	☐	☐	☒	A communal clothes line at the Level 2 common area is not proposed or provided.
Development controls **D1** Each dwelling shall be provided with individual laundry facilities located within the dwelling unit.	☒	☐	☐	This is achieved.
D2 Open air clothes drying facilities shall be provided in a sunny, ventilated and convenient location which is adequately screened from streets and other public places, where possible.	☐	☐	☒	
7.2 Storage **Performance criteria** **P1** Dwellings are provided with adequate storage areas. **Development controls**	☒	☐	☐	This is addressed under State Environmental Planning Policy 65 - Design Quality of Residential Flat Development:-

D1 Storage space of $8m^3$ per dwelling shall be provided. This space may form part of a garage or be a lockable unit at the side of the garage. **D2** Storage space shall not impinge on the minimum area to be provided for parking spaces.	☒ ☒	☐ ☐	☐ ☐	- Storage. It is identified that an adequate number of storage cages will be provided to support every apartment within the complex.
7.3 Utility services **Performance criteria** **P1** All proposed allotments are connected to appropriate public utility services including water, sewerage, power and telecommunications, in an orderly, efficient and economic manner. **Development controls** **D1** Where possible, services shall be underground.	☒ ☒	☐ ☐	☐ ☐	Utility services are provided to the site. The applicant has addressed utility services including the provision of electricity to the development. Refer to Clause 6.5 of the Auburn Local Environmental Plan 2010 above. Water and sewer services can be made available to service the development.
7.4 Other site facilities **Performance criteria** **P1** Dwellings are supported by necessary utilities and services. **Development controls** **D1** A single TV/antenna shall be provided for each building. **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. **D3** Individual letterboxes can be provided where ground floor residential flat building units have direct access to the street.	☒ ☒ ☒ ☐	☐ ☐ ☐ ☐	☐ ☐ ☐ ☒	This is provided for the development.
7.5 Waste disposal Applicants shall refer to the requirements held in the Waste Part of this DCP.	☒	☐	☐	The waste storage area to support the building is connected to the residential access and pedestrian paths and lifts which will enable residents to access the bin store for removal of household garbage. The plan and layout also allows on site waste disposal to occur at the rear of the club without affecting the operations of the club or the street.
8.0 Subdivision				
Objectives a. To ensure that subdivision and new development is sympathetic to the landscape setting and established character of the locality. *b.* To provide allotments of sufficient size to satisfy user requirements and to facilitate development of the land at a density permissible within the	☒ ☒	☐ ☐	☐ ☐	The development application does not include the Strata Title Subdivision of the development into 81 allotments. A separate development application will be required for Strata Subdivision of the tower building into 81 Strata

	zoning of the land having regard to site opportunities and constraints.				Title allotments. This may be addressed as a condition attached to any consent that may be issued.
8.1 Lot amalgamation					
Performance criteria					
P1	Lot amalgamations within development sites are undertaken to ensure better forms of housing development and design.	☐	☐	☒	No allotments will require amalgamation.
Development controls					
D1	Development sites involving more than one lot shall be consolidated.	☐	☐	☒	This is not required for this development.
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.	☐	☐	☒	
D3	Adjoining parcels of land not included in the development site shall be capable of being economically developed.	☒	☐	☐	There are no isolated sites adjacent to or adjoining to the site.
8.2 Subdivision					
Development controls					
D1	The community title or strata title subdivision of a residential flat building shall be in accordance with the approved development application plans, particularly in regard to the allocation of private open space, communal open space and car parking spaces.	☐	☐	☒	The development application does not include Strata Subdivision. A separate development application will be required for Strata Subdivision of the site into 81 allotments.
D2	Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part.	☐	☐	☒	
8.3 Creation of new streets					
Performance criteria					
P1	On some sites, where appropriate, new streets are introduced.	☐	☐	☒	There are no new streets proposed in this development.
P2	New proposed roads are designed to convey the primary residential functions of the street including:	☐	☐	☒	
	■ safe and efficient movement of vehicles and pedestrians;	☐	☐	☒	
	■ provision for parked vehicles;	☐	☐	☒	
	■ provision of landscaping;	☐	☐	☒	
	■ location, construction and maintenance of public utilities; and	☐	☐	☒	
	■ movement of service and delivery vehicles.	☐	☐	☒	
Development controls					
D1	Where a new street is to be created, the street shall be built to Council's standards and quality	☐	☐	☒	

assurance requirements having regard to the circumstances of each proposal. Consideration shall be given to maintaining consistency and compatibility with the design of existing roads in the locality.				
D2 A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side. For specific information detailing Council's road design specifications, refer to Table 1 – Development Standards for Road Widths in section 10.2.	☐	☐	☒	
D3 For larger self-contained new residential areas, specific road design requirements shall be considered for site specific development controls.	☐	☐	☒	
9.0 Adaptable housing				
Objectives				
a. To ensure a sufficient proportion of dwellings include accessible layouts and features to accommodate changing requirements of residents.	☒	☐	☐	Appropriate adaptable housing is provided to support the development.
b. To encourage flexibility in design to allow people to adapt their home as their needs change due to age or disability.	☒	☐	☐	
9.1 Development application requirements **Note:** Evidence of compliance with the Adaptable Housing Class C requirements of Australian Standard (AS) 4299 shall be submitted when lodging a development application to Council and certified by an experienced and qualified building professional.	☒	☐	☐	Apartment layout provides for basic changes to internal configuration. Accessible and visitable apartments are promoted. There are 81 apartments in the development. Of that figure, 9 are to be designated as "Adaptable apartments" which is 11% of the total number of apartments in the development. There are an adequate number of adaptable apartments in the development.
9.2 Design guidelines **Performance criteria**				
P1 Residential flat building developments allow for dwelling adaptation that meets the changing needs of people.	☒	☐	☐	
Development controls				
D1 The required standard for Adaptable Housing is AS 4299. Wherever the site permits, developments shall include adaptive housing features into the design.	☒	☐	☐	A person in a wheelchair can access all services on site due to the presence of lifts connecting all floors and basement levels within the development.
External and internal considerations shall include:				
■ access from an adjoining road and footpath for people who use a wheel chair;	☒	☐	☐	
■ doorways wide enough to provide unhindered access to a wheelchair;	☒	☐	☐	
■ adequate circulation space in corridors and	☒	☐	☐	

approaches to internal doorways; ■ wheelchair access to bathroom and toilet; ■ electrical circuits and lighting systems capable of producing adequate lighting for people with poor vision; ■ avoiding physical barriers and obstacles; ■ avoiding steps and steep end gradients; ■ visual and tactile warning techniques; ■ level or ramped well lit uncluttered approaches from pavement and parking areas; ■ providing scope for ramp to AS 1428.1 at later stage, if necessary; ■ providing easy to reach controls, taps, basins, sinks, cupboards, shelves, windows, fixtures and doors; ■ internal staircase designs for adaptable housing units that ensure a staircase inclinator can be installed at any time in the future; and ■ providing a disabled car space for each dwelling designated as adaptable. **Note:** In the design of residential flat buildings, applicants shall consider the Access and Mobility Part of this DCP.	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	There are 9 car residential parking spaces earmarked as being adaptable.
D2 All development proposals with five or more housing units shall be capable of being adapted (Class C) under AS 4299. The minimum number of adaptable housing units is set out below. **Number of dwellings Number of adaptable units** (Plus 10% of additional dwellings beyond 60, rounded up to the nearest whole number) **Note:** Adaptable Housing Class C incorporates all essential features listed in Appendix A - Schedule of Features for Adaptable Housing in AS 4299.	☒ ☒	☐ ☐	☐ ☐	There are 81 apartments in the development. Of that figure, 9 are to be designated as "Adaptable apartments" which is 11% of the total number of apartments in the development. The tower building should be provided with (8) adaptable apartments. There are an adequate number of adaptable apartments in the development.
9.3 Lifts **Development controls** **D1** Lifts are encouraged to be installed in four (4) storey residential flat buildings where adaptable housing units shall be required. **D2** Where the development does not provide any lifts and includes adaptable housing units, the adaptable housing units shall be located within the ground floor of the development.	☒ ☐	☐ ☐	☐ ☒	There are two lifts servicing the building situated within the centre. The lift core is situated more on the southern side of the building and not visible from a public space.
9.4 Physical barriers **Development controls**				

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

D1	Physical barriers, obstacles, steps and steep gradients within the development site shall be avoided.	☒	☐	☐	