JOINT REGIONAL PLANNING PANEL
(Sydney West Central Region)

JRPP No	**2015SYW068**
DA Number	**110/2015**
Local Government Area	**Cumberland Council**
Proposed Development	**Adaptive re-use of the former Nurses Quarters into 8 dwellings, including refurbishment and demolition of various minor works, construction of 2 x 3 storey residential flat buildings containing a total of 24 dwellings, basement & at-grade car parking, strata subdivision, site reshaping & benching, tree removal and associated landscaping, civil works and provision of site services (Stage 82) - Integrated Development (Heritage Act, 1977)**
Street Address	**Lot 8 DP 270668, Lot 8 Main Avenue, LIDCOMBE**
Applicant/Owner	**Australand Property Group**
Number of Submissions	**One (1) written submission**
Regional Development Criteria (Schedule 4A of the Act)	**CIV$20,336,035.00**
List of All Relevant s79C(1)(a) Matters	• List all of the relevant environmental planning instruments: s79C(1)(a)(i) - ***SEPP 55 – Remediation of Land*** - ***SEPP 65 – Design Quality of Residential Flat Development*** - ***SEPP (Infrastructure) 2007*** - ***SEPP (BASIX) 2004*** - ***SREP (Sydney Harbour Catchment) 2005*** - ***Auburn LEP 2010*** • List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii): - ***N/A*** • List any relevant development control plan: s79C(1)(a)(iii): - ***Auburn Development Control Plan 2010*** - ***Auburn Development Contributions Plan 2007*** • List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has

	offered to enter into under section 93F: s79C(1)(a)(iv): - ***N/A*** • List any coastal zone management plan: s79C(1)(a)(v) - ***N/A*** • List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 - ***N/A.***
List all documents submitted with this report for the panel's consideration	**Assessment Report** **Draft conditions of consent** **Applicant's Conservation Incentives Justification** **Applicant's Clause 4.6 Variation to vary maximum Building Height** **Comparison of original and amended height plan** **Applicant's Clause 4.6 Variation to vary maximum Floor Space Ratio** **Site Audit Statement** **Architectural Plans and Shadow Diagrams** **Landscape and Tree Retention/Removal Plan** **Photomontage**
Recommendation	**Approval**
Report by	**KO**

CUMBERLAND COUNCIL

Lot 8 Main Avenue, LIDCOMBE

INFORMATION REPORT FOR JRPP DA-347/2014

SUMMARY

Applicant	Australand Property Group
Owner	Australand Industrial No. 16 Pty Limited
Application No.	DA-110/2015
Description of Land	Lot 8 DP 270668, Lot 8 Main Avenue, LIDCOMBE
Proposed Development	Adaptive re-use of the former Nurses Quarters into 8 dwellings, including refurbishment and demolition of various minor works, construction of 2 x 3 storey residential flat buildings containing a total of 24 dwellings, basement & at-grade car parking, strata subdivision, site reshaping & benching, tree removal and associated landscaping, civil works and provision of site services (Stage 82) - Integrated Development (Heritage Act, 1977)
Site Area	6165.00m^2
Zoning	**Zone R3 - Medium Density Residential**
Disclosure of political donations and gifts	Nil disclosure
Issues	Permissibility Heritage Incentives FSR & height non-compliance SEPP 65 & ADCP 2010 non-compliances Submission

Recommendation

That Development Application No. DA-110/2015 for Adaptive re-use of the former Nurses Quarters into 8 dwellings, including refurbishment and demolition of various minor works, construction of 2 x 3 storey residential flat buildings containing a total of 24 dwellings, basement & at-grade car parking, strata subdivision, site reshaping & benching, tree removal and associated landscaping, civil works and provision of site services - Integrated Development (Heritage Act, 1977) on land at Lot 8 Main Avenue, LIDCOMBE be approved subject to conditions contained in the attached schedule.

Background

Development Application No. 572/2002 – Stage 1 Masterplan

Consent orders for Development Application No. 572/2002 were issued by the Land and Environment Court on 7 July 2004 for the staged development of the former Lidcombe Hospital site, including subdivision, demolition, remediation, site grading, civil works, tree removal, landscaping and dedication of public roads, drainage and open space.

Subsequent to the approval of the application a portion of the site was listed on the NSW State Heritage Register.

The S.96 applications of relevance to the subject application are detailed below:

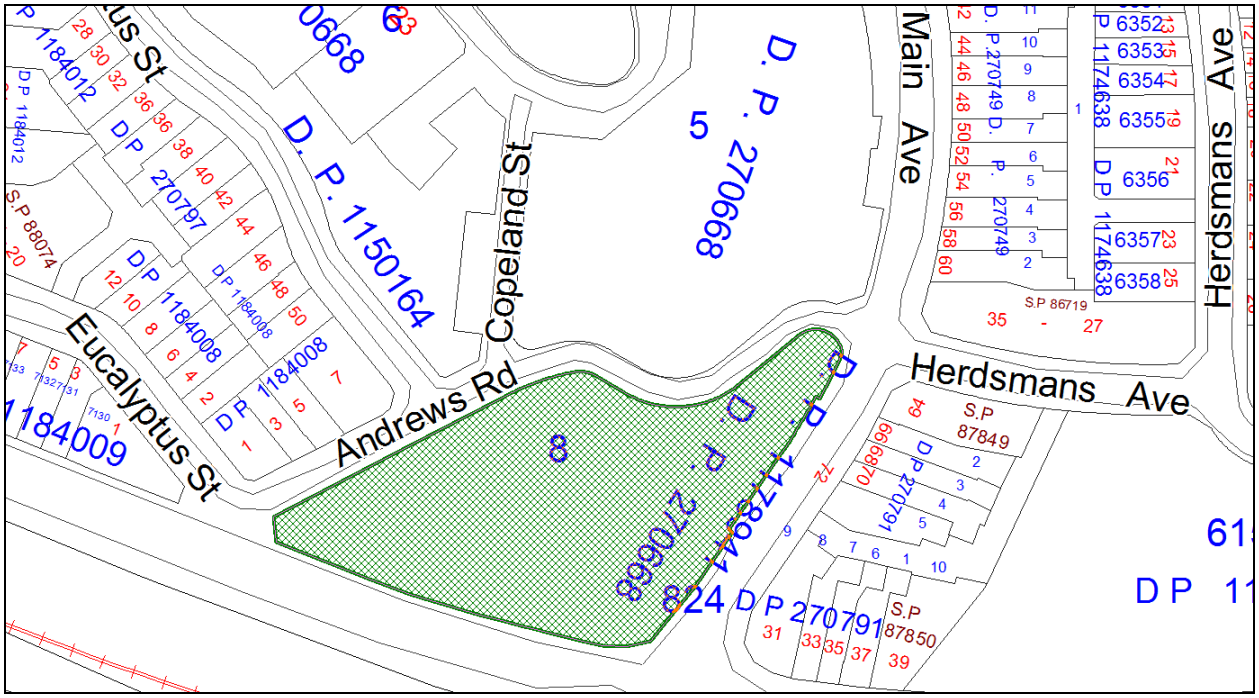
- S.96 application no. DA-572/2002/H and DA-424/2010 were approved by Council at its meeting held on 18 May 2011 to change the status of Building 69 (annex to Building 72) from 'retained building' to 'demolished building'. Given the building's location within the State Heritage listed area a Development application was lodged seeking the integrated approval of the Heritage Office. A s96 application was required to modify the building's status so as to ensure that any further development application was not inconsistent with the staged consent in accordance with s83(D)(2) of the EP & A Act, 1979.

- S.96 application no. DA-572/2002/S was approved under delegated authority on 8 September 2015 to increase the maximum dwelling numbers permitted within the site from 750 to 810. At the time of consideration of the original application a school was proposed within the heritage precinct and on a large vacant area of the site. This aspect of the proposal was withdrawn prior to determination of the application by the LEC however, the proposed dwelling numbers remained unchanged from that originally proposed.

Site and Locality Description

The subject site is legally described as Lot 8 in DP 270668 and is known as Lot 8 Main Avenue, Lidcombe. Located on the southern side of Andrews Road, and bounded by Main Avenue to the east and Weeroona Road to the south, the site is irregular in shape and has a site area of 6, 165sqm.

There are three existing heritage buildings on the site which were formerly used as Nurses' Quarters in association with the Hospital. The buildings are each two storeys in height and are orientated towards Andrews Road. The central building (B- 72) was constructed in 1910 and the buildings either side (B-73 and B-74) were constructed in the late 1930's. A later addition to Building 72, referred to as the "Building 69 – Annex to Nurses Quarters No.1 in the Conservation Management Plan prepared by Godden Mackay Logan and dated July 2002, was demolished subsequent to consent being granted in 2011. The building's demolition has left the southern part of the site vacant. A number of significant trees are located along Main Avenue and throughout the site.



The site is located within an area known as the former Lidcombe Hospital Site (named "Botanica" by the site's developer). The former Lidcombe Hospital site is located on the eastern side of Joseph Street, Lidcombe, and is bounded by The Multiple Sclerosis Society site to the north, Ferguson Lodge, the TAFE and University campuses to the east, Weeroona Road to the south, and the EPA Research/Testing facility to the south-west. Carnarvon Golf Course is located on the western side of Joseph Street. The site is located at the southern end of the area listed on the State Heritage Register and is also within the Former Lidcombe Hospital Site Heritage Conservation Area under Auburn Local Environmental Plan 2010.

Development surrounding the site includes newly constructed multi dwelling housing to the east and north-east on the opposite side of Main Avenue, existing heritage buildings the subject of approved residential conversion and a public reserve to the north and newly

constructed multi dwelling housing to the north and north-west on the opposite side of Andrews Road and the railway line to the south on the opposite side of Weeroona Road.

Description of Proposed Development

Council has received a development application for the following works (NB: the applicant refers to the development as 'Stage 82'):

- Demolition of intrusive building elements, conservation works and alterations to existing openings of the retained buildings known as Buildings 72, 73 and 74;

- Refurbishment of Buildings 72, 73 and 74 for residential adaptive reuse and construction of new residential flat buildings A and B with associated basement car parking;

- A total of eight (8) new refurbished dwellings within the retained heritage buildings comprising:

  Building 72 (Residential Flat Building)

  - 4 x 3 bedroom dwellings with at grade and basement car parking;

  Building 73 (Multi Dwelling housing)

  - 2 x 3 bedroom dwellings with at grade car parking;

  Building 74 (Multi Dwelling housing)

  - 2 x 3 bedroom dwellings with at grade car parking

- A total of twenty fours (24) units within two new residential flat buildings comprising

  Building A (Residential Flat Building)

  - 12 x 2 bedroom units with basement car parking

  Building A (Residential Flat Building)

  - 12 x 2 bedroom units with basement car parking

- Construction of a basement car park comprising thirty (30) car parking spaces, bicycle, storage, plant and garbage rooms;

- Construction of sixteen (16) at grade car parking spaces, including four(4) carports;

- Tree removal and relocation, landscaping, fencing, footpath construction and associated facilities; and

- Provisions of site services and stormwater drainage.

Referrals

Internal Referrals

Development Engineer

The development application was referred to Council's Development Engineer for comment who has raised no objections to the proposed development subject to conditions of consent to address issues relating to the design of the basement and location fo parking directly accessible from the street.

External Referrals

Office of Environment and Heritage

In accordance with s91 of the EP&A Act, 1979, the development application was required to be referred to The Office of Environment and Heritage for integrated approval as the site is within the area listed on the State Heritage Register. The Heritage Division sought amendments to the location of the basement and new residential flat buildings in order to retain more of the stand of trees along Main Avenue. The plans were subsequently amended and form the basis of this report.

In correspondence dated 25 September 2016 the Heritage Council confirmed that approval had been granted to the application (as amended) subject to the imposition of conditions on any development consent (as contained in the schedule of conditions attached to this report).

Sydney Trains

In accordance with Clause 86 of State Environmental Planning Policy (Infrastructure) 2007 the application was referred for concurrence to Sydney Trains on 5 December 2016 as the development involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within 25m of a rail corridor.

In correspondence dated 22 December 2016 Sydney Trains confirmed that concurrence was granted to the application subject to the impositions of conditions on any development consent (as contained in the schedule of conditions attached to this report).

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

- **State Environmental Planning Policy (State and Regional Development) 2011**

Given that the proposed works are in excess of a Capital Investment Value (CIV) of $20 million, the development is identified as Regional Development in accordance with Clause 20 of the SEPP (State and Regional Development) 2011 and Schedule 4A of the Environmental Planning and Assessment Act 1979. In this regard, the Joint Regional Planning Panel (JRPP) is the relevant consent authority.

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

As the development proposes new dwellings, BASIX certificates have been submitted to accompany the development application. The plans and details submitted with the development application satisfy the relevant BASIX commitments required to be endorsed

on the development application plans. Conditions will be imposed on the development consent to ensure that the construction of the new dwellings is in accordance with all specified BASIX commitments. The proposed development is, therefore, considered acceptable in respect of the relevant requirements of SEPP (BASIX) 2004.

- **State Environmental Planning Policy (Infrastructure) 2007**

The subject site is located opposite the Chullora–Sefton Goods Railway Line and as such, is required to address the relevant provisions of SEPP (Infrastructure) 2007.

- *Subdivision 2 Development in a rail corridor*

Clause 86 – Excavation in, above or adjacent to rail corridors

In accordance with Clause 86 of State Environmental Planning Policy (Infrastructure) 2007 the application was referred for concurrence to Sydney Trains on 5 December 2016 as the development involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within 25m of a rail corridor.

In correspondence dated 22 December 2016 Sydney Trains confirmed that concurrence was granted to the application subject to the impositions of conditions on any development consent (as contained in the schedule of conditions attached to this report). It should be noted that Sydney Trains requested the submission of an acoustic report to Council prior to issue of the Construction Certificate demonstrating how the proposed development will comply with "*Development Near Rail Corridors and Busy Roads – Interim Guidelines*". As discussed in further detail below an acoustic report was submitted with the application and addressed the aforementioned Guidelines.

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

The proposal is located within 25m of a railway line. Given the residential nature of the development Council requested appropriate assessment of the potential impact of rail noise and vibration to ensure that the specified noise criteria are not exceeded in accordance with Clause 87(3)(a).

The *Botanica Stage 82 Noise Assessment* report, prepared by Renzo Tonin & Associates and dated 24 March 2015, assessed rail noise and vibration and traffic noise. It is stated that as the footings of the building will be more than 25m from an operational track that assessment of potential vibration impacts is not required. In terms of road and rail noise, various attenuation measures are recommended to be incorporated in the construction of the buildings, and treatment of the openings in the heritage buildings, in order to achieve compliance. It is therefore, recommended that an appropriate condition of consent be imposed requiring compliance with the recommendations of the acoustic report.

- **State Environmental Planning Policy No. 55 – Remediation of Land**

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

Matter for Consideration	**Yes/No**
Does the application involve re-development of the site or a change of land use?	☒ Yes ☐ No
In the development going to be used for a sensitive land use (eg: residential, educational, recreational, childcare or hospital)?	☒ Yes ☐ No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	☐ Yes ☒ No
Is the site listed on Council's Contaminated Land database?	☒ Yes ☐ No
Is the site subject to EPA clean-up order or other EPA restrictions?	☐ Yes ☒ No
Has the site been the subject of known pollution incidents or illegal dumping?	☐ Yes ☒ No
Does the site adjoin any contaminated land/previously contaminated land?	☒ Yes ☐ No
Details of contamination investigations carried out at the site: **Site Audit Statement No. 0301-1228R, issued by Enviroview Pty Ltd and dated 14 January 2013, states that Lots 3, 4, 5 and 8 in DP 270668 are suitable for "Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry. The subject site is lot 8 in DP 270668. A condition of consent is to be imposed that a covenant be placed on the title with respect to the Site Audit Statement. It should be noted that a condition in this regard has been imposed on development consents for redevelopment within the former Lidcombe Hospital site.**	
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	☒ Yes ☐ No

- **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings**

The relevant provisions and design quality principles of SEPP 65 have been considered in the assessment of the development application. In accordance with Clause 31(2) of the SEPP, applications lodged prior to the coming into effect of Amendment No. 3 to the SEPP, which saw the replacement of the Residential Flat Design Code (RFDC) with the Apartment Design Guide, are to be determined as if the amendment had not commenced. The subject application was lodged on 26 March 2015 and the amendment to the SEPP commenced on 17 July 2015. Therefore, the application has been assessed against SEPP 65 (Amendment No. 2) and the RFDC.

In general, the proposed development is considered to perform satisfactorily having regard to the SEPP 65 design principles as well as the provisions under the Residential Flat Design Code (RFDC). Although there is some non-compliance with controls, including building separation and provision of useable communal open space, the development responds appropriately to the unique characteristic of the site's configuration and location of existing heritage buildings and significant trees. It should be noted that the assessment relates only to the two (2) new residential flat buildings (Buildings A and B) which are three (3) storeys on height. The heritage building (Building 72) proposed for conversion to a

residential flat building is only two (2) storeys in height and therefore, is not defined as a residential flat building for the purpose of the SEPP which are buildings of three (3) or more storeys.

The table provided at the end of this report under **(section A-A)** is a summary of compliance demonstrating the development proposal's consistency with the relevant planning controls that are applicable to the site with respect to the SEPP 65 RFDC.

A more detailed analysis and comprehensive assessment of the Residential Flat Design Code is provided in **Appendix B** of this report.

- **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

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

- **Auburn Local Environmental Plan 2010**

The provisions of Auburn Local Environmental Plan (ALEP 2010) are applicable to the development proposal. The application proposes to vary the maximum floor space ratio (FSR) and building height and also proposes to rely on the conservations incentives clause to permit residential flat buildings on the site which are a prohibited type of development in the zone. These matters are discussed in detail below and a compliance table providing an assessment of the remaining provisions of ALEP 2010 is attached to the end of this report in **Appendix B.**

- *Permissibility*

The subject site is zoned R3 Medium Density Residential under Auburn Local Environmental Plan 2010. The application proposes *multi dwelling housing* within two of the existing heritage listed buildings (Buildings 73 and 74). Each building is to contain 2 x 3 bedroom dwellings. *Multi dwelling housing* is permissible with consent in the zone.

It is also proposed however, to convert an existing two storey heritage listed building (Building 72) to a residential flat building containing 4 x 3 bedroom units, and construct two new three storey residential flat buildings containing 12 x 2 bedroom units within each building. A *residential flat building* is a type of *residential accommodation* which is prohibited in the zone. The applicant is proposing to rely on clause 5.10(10) *Conservation incentives* which allows, under certain circumstances, for consent to be granted to development that would otherwise be prohibited,

The applicant has provided the following justification to address the requirements of Clause 5.10(10):

> "In relation to the proposed Residential Flat Buildings (Buildings 72, A and B) permissibility of the development relies on the provisions of Clause 5.10(10) – *Conservation Incentives* of Auburn LEP 2010 which states:
>
> > *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.

To rely on cl5.10(10) two or three relevant pre-requisites must be satisfied, being:

(a) That the proposed works to be carried out constitute 'development';
(b) If so, that the development involves a building which is a 'heritage item; or
(c) The proposed development to be carried out in respect of the land on which such a building which is a 'heritage item' is erected.

The relevant statutory definition of 'development' is contained in s4 of the Environmental Planning and Assessment Act 1979 (EPA Act) as:

(a) The use of the land
(b) The subdivision of land
(c) The erection of a building
(d) The carrying out or work
(e) The demolition of a building or work, and
(f) Any other act, matter or ting referred to in section 26 that is controlled by an environmental planning instrument

The proposed development involves the 'use of land', the erection of a building', the 'carrying out of work' and also part 'demolition of a building'. Thus the proposed development falls within the definition of 'development' under the EPA Act.

The refurbishment of Building 72 as dwellings in a Residential Flat Building is considered to be *development that involves a building, which is a 'heritage item'* and the erection of Buildings A and B is considered to be *development carried out is in respect of the land on which such a building which is a 'heritage item' is erected*.

The definition of 'heritage item' in the Auburn LEP is:

A building, work, place, relic, tree, object or archaeological site the location and nature of which is described in schedule 5.

That definition contains an additional 'note', which stated that 'An inventory of heritage items is also available at the office of the Council'. It is also noted that the definition of 'heritage item' in the Auburn LEP does not refer to an specific parts of Schedule 5, but rather, the definition picks up the whole of Schedule 5.

Schedule 5 of the Auburn LEP contains a list of heritage items, heritage conservation areas and archaeological sites and this forms the essence of what constitutes a heritage item by definition.

While there is no reference to any of the individual buildings within the SHR [State Heritage Register] listed Lidcombe Hospital Site Precinct (Site) listed in Schedule 5, the Site itself is identified as a 'heritage conservation area' under Part 2 of Schedule 5.

The proposed development related to a 'heritage item' in two ways:

(a) Because the site falls within a heritage category identified in Schedule 5; and
(b) By the incorporation of heritage items on Council's register into the definition of 'heritage item', as foreshadowed by the note in the Auburn LEP.

In terms of (a) above the Site per se is not a 'building' but a 'place'. While 'place' is not defined in the Auburn LEP it is defined in the Heritage Act 1977 as

An area of land, with or without improvements

Further, 'place' can be taken to mean (Macquarie Dictionary):

(a) a region.
(b) an open space, or square, in a city or town.
(c) an area, especially one regarded as an entity and identifiable by name, used for habitation, as a city, town, or village.
(d) a building
(e) a part of a building.
(f) a residence, dwelling, or house.
(g) a property comprising land, buildings, residence etc.

The Site in this case being the area of Stage 82 fits purposely the description of 'place', although this can equally apply to the whole of the Lidcombe Hospital Site Precinct listed in Schedule 5 of the Auburn LEP 2010 and on the State Heritage Register.

Council's register which contains relevant heritage items includes the Site as such an item. While reference to the inventory of heritage items in the Auburn LEP 2010 is contained in a note, which is not technically part of the LEP, the inclusion of the Site as a heritage item on the register supports the interpretation of the Site as a 'place' within Schedule 5 and thus reasonable to so conclude.

In addition, the State Heritage Inventory under the heritage Act records the Site as a Stage heritage Item and the buildings within as local heritage items.

Clause 5.10(10) of the Auburn LEP 2010 contemplates development *of a building that is a heritage item or the land on which such a building is erected*. The proposed development relates to both building and land, namely the place itself, including the buildings. Thus the proposed development is located on 'land' on which the Heritage Item is located within the meaning of clause 5.10(10) of the Auburn LEP 2010.

Having regard to the above, for the purposes of clause 5.10(10) of the Auburn LEP 2010, the Site itself is a 'place' within the definition of 'heritage item' under Auburn LEP 2010 and this includes the collective group of buildings on the Site (in this case being Lot 8).

Further, the proposed development is located on 'land' on which other buildings being heritage items within the heritage conservation area are located (in particular buildings within located within stages 82 being Lot 8), hence the land to be developed for Buildings A and B is sufficiently proximate to those buildings to satisfy that requirement of clause 5.10(10) of the Auburn LRP 2010.

In addition to satisfying the basic tenant of cl5.10(10), Table 14 considers those other matters, which the consent authority has to be satisfied with in order to grant the consent.

Table 14 Matters to consider under s5.10(10)

Consideration	**Comment**
the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and	The Stage 8 DA (DA176/2006) among other matters included the demolition and suggested buildings envelopes to the rear of Stage 82. The proposed

	demolition (including the removal of Bldg 69 annex behind Bldg 72) and refurbishment works was discussed with the Heritage Office in late 2005 with the intention to include a new building envelope to offset the significantly increased cost of window joinery works on the Vernon buildings. Also the Stage 8 HIS of the amended DA circa jan07 stated on page 4 to the effect that Australand would create an additional area of public reserve between stage 81 (rear) and stage 71 to include the existing stands of brush box and eucalypt and extend that to include the Nurses' Garden. This provides for separation of heritage conservation area and the new built form in that location. The proposed development thus is an offset for the higher than expected cost of conservation measures relating to the refurbishment of the retained buildings (not only those relating to the Vernon buildings but also the Barnet buildings in Stage 87 due to their poor physical condition) and the additional area set aside for open space. The proposed development thus facilitates the conservation. The fact that the conservation works are partially completed is related to the project staging and Australand has carried the initial burden of the conservation works in the interim.
the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and	The development is consistent with DA572/2002 [for the staged redevelopment of the former Lidcombe Hospital site], the *Lidcombe Hospital Site Draft Conservation Management Plan* (Sept 2002) submitted with DA572/2002 and the *Lidcombe Hospital Site – Nurses' Quarters No. 1 Specific Element Conservation Policy* (Oct 2006), *Lidcombe Hospital Site – Nurses Quarters No. 2 (B-73) Specific Element Conservation Policy* (Sept 2010), *Lidcombe Hospital Site – Nurses' Quarters No. 3 (B-74) Specific Element Conservation Policy* (Sept 2010) and *Former Lidcombe Hospital Site – Botanica Nurses Quarters Group – Stage 82 Precinct Heritage Impact Statement* (Feb 2015)
the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and	The conservation work on the retained buildings as identified in DA572/2002 will be completed for Stage 82. Conservation works on other retained buildings has been progressively carried out in accordance with conditions 29 and 31 of DA572/2002.
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	The proposed development does not adversely affect the heritage significance of the heritage item, including its setting and is consistent with the conservation management plan and HIS prepared for the development. The proposed new buildings are on the periphery of the heritage conservation area and removed from the primary area of heritage significance namely the Village Green and buildings directly around that space.
the proposed development would not have any significant adverse effect on the amenity of the surrounding area.	In relation to Building 72 the proposed development is the best form of refurbishment as it has least effect on the internal fabric of the building. This is no way causes any significant adverse effect on the amenity of the surrounding area. The amenity of the surrounding area does not materially change as a consequence of the proposed development such that it would be perceived to significantly alter or impact the surrounding area in an adverse manner. In relation to Buildings A and B these are located to the rear of Stage 82 and bounded by Weeroona Road. These buildings are on the fringe of the

	conservation area and are largely screened by the existing buildings / landscaping from the Village Green and important views from the Nurses' Garden and Copeland Road. The amenity of the surrounding area does not materially change as a consequence of the proposed development such that it would be perceived to significantly alter or impact the surrounding area in an adverse manner.

…..

Having addressed all of the requirements of cl5.10(10) it is a reasonable interpretation and conclusion, based on the above, for the consent authority to rely on the clause to grant consent for the dwellings in Building 72 as well as those in Buildings A and B as those buildings are Residential Flat Buildings and not ordinarily permitted development."

Comment:-

The applicant's justification for reliance on clause 5.10(10) to allow for residential flat buildings on the site, in the form of conversion of an existing building and the construction of two new buildings, is considered acceptable in this instance for the following reasons:

- The argument put forward regarding whether the site, being located within a heritage conservation area under Schedule 5 of the LEP, is also a heritage item is reasonable. The definition of 'heritage item' under the LEP is inclusive of all of Schedule 5 and does not specifically nominate Part 1 which is the list of heritage items. Similarly the definition of a heritage conservation area also does not make reference to a specific part of Schedule 5. The definition of a heritage conservation area is as follows:

  "*means an area of land of heritage significance:*

  (a) Shown on the Heritage Map as a heritage conservation area, and
  (b) The location and nature of which is described in Schedule 5,

  and includes any heritage items situated on or within that area."

  The subject site is located within the Former Lidcombe Hospital Site Heritage Conservation Area and contains buildings, archaeology, and landscape elements which are of such heritage significance that the area is also listed on the NSW State Heritage Register. The subject site itself contains three (3) significant buildings and a number of significant mature trees/plantings. It is considered warranted therefore, that the subject site be considered a heritage item so as to enable reliance on the conservation incentives clause to permit the proposed development.

  It should also be noted that under the previous LEP (Auburn LEP 2000) that the entire Former Lidcombe Hospital Site was a heritage item and a similar conservation incentives clause was contained in that LEP. The adoption of the 'standard instrument' for new LEPs saw the Former Lidcombe Hospital Site reclassified from a heritage item to a heritage conservation area under ALEP 2010, presumably given the multiple number of buildings and landscape elements of heritage significance. The implications of interpreting the definition of 'heritage item' to also include a 'heritage conservation area' are limited given that there is only one other heritage conservation area under ALEP 2010, being the "Silverwater Prison Complex". That site is also on the State Heritage Register.

- In accordance with cl 5.10(10)(a) the applicant has adequately demonstrated that the conservation of the heritage items, being the buildings on the site (in particular Building

72 which is to be converted to a residential flat building so as to maintain important internal features such as the centrally located staircase) and Vernon and Barnet buildings located around Brooks Circuit and Sussex Street, are facilitated by the granting of consent for the otherwise prohibited form of development.

- In accordance with cl5.10(10)(b) and (c) the proposal is in accordance with an approved heritage management document and all conservation works will be carried out in accordance with that document.

- In accordance with cl5.10(10)(d) the proposed development will not have an adverse impact on the heritage, including its setting. The adaptive reuse of Building 72 as a residential flat building allows for retention of the entrance hall and central staircase to gain access to each of the units. To convert the building to multi dwelling housing would require disturbance to more of the building's fabric so as to provide access at ground level for each of the dwellings in accordance with the LEP definition of multi dwelling housing. The construction of the new residential buildings (Building A and B) have been designed so as maintain the setting and important views of the existing heritage buildings on the site and retain significant vegetation. Further, the integrated approval of the Office of Environment and Heritage was sought and the Heritage Council have issued General Terms of Approval.

- In accordance with cl5.10(10)(e) the proposed residential flat buildings will not have an adverse effect on the amenity of the area insofar as solar access and privacy are maintained to existing dwellings, the public domain is not extensively overshadowed, and the number of dwellings proposed is within the allowable density under the consent for the staged redevelopment of the former Lidcombe Hospital Site.

- ***Maximum Building Height***

The subject site has a maximum building height of 9m under ALEP 2010. The existing heritage buildings exceed the maximum building height by between 1.25m and 2.5m. The two proposed residential flat buildings exceed the maximum height limit by 0.74m (Building A) and 1.0m (Building B). The applicant has submitted the following justification to vary the development standard in accordance with clause 4.6 of ALEP 2010.

> "The Auburn LEP 2010 came into effect on 29 October 2010. The Former Lidcombe Hospital site (Botanica) has been the subject of continuing development following the grant of staged development consent by the LEC in July 2004.
>
> The site to which this written application relates is zoned R3 Medium Density Residential and the zone objectives are:
>
> - *To provide for the housing needs of the community within a medium density residential environment.*
> - *To provide a variety of housing types within a medium density environment.*
> - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
>
> As indicated above the principal development standards for which a variation is sought relates to clause *4.3 Height of Buildings*.
>
> Under the provisions of clause *4.3 Height of buildings* of the Auburn LEP 2010 it states:
>
> *(1) The objectives of this clause are as follows:*

(a) To establish a maximum height of buildings to enable appropriate development density to be achieved, and
(b) To ensure that the height of buildings is compatible with the character of the locality.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The maximum height stated on the height of Buildings Map for the site is 9m and this is the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The maximum variation in building eight over the 9m maximum permitted by Clause 4.3 varies for each of the buildings.

The existing retained buildings that are being refurbished for residential accommodation exceed the 9m as set out below:

Building 72 – 11.5m
Building 73 – 10.25
Building 74 – 10.25

Buildings A and B also exceed that maximum building height [being] 9.74m and 10m respectively.

The maximum exceedance is 2.15m or 23.9% for Building 72 with the other retained buildings exceeding the height limit by 13.9%.

Building A exceeds the maximum height by less than 10% (8.2%) and Building B marginally more than 10% (11.1%)

Figure [A7.1a] show in relation to Buildings A and B that for the most part the exceedance of building height would be less that 10% and it is essentially the parapets that are the highest elements and these are only a small portion of the building but have a significant role in providing articulation of the building elevations.

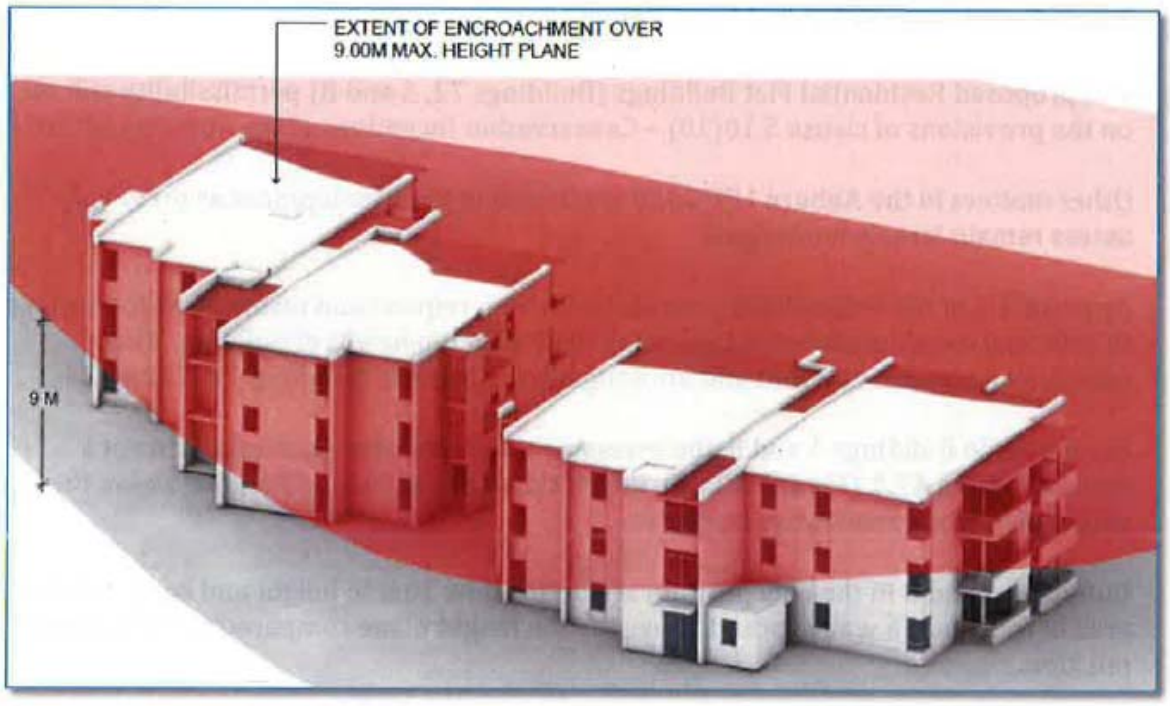


Figure A7.1a Building height plan section through Buildings A and B – new position of buildings

Prior to the notification of the Auburn LEP 2010 dwelling height was controlled under provisions of Part L of Auburn DCP 2003 relating to the Former Lidcombe Hospital Site. Under section 8.1 housing types could be built to a height of up to 3 storeys where it is necessary to define and balance the spatial system. Under section 8.2 of that DCP the maximum floor to ceiling heights were 3.0m for ground floor and 2.7m for first and second floors and the maximum building height from finished ground level to ceiling of upper most floor – three storey was 9.6m.

The maximum building height under that DCP did not include the roof, which the DCP indicated should have a pitch between 20 to 40 degrees. This theoretically meant that dwellings could exceed a building height as now determined by definition of over 10m.

It is generally recognised that the Auburn LEP 2010 was a translation of existing controls into the new standard LEP template format. The problem with that is the former Lidcombe Hospital Site now has a 'development standard' control loosely based on a set of 'historical' planning provisions that permitted somewhat greater discretion and flexibility than the development standard that now applies.

In the case of the existing buildings, no refurbishment has extended above the existing ridgeline of the buildings and the building height is generally exceeded over the area of the pitched roof. The building height is in part caused by the higher that normal floor to ceiling heights of the ground floor, which for building 72 is about 3.1m and higher than normal second storey – up to 2.9m in the case of Building 72.

These matters to be considered under clause 4.6 are addressed below:

Consideration	Justification for Contravention
4.6(3)(a) that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and	• Three of the buildings are existing and being refurbished for adaptive reuse; • No refurbishment of the retained buildings has caused the roof height to be extended; • It would be inappropriate and unreasonable to

		require compliance with the building height in respect of the retained buildings due to their heritage standing; • The exceedance of the maximum building height has no material adverse impact on any adjoining development both with respect to the retained buildings and Buildings A and B; • It is considered [un]reasonable in the circumstances to require Buildings A and B to comply to the maximum building height as generally less than 10% exceedance has no material impact on the site and surrounding / adjoining development; • Previous controls permitted three storey dwellings which potentially has a measured height exceeding 10m
4.6(3)(b)	that there are sufficient environmental planning grounds to justify contravening the development standard.	• The building height as measured is in excess of the maximum 9m but does not pose any detrimental environmental issues that would be grounds for refusal. The maximum height of Buildings A and B allows for more effective use of ground level space and provides suitable curtilage area for the retained buildings.
4.6(4)(a)(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	• The objectives of clause 4.3 is set out above and the increase in measured height above the maximum is consistent with those objectives; • The height of buildings do not alter the relationship of those buildings to the surrounding development per se as the buildings are existing where they interface directly with adjoining development and no change occurs to the vertical height above the existing roof line of the retained buildings; • The additional increase in building height as measured does not affect the density of development per se. The additional dwellings provided by the additional storey to buildings A and B provide 8 additional dwellings and this is within the dwelling density for the Botanica Estate overall and is not considered to be overly dense for the site. • The average lot size for dwellings on the site is ~ 192m^2, the minimum permitted lot size for multi dwelling housing and attached housing – both forms of housing permitted is 170m^2 for each dwelling. • The height of Buildings A and B are compatible with the height of the retained buildings which are higher again than Buildings A and B and the height of the retained buildings does not affect nearby development because of the significant setback to those adjacent buildings, which is retained as part of the development; • The small exceedance in building height for Buildings A and B permits another eight x two bedroom dwellings to be provided as part of the dwelling stock in the Botanica estate. This provides for housing that otherwise is not generally represented in the dwelling stock so addresses both the primary objectives of the R3 Medium

		Density Residential zone in that it provides for housing needs of the community in terms of choice and variety and the density is consistent with other forms of housing otherwise permitted in the Botanica Estate.
4.6(5)(a)	whether contravention of the development standards raises any matter of significance for State and regional environmental planning, and	• Permitting the contravention in the circumstances does not raise any matter of significance for State or regional environmental planning per se; • Permitting the exceedance particularly in respect of Buildings A and B allows compliance with s5(a)(i) and (ii) of the Environmental Planning and Assessment Act in so far as it permits an efficient use of land in a form that enhances the curtilage areas around the retained buildings, while achieving a density of development that is consistent with permitted other forms of residential accommodation. The additional dwellings also assist in the economic cost of conservation works associated with the retained buildings.
4.6(5)(b)	the public benefit of maintaining the development standard, and	There is no direct public benefit from enforcing the development standard in this instance, in fact a dis benefit is perceived as a better urban design outcome is achieved in providing for car parking at the 'basement' level of the building, which is the contributor to the increase in building height over the maximum set in the development standard.
4.6(5)(c)	any other matter required to be taken into consideration by the Director- General before granting concurrence.	None known at time of preparation.

From the above it can reasonably be concluded that allowing the exception to the development standard in this instance:

- does not compromise the achieving of the standard's objectives notwithstanding non-compliance with the 9m maximum building height standard;
- is in the case of the retained buildings somewhat irrelevant hence compliance is unnecessary;
- is in the case of the new buildings has no material effect to any of the adjoining or surrounding development and the exceedance is generally less that 10% for the majority of the new buildings, hence in this particular circumstance the standard is no directly relevant bearing in mind that the nearest existing retained buildings exceed the development standard and there is no direct adjoining development affected;
- in relation to the retained buildings would avoid significant heritage implications and therefore compliance would be unreasonable and enforcement of the standard on new buildings for reasons stated above be unreasonable and inconsistent;
- would be considered consistent in the context of the previous development control provisions that applied to the site as outlined above;
- given the situation and location of the site is reasonable due to existing use of land and current environmental character of the particular parcel of land.

Given the circumstances and justification set out above the exception to the building height development standard should be granted to the Applicant."

Comment:- The applicant's justification for varying the maximum building height stipulated under ALEP 2010 is considered reasonable in the circumstances. The requirements of clause 4.6 of ALEP 2010 are considered to have been satisfied insofar as:

- The applicant has made a written request seeking to justify the contravention of the development standard;

- The applicant's written request has adequately demonstrated that compliance with the standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravention of the development standards in accordance with clause 4.6(3)(a) and (b);

- The proposed development will be in the public interest because it is consistent with the objectives of the zone in that it will provide for the housing need of the community in a variety of housing types. Further, the buildings are of such a scale that the medium density character of the Former Lidcombe Hospital Site will not be compromised. The proposed development is also consistent with the objectives for the 'height of buildings' development standard in that the allowable density of development within the Former Lidcombe Hospital Site is achieved and the buildings are compatible with the heritage character and new dwellings within the locality.

- ***Floor space ratio (FSR)***

The subject site has a maximum FSR of 0.5:1 under ALEP 2010. With a proposed gross floor area of 3,392sqm and a site area of 6,165sqm, the proposed FSR is 0.55:1. The maximum gross floor area (GFA) permitted is 3,082.5sqm. It is proposed to provide 309.5sqm in excess of the maximum GFA permitted by the FSR control. The applicant has submitted the following justification to vary the development standard in accordance with clause 4.6 of ALEP 2010.

> "The FSR development standard that applies to the site is 0.5:1 and the proposed development proposes a FSR of 0.55:1.
>
> The Auburn LEP 2010 came into effect on 29 October 2010 and zoned the land R3 – Medium Density Residential. The objectives of the R3 zone are:
>
> - *To provide for the housing needs of the community within a medium density residential environment.*
> - *To provide a variety of housing types within a medium density residential environment.*
> - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
>
> The Former Lidcombe Hospital Site (Botanica) has been the subject of continuing development following the grant of staged development consent by the LEC in July 2004.
>
> Prior to the notification of the Auburn LEP 2010 over 500 allotments / dwellings had been approved or applications were pending with Council. At the time of preparing this DA the total number of dwellings permitted on the site by consent condition is 750 [NB: the application for the staged redevelopment of the Former Lidcombe Hospital Site was subsequently modified and the maximum number of dwellings permitted was increased to 810].
>
> With the adoption of the ALEP 2010, the provisions relating to floor space ratio (FSR) for dwellings fundamentally changed from being addressed under The Former Lidcombe Hospital Site Development Control Plan (Part L) provisions to becoming a development standard under the provisions of the ALEP 2010.
>
> This application to vary a development standard relates to the Floor Space Ratio provisions of Clause 4.4 of the Auburn LEP 2010. 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 and for this

site it is 0.5:1. The development proposes a FSR of 0.55:1, which is 10% greater than the development standard.

The form of building development resulting in the higher FSR has emerged in response to the situation of the site and desire to provide more affordable housing choice and additional housing to alleviate the higher than anticipated cost of refurbishment of some of the heritage buildings. This has resulted in the proposed development comprising both refurbished and new residential flat buildings (RFB). The permissibility of RFB on the site has been addressed in Section 3.2.1 of the SEE.

The FSR provision relating to the site was previously dealt with under Part L of Auburn DCP 2003 relating to the Former Lidcombe Hospital Site. A 'whole of site' FSR was adopted in that DCP, which was equivalent to 0.5:1 although it was generally accepted that a higher FSR was more practical and appropriate to a site zoned for medium density residential development, particularly in relation to the different dwelling types that were proposed as part of the site development.

Table 1 shows the distribution of actual cumulative residential floor space including Stage 82 site development to date.

Table 1 Actual cumulative floor space per precinct

Precinct	Net Residential Area (ha) [1]	Theoretical distribution of Floor Space (m²) [3]	Land area subdivided to date (m²) [2]	Actual total floor space this application (m²)	Cumulative floor space (all applications to date) (m²) [4]	Balance based on overall FSR of 0.5:1 (m²) [5]
1	3.32	16,600	32,894		17,841.7	-1,394.70
2	3.09	15,450	31,051		17,942.77	-2,417.27
3	4.71	23,550	46,739		26,394.72	-3,025.22
4	3.52	17,600	35,745		19,577.32	-2,204.82
5	2.36	11,800	22,818		13,400.21	-1,600.21
6	3.15	15,750	28,058		13,355.6	2,394.4
7	1.22	6,111	12,223		7,362.5	-1,251.5
8	4.42	22,100	42,817	3,392.0	14,636.4	7,463.6
Total	**25.79**	**128,961**	**252,345**	3,392.0	**130,511.22**	**-1,550.22**

1 Area from Civil-01 Rev T dated 24 May 2010 (DA572/2002H) – for stage 71 area amended based on survey plan no 13420-7P1 with site area of 1.223ha
2 Does not include area of super lots / residue lots
3 Adopts 0.5:1 FSR calculation (also applicable to P3 as that was the applicable FSR applying to site at time of development under the Former Lidcombe Hospital Site DCP Part L although the Design Guidelines for the development of individual allotments permitted a 0.6:1 FSR. Alternative would be to assume 0.6 FSR applies to that part of P3 where separate applications were made for dwellings and 0.5 FSR to balance of site)
4 Assumed dwellings for stages involving subdivision of land only at maximum 0.6:1 FSR
5 Based on column 4 area when precinct completed
6 Includes studio accommodation (secondary dwelling) post Stage 43 DA but excludes Studio areas less than 55m² prior to and including Stage 42 as DA lodged / determined prior to State Environmental Planning Policy (Affordable Rental Housing) 2009

Notes: Differences in totals due to rounding

The cumulative overall site FSR to date of development for which approval has been granted or is sought is marginally more than 0.5:1 (0.506:1).

It is also noted that when Australand (Applicant) sought to depart from the 'house and land' development package for stages 31 and 34, which were to comprise essentially detached dwellings Council permitted the FSR for those stages to be 0.6:1 and this is even reflected in the provisions of the Auburn LEP 2010. At that time the FSR for detached dwellings in Residential 2(b) zone was 0.6:1 (page 6 of Detached Dwellings and Dual Occupancy Development Control Plan) – now superseded by the FSR provisions of the Auburn LEP 2010.

Further, the Multiple Dwellings Development Control Plan that was adopted by Council on 17 September 2003 permitted a maximum floor space ratio is 0.7:1 – also now superseded by the FSR provisions of the Auburn LEP 2010 and it is noted that is some instances (see clause 4.4(2A)) a FSR up to 0.85:1 for multi dwelling housing sites is possible.

Those controls are no longer or directly applicable to the Former Lidcombe Hospital site and the provisions of clause 4.5(3)(b) of the ALEP 2010 are used as the basis to calculate the FSR of each subsequent stage of development that will comprise different house types.

A number of the dwelling types provided for on the former Lidcombe Hospital site could be considered to be of a 'multi dwelling' form including the dwelling types associated with this application. It would seem inappropriate on the one hand to permit a 'higher density' building form that generally dictates a higher FSR but constrain the optimum development of that building form by restricting the FSR to below that which is permissible for a detached dwelling (being a lower density building form), which is permissible elsewhere on the site.

It is generally recognised that the Auburn LEP 2010 was a translation of existing controls into the new standard LEP template format. The problem with that is the former Lidcombe Hospital Site now has a 'development standard' control based on 'historical' planning provisions introduced at a time when the matter was before the Land & Environment Court that is not entirely applicable to the zoning of the site or the permitted types of development.

The 'translated 'development standard' bears no demonstrable relevance to the permitted development nor does it when compared to the controls that apply to similarly zoned land and development of a similar nature in the nearby vicinity of the site.

Development practice on the Former Lidcombe Hospital site following development approval in July 2004 has exceeded the 0.5:1 FSR and for some stages has approached a FSR of 0.65:1 FSR.

The FSR of Stage 82 is 0.55:1 and is due in part to the dimensional character of the site and the predominant built form being multi dwelling housing and residential flat building.

Although the development has a FSR of 0.55:1, the scale and form of the development provides for alternative more affordable housing choice in some instances (the new residential flat buildings) that would otherwise not be the case. The built form is also considered compatible and sympathetic to the heritage setting.

The matters to be considered under clause 4.6 are addressed below:

Consideration	**Justification for Contravention**
4.6(3)(a) that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and	Historically the 0.5:1 FSR was an anomaly introduced at a time when the development was before the LEC with no apparent justification that such a FSR was appropriate for a medium density housing site; • The adopted FSR for detached dwellings in the Auburn LGA has been 0.6:1 and for medium density development 0.7:1and greater in some cases; • The site was and is zoned for 'medium density' housing; • Historically development applications submitted and approved by Auburn Council have exceeded the 0.5:1 FSR; • Part of the former Lidcombe Hospital site has been given a FSR of 0.6:1 for detached dwellings, which is a higher FSR for the remainder of the site that allows for multi dwelling housing.

4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	All the adjoining and surrounding land zoned R3 Medium Density Residential has been 'zoned' with a FSR of 0.75:1; • Some multi dwelling housing sites are permitted to have a FSR up to 0.85:1 (Clause 4.4(2A)); • It is incongruous to have a 'medium density' residential zone and have a 'development standard' control that stymies the effective and efficient delivery of housing in that zone; • The FSR development standard acts as a disincentive to efficient and effective development and use of a 'scarce' resource ie land in a way not realistically contemplated or intended, thus compliance with the standard would thwart development and therefore compliance is unreasonable.
4.6(4)(a)(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	• The objectives of clause 4.4 Floor space ratio of the ALEP 2010 are: *(a) to establish a maximum floor space ratio to enable appropriate development density to be achieved, and* *(b) to ensure that development intensity reflects its Locality* • Neither of these objectives are met if the FSR of 0.5:1 is enforced and therefore it is the public interest to allow the contravention of the development standard. • Conversely the intensity of development in the form of refurbished heritage buildings and new residential flat buildings is overall at a 'density' that reflects the locality and allows for more affordable housing as well as funding the assist in the higher than anticipated heritage refurbishment costs. • Allowing contravention of the development standard will enable the development to be consistent with the objectives of the clause. Adherence to 0.5:1 FSR does not maximise the FSR to enable appropriate development and development for which the land is zoned and the 0.5:1 FSR is not consistent with the FSR on the same zoned land adjoining the site. • The DCP intended that some development have a site cover of 70%. This in itself leads to a conclusion that for that development to occur it would likely exceed the 50% FSR and hence compliance with the development standard on an individual site basis is unnecessary and unreasonable.
4.6(5)(a) whether contravention of the development standards raises any matter of significance for State and regional environmental planning, and	• If the contravention of the 0.5:1 FSR is not permitted in this instance a precedent will potentially be established that is a contradiction to adopted planning practice whereby there is recognition that in higher density zones higher density forms of housing development are encouraged; • S117 Directions relating to Residential Zones states as objective: *(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services,*

	In meeting that requirement a Council is to include provisions in a LEP that encourage housing that will: *(a) broaden the choice of building types and locations available in the housing market, and* *(b) make more efficient use of existing infrastructure and services, and* *(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and* • Enforcement of the 0.5:1 FSR when compared to a 0.75:1 FSR or higher FSR for some special sites for other similarly zoned R3 land in the vicinity of the site is a contradiction to the s117 Directions; • It is in the interest to implement a consistent approach to state and regional planning policy thus to permit the contravention would demonstrate a consistency of application of the s117 Direction applying to Residential Zone whereby 'infill' residential land is used more efficiently reducing consumption of land on the urban fringe and allow a more broader choice of housing in a medium density residential zone. This is not effectively achieved if the FSR of 0.5:1 is enforced. • Strict compliance with the 0.5:1 FSR would thwart the objects 5 (a)(i) and 5(a)(ii) of the EP&A Acts in so far as it would hinder the orderly and economic use and development of land (ie it would require an 'under development' of the potential of the land consistent with its zoning and the density more applicable to the building form of the development) and non compliance with the FSR development standard would permit proper management, development of the land for the purpose of promoting the social and economic welfare of the community and a better environment by allowing an appropriate form of development at a reasonable density thereby reducing the consumption of land for housing.
4.6(5)(b) the public benefit of maintaining the development standard, and	Nil – in fact there would be an overall dis benefit to the public in adhering to or maintaining the 0.5:1 FSR control in this instance as it would result in a form of development that did not respond optimally to the site and provide for more affordable house price point and provide the additional revenue to assist in refurbishment of the heritage buildings
4.6(5)(c) any other matter required to be taken into consideration by the Director- General before granting concurrence.	Matters referred to in Appendix 3 of Varying Development Standards: A Guide – August 2011 have been addressed in the body of the submission above

The higher FSR in this instance is an inevitable outcome arising from the particular design response to the nature of the site and built form (being a combination of multi dwelling housing and residential flat building).

Given the circumstances and justification set out above the exception to the FSR development standard should be granted to the Applicant.

Comment:- The applicant's justification for varying the maximum floor space ratio stipulated under ALEP 2010 is considered reasonable in the circumstances. The requirements of clause 4.6 of ALEP 2010 are considered to have been satisfied insofar as:

- The applicant has made a written request seeking to justify the contravention of the development standard;

- The applicant's written request has adequately demonstrated that compliance with the standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravention of the development standards in accordance with clause 4.6(3)(a) and (b);

- The proposed development will be in the public interest because it is consistent with the objectives of the zone in that it will provide for the housing need of the community in a variety of housing types. Further, the buildings are of such a scale that the medium density character of the Former Lidcombe Hospital Site will not be compromised. The proposed development is also consistent with the objectives for 'floor space ratio' development standard in that the allowable density of development within the Former Lidcombe Hospital Site is achieved and the intensity of the development is compatible with the character of the locality.

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

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

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

Auburn Development Control Plan 2010

(a) Residential Flat Buildings

The relevant objectives, performance criteria and developments standards of ADCP 2010 – Residential Flat Buildings have been considered in the assessment of the proposed residential flat buildings (including the conversion of Building 72). The proposal is generally compliant with the requirements of the DCP. Any departures from the controls are considered to be justified when taking into consideration the unique characteristics and constraints of the site, including its configuration and the location of the existing heritage buildings and significant trees.

A more detailed analysis and comprehensive assessment of the Residential Flat Design Code is provided in Appendix A of this report.

(b) Former Lidcombe Hospital Site

The relevant objectives, performance criteria and developments standards of ADCP 2010 – Former Lidcombe Hospital Site have been considered in the assessment of the proposed conversion of Buildings 73 and 74 (existing heritage buildings). The proposal is generally compliant with the requirements of the DCP. Any departures from the controls are considered to be justified when taking into consideration the unique characteristics and constraints of the site, including its configuration and the location of the existing heritage buildings and significant trees.

A more detailed analysis and comprehensive assessment of the Residential Flat Design Code is provided in Appendix A of this report.

(c) Parking and Loading

- **4.4 Residential Flat Buildings and 4.6 Former Lidcombe Hospital Site**

The proposed development comprises three (3) residential flat buildings (Buildings A, B and 72) and semi-detached style dwellings within two (2) existing heritage buildings (Buildings 73 and 74). As such, the car parking requirements for residential flat buildings and dwellings within the Former Lidcombe Hospital Site are applicable the proposal. The following table provides details of the required and proposed car parking spaces for the development:

Building No.	**No. of dwellings**	**DCP Car parking rate per dwelling**	**Required no. of spaces**	**Proposed no. of spaces**
Residential Flat Building				
A	12 x 2 bed	1.0 space	12	12
B	12 x 2 bed	1.0 space	12	12
72	4 x 3 bed	1.5 spaces	6	8
	Total - 28	0.2 spaces visitor	3.2 (4)	5
		Sub total	**34**	**37**
Former Lidcombe Hospital Site				
73	2 x 3 bed	2 spaces	4	4
74	2 x 3 bed	2 spaces	4	4
		Sub total	**8**	**8**
		TOTAL	**42**	**45**

It is proposed to provide 30 car parking spaces within the new basement and 15 spaces at grade, including a disabled car space. This exceeds the minimum requirement by three (3) spaces.

Council's Development Engineers are recommending that a condition of consent be imposed requiring that various matters regarding the location of, and access to, car parking on Andrews Road be addressed. This includes the provision of two (2) parallel car parking spaces designated for visitor use which are partly located within Council's footpath area. Without any access control, and partial location on public land, these spaces cannot practically be for the exclusive use of visitors to the subject site. No objection is raised however, to the provision of these spaces subject to dedication of the associated land to Council. It should be noted that a previous application (DA-176/2006) included the provision of a large number of indented parking bays within the heritage precinct to cater for the constraints posed by existing heritage buildings in providing all of the parking on-site to meet Council's requirements.

Council's Development Engineers are also recommending that the parking area at the south-western end of Andrews Road be redesigned so as to be accessed by a driveway rather than 5-6 vehicles reversing onto the street. Council generally restricts driveway access width so as to retain on-street car parking. The condition recommends that the design be submitted for Council's approval prior to release of the relevant Constriction Certificate. This will enable unrelated parts of the development to proceed.

(d) Stormwater Drainage

The relevant requirements and objectives of the ADCP 2010 - Stormwater Drainage have been considered in the assessment of the development application. Suitable stormwater plans and specifications have been submitted to accompany the development application. Council's Engineers have raised no objection to the proposed stormwater design and appropriate conditions have been provided to be imposed on any development consent. The application is considered to be consistent with the objectives and relevant requirements of the DCP.

(e) Waste

The submitted Waste Management Plan (WMP) complies with objectives, performance criteria and development standards pertaining to waste minimisation during the construction process. Conditions of consent are recommended to be imposed with regards to standards for waste rooms and arrangement for waste collection.

Section 94 Contributions Plan

The development requires the payment of contributions in accordance with Council Section 94 Contributions Plans. It is recommended that conditions be imposed on any consent requiring the payment of these contributions prior to the issue of any construction certificate for the development. This figure is subject to indexation as per the relevant plan.

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 the provisions of the Environmental Planning and Assessment Regulations 2000 and Council's Auburn Development Control Plan 2010, the original proposal was between 27 May 2015 and 26 June 2015. One (1) submission was received and concerns raised are discussed below. Amended plans were submitted to address issues raised by the Heritage Division of the Office of Environment and Heritage. The amended plans were publicly exhibited for a period of 30 days between 29 June 2016 and 29 July 2016. No submissions were received in respect of either the amended development.

- ***The removal of a lot of trees***

Comment:- As discussed previously the application proposes the removal of a number of trees . This has been reduced from 17 to 9 in response to concerns from the Heritage Division of the Office of Environment and Heritage with respect to the retention of significant trees. The Heritage Council (Office of Environment and Heritage) have issued General Terms of Approval for the proposal which includes the removal of the reduced number of trees.

- ***The proposed height of the development and overpopulation of the area is contributing to the decline of the Lidcombe shopping centre [local centre]. The shopping centre on Parramatta Road is not convenient if one is relying on public transport and there is no lift at Berala [station].***

Comment:- The proposed height of the two (2) new residential flat buildings has been discussed previously under Auburn Local Environmental Plan 2010. The height exceedance is considered to be relatively minor relating to only part of the roof and parapet of the buildings. In terms of the intensity of the development, the floor space ratio is also proposed to be exceeded. This is considered to be acceptable given that the maximum dwelling numbers permitted within the Former Lidcombe Hospital Site is not exceeded and thereby the density of the development is constrained within the approved limits.

As for the decline of the Lidcombe Town Centre this could potentially be a reflection of the changing trends in retail over time as population is essential to the viability of any commercial centre. The Lidcombe Centre, at 92 Parramatta Road, was a conversion of a bulky goods retail centre. The centre provides major supermarkets and discount retailers that are not available within the older Lidcombe Town Centre.

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.

Status of staged development applications and consents (EP & A Act s83D)

As discussed in the Background section of this report, the subject site is located within the former Lidcombe Hospital site (FLHS) which was subject to Consent Orders issued by the Land and Environment Court for the staged redevelopment of the site. In accordance with s83D(2):

> *While any consent granted on the determination of a staged development application for a site remains in force, the determination of any further development application in respect of that site cannot be inconsistent with that consent.*

The "first stage" consent remains in force as the FLHS is still being redeveloped. The subject application is not inconsistent with the first stage consent (as modified) and a condition of consent is recommended to be imposed requiring compliance with any relevant conditions of that consent (NB: this condition has been previously imposed on consents for "second" stage development applications).

Operational Plan / Delivery Program

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

Conclusion

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

The proposed development is appropriately located within a R3 Medium Density Residential zone having regard to the conservation incentives clause under the provisions of the Auburn Local Environmental Plan (ALEP) 2010, however variations in relation to building height and floor space ratio under ALEP 2010 and other non-compliance with SEPP 65 – RFDC ADCP 2010 are sought.

Having regard to the assessment of the proposal from a merit perspective, Council may be satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents and responds appropriately to the heritage significance of the site and the precinct. 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 the relevant statutory and non-statutory controls applying to the land.

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

SECTION A-A

Summary of Compliance – SEPP 65 Residential Flat Design Code

Lot 8 Main Avenue, LIDCOMBE

The compliance table below contains a summary of the applicable development standards and a compliance checklist relative to the subject development application no. DA-110/2015:-

Standard	Requirement	Proposal	Compliance	Percentage variance
SEPP 65 - Residential Flat Design Code:				
Building Depth (Internal plan depth)	Max. 18m (glass line to glass line)	17m-17.5m	**Yes**	**N/A**
Building Separation	*1-4 storeys:* 6m between non-habitable rooms, 9m between habitable/balconies and non-habitable rooms, 12m between habitable rooms/balconies.	• Buildings A & B – 7.35 btw balconies and windows	**No, however louvre screens provided to certain windows and balconies to prevent overlooking. Fencing between courtyards protects privacy of ground floor dwellings**	N/A
		• Building A & 73 – 6m btw bedroom & bathroom/walk-in robe windows	**No. A condition of consent is recommended to be imposed requiring a louvre screen be installed to the bedroom window of Building A.**	
		• Building A & 72 – 7.8m btw balcony & bedroom windows	**No. A condition of consent is recommended to be imposed requiring privacy treatment to the first floor balcony of one of the units in Building A to prevent overlooking of the bedroom windows in Building 72.**	
		• Building B & 72 – 15.5m	**Yes**	
		• Building B & 74 – 6m btw bedroom & living room windows	**No, however louvres are provided to living room window of**	

			Building B to protect privacy of Building 74.	
Communal Open Space	Min. 25-30% site area, larger sites – 30%	5.8% (approx. 355.5sqm of useable space.)	**No, shortfall of 1,494sqm. However, a large portion of the site (approx. 1,000sqm) is dedicated to understorey planting to protect existing significant trees which means the space is not useable. The remainder of the site is however, dedicated to large ground floor courtyards to units and multi-dwellings, with areas of between 93sqm – 301sqm. Further, the site is in close proximity to large open space areas within the former Lidcombe Hospital Site/Botanica.**	**24.2% shortfall**
Deep Soil	Min. 25%	40%	Yes	N/A
Apartments - Visitable / Barrier free	Min. 20%	100% visitable, all units are accessible via lifts and ramps to main building entries.	Yes	N/A
Single Aspect – depth	Kitchens max. 8m from window, Cross-through width min. 4m	No single aspect units	N/A	N/A
Balcony Depth	2.4m – 2-3BR	2.1-2.2m depth	**No, departure of btw 0.2m-0.3m. This is considered acceptable as all balconies have an area of between 10-13sqm providing a functional space.**	N/A
Ceiling Heights	Min. 2.7m – Residential	2.7m	Yes	N/A
Internal Circulation	Max. 8/per lift core	Max. 4	Yes	N/A
Storage	Min. 8cum – 2-3 BR	All units provided with min. total storage requirement within unit & basement.	Yes	N/A 10-22.5%

	Min. 50% provided internally	14 out of 24 units have btw 3.1sqm-3.6sqm internally	**No, departure of between 0.4sqm-0.9sqm. This is considered acceptable given that all units are provided with the min. required total storage**.	
Daylight / Solar Access	Min. 2hr for 70% of apartments;	75% or 18 out 24 apartments	Yes	N/A
	Max. 10% south facing single aspect apartments	NIL	N/A	N/A
Natural cross Ventilation	Min. 60% of apartments	100%	Yes	N/A
Unit sizes	2 Bed – 70 sqm	73sqm-93sqm (all 2 bed units)	Yes	N/A

(APPENDIX A – Compliance Tables)

a) State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings and the accompanying Residential Flat Design Code

b) Auburn Local Environmental Plan 2010

c) Auburn Development Control Plan 2010

- Residential Flat Buildings
- Former Lidcombe Hospital Site

(a) State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings

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

Requirement	Yes	No	N/A	Comment
Clause 2 Aims objectives etc. *(3) Improving the design quality of residential flat development aims:* *(a) to ensure that it contributes to the sustainable development of NSW:* *(i) by providing sustainable housing in social and environmental terms* *(ii) by being a long-term asset to its neighbourhood* *(ii) by achieving the urban planning policies for its regional and local contexts* *(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define* *(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities* *(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community* *(e) to minimise the consumption of energy from non-renewable resources to conserve the environment and to reduce greenhouse gas emissions*	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	The development is considered to be in accordance with the aims and objectives of the State Environmental Planning Policy no. 65
Clause 30 Determination of DAs *(1) After receipt of a DA, the advice of the relevant design review panel (if any) is to be obtained concerning the design quality of the residential flat development* *(2) In determining a DA, the following is to be considered:* *(a) the advice of the design review panel (if any)* *(b) the design quality of the residential flat development when evaluated in accordance with the design quality principles* *(c) the publication "Residential Flat Design Code" – DoP Sept. 2002*	☐ ☐ ☒ ☒	☐ ☐ ☐ ☐	☒ ☒ ☐ ☐	Cumberland Council does not have a Design Review Panel. Refer discussion of design quality principles below. Refer discussion of Residential Flat Design Code below.

Requirement	Yes	No	N/A	Comment
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 proposed buildings have been designed to respond to the built form of the existing heritage buildings, landscape setting, the conservation area/State Heritage listed area, and the newer housing forms built within the Former Lidcombe Hospital Site.
Principle 2: Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.	☒	☐	☐	Although the proposed buildings marginally exceed the 9m height limit for the site, they do not exceed the height of the existing heritage buildings and have been designed to respond to the built form and landscape setting of these buildings and the conservation area/State Heritage listed area.
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 proposed buildings have been designed having regard to their residential purpose and employ a high level of modulation. The buildings will contribute to the streetscape character and provide a high level of amenity for residents.
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 consent granted by the Land and Environment Court for the redevelopment of the site set a maximum dwelling yield of 750 dwellings. At the time of consideration of that application the heritage precinct and a large area of open space were to accommodate a school. The school did not proceed and an increase in dwelling numbers to 810 was later approved by Council (at a Council meeting). As detailed in the ADCP 2010 - Former Lidcombe Hospital Site compliance table below, the proposed development does not exceed the approved density for the site.
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.	☒	☐	☐	A satisfactory BASIX Certificate has been submitted with the development application. The development includes the adaptive reuse of the existing buildings and new building have been appropriately designed and orientates having regard to passive solar design. The development incorporates appropriate energy efficient fixtures and fittings and various water saving devices, such as a system of rainwater collection and storage utilised in the irrigation system proposed for the planter boxes and deep soil areas.

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 site contains a number of significant and mature trees which, along with the location of existing heritage buildings, have informed the site's redevelopment. The proposed landscaping responds to the existing trees and heritage significance of the site by maintaining and enhancing its setting.
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.	☒	☐	☐	The building design optimises amenity by providing useable room areas, adequate solar access and natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access.
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.	☒	☐	☐	Passive surveillance is maximised through orientation of units towards the street and communal areas of the site. Controlled access to pedestrian foyer prevents unauthorised access to residential floors and basement design provides sightlines to and from lifts and stairs. Clear definition is provided between public and private spaces through the use of hard and soft landscaping elements.
Principal 9: Social dimensions Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or in the case of precincts undergoing transition, provide for the desired future community.	☒	☐	☐	The proposed development provides for 2 and 3 bedroom units and 3 bedroom multi dwellings. The site is located within the Former Lidcombe Hospital Site (named 'Botanica' by the site's developer) which contains a range of dwelling types from one (1) bedroom units/secondary dwellings to large detached dwellings. The proposed mix of dwellings is therefore, considered to be acceptable given the range of dwelling options within the wider redevelopment site.

Requirement	Yes	No	N/A	Comment
Principle 10: Aesthetics Quality aesthetics reflect the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	☒	☐	☐	The new buildings incorporate a suitable composition building elements, finishes to reflect the use, internal design and structure of the buildings. The buildings also respond appropriately to the environment and the context of the site having regard to the heritage significance of the building and trees on the site and the conservation area/State listed area.
Clause 30 Determination of DAs After receipt of a DA, the advice of the relevant designed reviewed panel (if any) is to be obtained concerning the design quality of the residential flat development. In determining a DA, the following is to be considered: • The advice of the design review panel (if any); • The design quality of the residential flat development when evaluated in accordance with the design quality principles; The publication "Residential Flat Design Code" – Department of Planning, September 2002.	☐ ☐ ☒ ☒	☐ ☐ ☐ ☐	☒ ☒ ☐ ☐	Cumberland Council does not have a formal design review panel. The design quality principles have been considered above and the Residential Flat Design Code is considered in the assessment table immediately below.

Residential Flat Design Code

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

Requirement	Yes	No	N/A	Comment
Part 01 Local Context				
Building Type				
• Residential Flat Building • Terrace • Townhouse • Mixed-use development • Hybrid (refer p8-17 of Design Code)	☒ ☐ ☐ ☐	☐ ☐ ☐ ☐	☐ ☒ ☒ ☒	Two new three (3) storey residential flat buildings are proposed to be constructed (NB: one of the heritage buildings proposed for conversion to a residential flat building is only two storeys in height and therefore, is not defined as a residential flat building for the purpose of the SEPP which are buildings of three (3) or more storeys).
Subdivision and Amalgamation				
Objectives • Subdivision/amalgamation pattern arising from the development site suitable given surrounding local context and future desired context. • Isolated or disadvantaged sites avoided.	☐ ☐	☐ ☐	☒ ☒	The development is proposed on a single site. No site isolation issues will result from the development as the site is bounded on all side by roads.

Requirement	Yes	No	N/A	Comment
Building Height				
Objectives • To ensure future development responds to the desired scale and character of the street and local area. • To allow reasonable daylight access to all developments and the public domain.	☐ ☒	☒ ☐	☐ ☐	The development exceeds the 9m height control for the site. This matter is discussed within the report and the breach of the height control is not considered to have any adverse amenity impacts. The development responds to the character and scale of the existing buildings on the site and in the locality. The minor breach of the height limit has minimal impact on the overshadowing of footpaths adjacent to the site.
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 buildings will the building is considered to provide adequate amenity for the building occupants with regard to solar access and natural ventilation as slim tower type structures are proposed. The proposal provides for a mix of dual aspect, cross through apartments and single aspect apartments.
Controls • The maximum internal plan depth of a building should be 18 metres from glass line to glass line. • Freestanding buildings (the big house or tower building types) may have greater depth than 18 metres only if they still achieve satisfactory daylight and natural ventilation. • Slim buildings facilitate dual aspect apartments, daylight access and natural ventilation. • In general an apartment building depth of 10-18m is appropriate. Developments that propose wider than 18m must demonstrate for satisfactory day lighting and natural ventilation are to be achieved.	☒ ☒ ☒ ☒	☒ ☐ ☐ ☐	☐ ☐ ☐ ☐	The buildings are between 17m and 17.5m in depth (north-south). With only four (4) units per floor, all units are dual aspect resulting in exceedance of the minimum requirements for natural light and ventilation.
Building Separation				
Objectives • To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings. • To provide visual and acoustic privacy for existing and new residents. • To control overshadowing of adjacent properties and private or shared open space. • To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants. • To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The development is appropriate and responds to the desired future character of the area. It is considered that building separations are adequate given the constraint posed by the existing buildings, whilst still achieving the objectives for a building scale that responds to the context of the area, maintaining visual and acoustic privacy allowing for adequate solar amenity.
Controls • For buildings over three storeys, building separation should increase in proportion to building height: o Up to 4 storeys/12 metres: ▪ 12m between habitable				The buildings are three (3) storeys in height. The development achieves the minimum requirements for solar access, natural light and ventilation and, landscaped areas and deep soil zones.

Requirement	Yes	No	N/A	Comment
rooms/balconies ▪ 9m between habitable rooms/balconies and non-habitable rooms ▪ 6m 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 specific non-compliances are discussed in further detail below: <u>*Buildings A & B*</u> (new buildings) 7.35m separation between balconies and windows. Louvre screens are provided to certain windows and balconies to prevent overlooking. Further, the buildings have a separation distance of 9m between external walls and are offset from each other so the non-compliance does not affect the entirety of each building. <u>*Building A (new) & 73 (heritage)*</u> 6m separation between first floor bedroom & bathroom/walk-in robe windows. Overlooking has not been addressed in this instance and a condition of consent is recommended to be imposed requiring a louvre screen be installed to the bedroom window of the subject unit in Building A. <u>*Building A (new) & 72 (heritage)*</u> 7.8m separation first floor balcony & bedroom windows. Overlooking has not been addressed in this instance and a condition of consent is recommended to be imposed requiring privacy treatment to the first floor balcony of the subject unit in Building A to prevent overlooking of the bedroom windows to one of the units in Building 72 (NB: Although the balcony is shown on the northern elevation it has a north-west orientation and the screen will not prevent solar access). <u>*Buildings A & B*</u> (new buildings) 7.35m separation between balconies and windows. Louvre screens are provided to certain windows and balconies to prevent overlooking. Further, the buildings have a separation distance of 9m between external walls and are offset from each other so the non-compliance does not affect the entirety of each building. <u>*Building A (new) & 73 (heritage)*</u> 6m separation between bedroom & bathroom/walk-in robe windows. Overlooking has not been addressed in this instance and a condition of consent is recommended to be imposed requiring a louvre screen be installed to the bedroom window of the subject unit in Building A. <u>*Building A (new) & 72 (heritage)*</u> 7.8m separation balcony & bedroom windows. Overlooking has not been

Requirement	Yes	No	N/A	Comment
				addressed in this instance and a condition of consent is recommended to be imposed requiring privacy treatment to the first floor balcony of the subject unit in Building A to prevent overlooking of the bedroom windows to one of the units in Building 72. *Building B (new) & 72 (heritage)* 15.5m separation complies. *Building B (new) & 74 (heritage)* – 6m separation between first floor bedroom & living room windows. Louvres are provided to the living room window of the subject unit in Building B to protect the privacy of bedroom window to one of the units in Building 74. Approximately 9m separation between the side elevation of a first floor balcony in Building B to bedroom windows to one of the units in Building 74. A condition of consent is recommended to be imposed requiring a privacy screen be installed on the subject balcony.
Street Setbacks				
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.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	The proposed buildings have appropriate setbacks so as to achieve a transition between public and private open space, visual privacy between apartments, good quality entrance spaces and lobbies, outlook and surveillance of the street and extensive site landscaping.
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 1.2m above ground where this is consistent with the desired streetscape, awnings, balconies and bay windows.	☒ ☒	☐ ☐	☐ ☐	The proposed buildings will not adversely overshadow the street or other buildings. The Weeroona Road footpath will be overshadowed by the buildings throughout the day. This road is not highly pedestrianized and as the site is flanked on either side by two storey dwellings the proposed residential flat buildings will not be replicated. Therefore, the area of the footpath that will be overshadowed will not be a cumulative impact. Solar access to dwellings on the opposite side of Main Avenue will be maintained between 9am and 2pm in mid-winter.

Requirement	Yes	No	N/A	Comment
Objectives – Side Setbacks • To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings. • To retain or create a rhythm or pattern of development that positively defines the streetscape so that space is not just what is left over around the building form. 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 proposed building setbacks achieve these objectives by minimising amenity impacts on neighbouring properties, providing suitable privacy levels within thin the development, defining the streetscape, maintaining an adequate deep soil zone and retaining significant trees.
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 1.2m above ground where this is consistent with the desired streetscape, awnings, balconies and bay windows.	☒ ☒	☐ ☐	☐ ☐	Sufficient building setbacks are proposed between buildings and where separation distances between buildings within the site do not comply, appropriate conditions can be imposed for privacy treatments to balconies and/or balconies to achieve an acceptable level of residential amenity.
Floor Space Ratio				
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 subject site has a maximum permitted FSR of 0.5:1. The proposed FSR is 0.55:1. The exceedance of the FSR control has been discussed in the report and the applicant's request to vary the development standard in accordance with Clause 4.6 of Auburn Local Environmental Plan 2010 is supported. The density of the former Lidcombe hospital site, in terms of the maximum number of dwellings permitted by the Stage 1 consent (DA-572/2002) is not proposed to be exceeded and the key amenity requirements are achieved.
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 (refer page 39 of Design Code for requirements) • A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the application	☒ ☒	☐ ☐	☐ ☐	An appropriate site analysis and accompanying statement have been submitted with the application.

Requirement	Yes	No	N/A	Comment
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 subject site has extensive deep soil zones.
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 basement car park is largely beneath the new buildings and the setback between those buildings. The site is not located adjacent to any other site as it is bounded by roads on all sides. The development site will be comprised 40% deep soil zones.
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 proposal satisfies the objectives pertaining to fences and walls by appropriately defining public and private land, private and communal spaces within the development, providing privacy and security and contributing to the public domain.
Design Practice • Respond to the identified architectural character for the street and/or the area (refer page 45 of the Design Code for design considerations) • 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 fences and walls within the landscaped areas have been designed having regards to the architectural character of the new dwellings within the estate and the existing heritage buildings. Landscaping has been designed to enhance the setting of the buildings, soften hard landscape elements and contribute to the amenity and useability of private and communal open space.
Landscape Design				

Requirement	Yes	No	N/A	Comment
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.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	The proposed landscaping for the site satisfies the objectives for landscape design.
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. (Refer planting design solutions at p46-47 of Design Code) • 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 proposed landscape design provides for appropriately scaled and located plantings to allow for accessibility between buildings, courtyards to ground floor units and solar access. The landscaping will contribute to the streetscape character by responding to the scale and context of the streetscape.
Open Space				
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.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed communal open space satisfies the open space objectives insofar as an area is provided for soft landscaping and deep soil planting, a consolidated area is provided that is useable and attractive. Although the minimum requirement for the percentage of the site dedicated to communal open space is not provided, ground floor dwellings are provided with generous private courtyards and front yards.

Requirement	Yes	No	N/A	Comment
Design Practice • Provide communal open space which is appropriate and relevant to the building's setting (refer to guidelines on p48 of Design Code) • 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 brownfield sites may have potential for more than 30%. • Where developments are unable to achieve the recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space and/or a contribution to public open space. • Minimum recommended area of private open space for each apartment at ground level or similar space on structure is 25m^2 and the minimum preferred dimension is 4m.	☒ ☒ ☒ ☒ ☒ ☐ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	The proposed development will provide approximately 355sqm of useable communal open space (5.8%). Although over 1,000sqm of communal landscaped area will be provided in total, this will largely be dedicated to understorey planting to protect existing significant trees and will therefore, not be accessible. The remainder of the site is however, dedicated to large ground floor courtyards to units and multi dwellings, with areas of between 93sqm – 301sqm. Further, the site is in close proximity to large open space areas within the former Lidcombe Hospital Site/Botanica. The proposed provision of open space is considered acceptable in this instance given the constraints of existing building footprints, the need to protect existing trees, and the irregular configuration of the site.
Orientation				
Objectives • To optimise solar access to residential apartments within the development and adjacent development. • To contribute positively to desired streetscape character. • To support landscape design of consolidated open space areas. • To protect the amenity of existing development. • To improve the amenity of existing development	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	The building is appropriately located to maximise solar access, contribute positively to the streetscape, support landscape design in consolidated areas and protect the amenity of existing development.

Requirement	Yes	No	N/A	Comment
Design Practice • Plan the site to optimise solar access by: positioning and orienting buildings to maximise north facing walls (within 30^0 east and 20^0 west of north) where possible; and providing adequate building separation within the development and to adjacent buildings. • Select building types or layouts which respond to the streetscape while optimising solar access. Where streets are to be edged and defined by buildings: align buildings to the street on east-west streets; and use courtyards, L-shaped configurations and increased setbacks to northern side boundaries on north-south streets. • Optimise solar access to living spaces and associated private open spaces by orienting them to the north. • Detail building elements to modify environmental conditions as required maximising sun access in winter and sun shading in summer.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The buildings have been appropriately designed and sited to optimise solar access to living areas and private open space without compromising the solar access to other dwellings within the development of those on the opposite side of Main Avenue.
Planting on Structures				
Objectives • To contribute to the quality and amenity of communal open space on roof tops, podiums and internal courtyards. • To encourage the establishment and healthy growth of trees in urban areas.	☒ ☒	☐ ☐	☐ ☐	The majority of the site comprises deep soil zones. Planting on slab is minimal.

Requirement	Yes	No	N/A	Comment
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	☒	☐	☐	On-slab planting is minimal as the basement is largely located beneath the two proposed buildings. The area between the buildings is toe paved and planted for private courtyards. The remainder of the site comprises large areas of deep soil planting.
• 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 soli depths greater than 1.5m 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: o Large trees such as figs (canopy diameter of up to 16m at maturity): ▪ Min. soil volume 150cum ▪ Min. soil depth 1.3m ▪ Min. soil area 10m x 10m	☐	☐	☒	
o Medium trees (canopy diameter of up to 8m at maturity): ▪ Min. soil volume 35cum ▪ Min. soil depth 1m ▪ Approx. soil area 6m x 6m	☒	☐	☐	
o Small trees (canopy diameter of up to 4m at maturity): ▪ Min. soil volume 9cum ▪ Min. soil depth 800mm ▪ Approx soil area 3.5m x 3.5m	☒	☐	☐	
o Shrubs: ▪ Min. soil depths 500-600mm	☒	☐	☐	
o Ground cover: ▪ Min. soil depths 300-450mm	☒	☐	☐	
o Turf: ▪ Min. soil depth 100-300mm ▪ Any subsurface drainage requirements are in addition to the min. soil depths	☒	☐	☐	
Stormwater Management				
Objectives • To minimise the impacts of residential flat development and associated infrastructure on the health and amenity of natural waterways.	☒	☐	☐	The proposed development satisfies the objectives pertaining to *Stormwater Management.*
• 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 (refer design solutions on p54 of Design Code) • 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.	☒ ☒ ☐ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☒ ☐ ☐ ☐	The development proposal has been assessed by Council's Development Engineer no objections are raised subject to the imposition of appropriate conditions.
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 proposal provides secure separate residential entries. Safety of the public domain is enhanced via the opportunity for passive surveillance from the upper unit balconies.
Design Practice • Reinforce the development boundary to strengthen the distinction between public and private space. This can be actual or symbolic and include: employing a level change at the site and/or building threshold; signage; entry awnings; fences; walls and gates; change of material in paving between the street and the development. • 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	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The separation between the private and public domains is established clearly defined boundary treatment, level changes, landscaping and paving material. The entrances are visible from the street and within the site providing greater casual surveillance. The opportunity for casual surveillance of the public domain and communal areas is available from the balconies of units located on the northern, eastern and western elevations of both buildings. The development responds appropriately to the principles of Crime Prevention Through Environmental Design.

Requirement	Yes	No	N/A	Comment
indoor car parking, along corridors and walkways; providing well lit routes throughout the development; providing appropriate levels of illumination for all common areas; providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard. • Control access to the development by: making apartments inaccessible from the balconies, roofs and windows of neighbouring buildings; separating the residential component of a development's car parking from any other building use and controlling car park access from public and common areas; providing direct access from car parks to apartment lobbies for residents; providing separate access for residents in mixed-use buildings; providing an audio or video intercom system at the entry or in the lobby for visitors to communicate with residents, providing key card access for residents. • Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	☒ ☐	☐ ☐	☐ ☒	
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 general privacy provided to the residents of the building is considered acceptable. Outlook is considered to be maximised without compromising visual privacy.
Design Practice • Locate and orient new development to maximise visual privacy between buildings on site and adjacent buildings by providing adequate building separation, employing appropriate rear and side setbacks, utilise the site layout to increase building separation. • Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments by: balconies to screen other balconies and any ground level private open space; separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms; changing the level between ground floor apartments with their associated private open space, and the public domain or communal open space. • Use detailed site and building design elements to increase privacy without compromising access to light and air (refer p58-59 of Design Code for detailing)	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	As discussed in detail throughout various sections of this compliance table the development provides adequate levels of privacy by way of building separation, setbacks and physical privacy measures such as fencing of private open space areas and screens on balconies and windows.
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 considered to be consistent with the Building Entry Objectives as identifiable entries are provided to the buildings.
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.	☒	☐	☐	Entries to the buildings are provided from the street and within the site and are legible and identifiable.
• 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 (refer design solutions on p60 of the Design Code)	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	Entry foyers are spacious, feature glazing for clear sight lines and will be secured with resident-access locked doors. Equitable access is provided via at grade entries and lift cores. Ramped access paths and lifts from the basement car parking levels will provide access to main entries.
• Provide separate entries from the street for pedestrians and cars; different uses and ground floor apartments.	☒	☐	☐	Pedestrian and vehicular entrances are separated.
• 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 (refer design solutions on p61 of the Design Code).	☒	☐	☐	Appropriate conditions can be imposed to demonstrate compliance.
Parking				
Objectives • To minimise car dependency for commuting and recreational transport use and to promote alternative means of transport – public transport, bicycling and walking.	☒	☐	☐	Sufficient parking has been proposed to service the development and bicycle storage is provided for in the basement. The site is also in proximity to a bus stop on Main Avenue.
• 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 parking is designed to be unobtrusive and integrated with the design of the building.

Requirement	Yes	No	N/A	Comment
Design Practice • Determine the appropriate car parking spaces in relation to the development's proximity to public transport, shopping and recreational facilities; the density of the development and the local area; the site's ability to accommodate car parking.	☒	☐	☐	The appropriate level of parking has been provided to service the development. The specific parking calculations have been previously discussed in the report report. The site also benefits by access to public transport.
• Limit the number of visitor parking spaces, particularly in small developments where the impact on landscape and open space is significant.	☒	☐	☐	Sufficient visitor spaces including disabled parking are proposed.
• 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.	☒	☐	☐	All parking for the new buildings is located within a basement.
• Where above ground 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.	☒	☐	☐	All parking for the new buildings is located in the basement level. Some at-grade parking is proposed for the existing heritage buildings. The location of parking is constrained by the location of buildings and significant trees.
• Provide bicycle parking which is easily accessible from ground level and from apartments.	☒	☐	☐	Bicycle and motorcycle bays are to be provided within the basement levels to service the development.
Pedestrian Access				
Objectives • To promote residential flat development which is well connected to the street and contributes to the accessibility of the public domain.	☒	☐	☐	The proposed development is considered to be consistent with the Pedestrian Access objectives as barrier free communal entries are provided to each lift core of the building. The development is acceptable in this regard.
• To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their apartments and use communal areas via minimum grade ramps, paths, access ways or lifts.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Utilise the site and its planning to optimise accessibility to the development.	☒	☐	☐	The site is considered to be appropriately barrier free with wheelchair access possible from Andrews Road and the basement car park.
• Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entires, lobbies, communal open space, site facilities, parking areas, public streets and internal roads.	☒	☐	☐	All public, semi-public and private areas are clearly defined. Each of the buildings has an entry from the adjacent street, within the site, and basement car park.
• Promote equity by ensuring the main building entrance is accessible for all from the street and from car parking areas; integrating ramps into the overall building and landscape design.	☒	☐	☐	
• Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space.	☐	☐	☒	Due to the setback of the buildings, street alignment and change in levels, individual entries are not practical.
• Maximise the number of accessible, visitable and adaptable apartments in a building.	☒	☐	☐	The development is fully accessible and visitable. A condition of consent is to be imposed requiring that a one of the units within the new building be dedicated as an adaptable dwelling.
• Separate and clearly distinguish between pedestrian accessways and vehicle accessways.	☒	☐	☐	
• Consider the provision of public through site pedestrian accessways in large development sites.	☒	☐	☐	
• Identify the access requirements from the street or car parking area to the apartment entrance.	☒	☐	☐	
• Follow the accessibility standard set out in AS1428 as a minimum.	☒	☐	☐	
• Provide barrier free access to at least 20% of dwellings in the development.	☒	☐	☐	Al units within the new buildings have barrier free access.
Vehicle Access				
Objectives • To integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety.	☒	☐	☐	The vehicular access point has been designed to minimise the streetscape impact.
• To encourage the active use of street frontages.	☐	☐	☒	

Requirement	Yes	No	N/A	Comment
Design Practice • Ensure that pedestrian safety is maintained by minimising potential pedestrian/vehicle conflicts (refer design approaches on p65 of the Design Code)	☒	☐	☐	
• Ensure adequate separation distances between vehicular entries and street intersections.	☒	☐	☐	The vehicle entry to the site is appropriately located so minimise its impact on the streetscape. Parking for the new building is provided in a basement car park with the driveway access/basement ramp generally in the position of the historic access to the site.
• Optimise the opportunities for active street frontages and streetscape design by: making vehicle access points as narrow as possible; limit the number of vehicle accessways 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.	☒	☐	☐	Garbage rooms for the new buildings are provided within the basement.
• Generally limit the width of driveways to a maximum of 6m.	☒	☐	☐	
• Locate vehicle entries away from main pedestrian entries and on secondary frontages.	☒	☐	☐	
Part 03 Building Design				
Apartment Layout				
Objectives • To ensure the spatial arrangement of apartments is functional and well organised.	☒	☐	☐	The proposed development is considered to be consistent with the Apartment Layout objectives as units are suitably sized to permit a satisfactory furniture layout to occur.
• To ensure that apartment layouts provide high standards of residential amenity.	☒	☐	☐	
• To maximise the environmental performance of apartments.	☒	☐	☐	
• To accommodate a variety of household activities and occupants' needs.	☒	☐	☐	
Design Practice • Determine appropriate sizes in relation to: geographic location and market demands; the spatial configuration of an apartments; affordability.	☒	☐	☐	
• 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.	☒	☐	☐	Apartment layouts are generally considered satisfactory in terms of orientating living areas and private open spaces to optimise solar access where possible. A suitable furniture layout can be achieved for all the units.
• Design apartment layouts which respond to the natural and built environments and	☒	☐	☐	Every unit has a private balcony which is

Requirement	Yes	No	N/A	Comment
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.				appropriately orientated to maximise solar access and views where possible.
• 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.	☒	☐	☐	All balconies within the development can be accessed from a primary habitable living room.
• Avoid locating kitchen as part of the main circulation spaces of an apartment, such as a hallway or entry space.	☒	☐	☐	The kitchens do not form part of the major circulation space of any apartment.
• Include adequate storage space in apartment	☒	☐	☐	All the units have sufficient storage space in addition to kitchen cupboards and wardrobes.
• Ensure apartment layouts and dimensions facilitate furniture removal and placement.	☒	☐	☐	
• Apartment dimensions on p67-68 of the Design Code achieved.	☒	☐	☐	
• Apartment areas on p69 of the Design Code achieved.	☒	☐	☐	
• Single aspect apartments should be limited in depth to 8m from a window.	☐	☐	☒	There are no single aspect units.
• The back of a kitchen should be no more than 8m from a window.	☒	☐	☐	All units have kitchen located either adjacent to a window or are within open plan living/dining areas at a distance of less than 8m to a window.
• The width of cross-over/cross-through apartments over 15m deep should be 4m or greater.	☒	☐	☐	
• Buildings not meeting the minimum standards must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly for habitable rooms.	☐	☐	☒	
• Minimum apartment sizes: 1 bed = 50m^2, 2 bed = 70m^2, 3 bed = 95m^2	☒	☐	☐	All of the apartments exceed the minimum requirement of 70sqm for a 3 bedroom unit with areas of between 73sqm and 93sqm.
Apartment Mix				
Objectives • To provide a diversity of apartment types, which cater for different household requirements now and in the future.	☒	☐	☐	The proposed development is considered to be consistent with the Apartment Mix objectives as an acceptable mixture of 1, 2 and 3 bedroom apartments are proposed which will cater for a range of household requirements.
• To maintain equitable access to new housing by cultural and socio-economic groups.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Provide a variety of apartment types particularly in large apartment buildings. Variety may not be possible in smaller buildings (up to 6 units)	☒	☐	☐	Although the two new residential flat buildings contain only 2 bed units, the existing heritage listed buildings are to be converted to 3 bed units and multi-dwellings thus providing a suitable mix of dwellings for the locality.
• 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.	☐	☒	☐	The new buildings are comprised of all 2 bedroom dwellings. The development site has a range of dwelling types as does the rest of the redevelopment area. The provision of 2 bedroom units on the ground floor at least allows for small families or a carer to reside in the units.
• Optimise the number of accessible and adaptable units to cater for a wider range of occupants.	☒	☐	☐	The applicant has not proposed to provide any adaptable dwellings.
• Investigate the possibility of flexible apartment configurations which support change in the future.	☒	☐	☐	The ADCP 2010 – Former Lidcombe Hospital Site requires that a minimum of 10% of all dwellings within the entire redevelopment area be designed as adaptable dwellings. This minimum percentage is achieved. The ADCP 2010 – Residential Flat Buildings requires that 3 adaptable dwellings be provided where a development proposed between 21-30 units. It is therefore, considered reasonable that a minimum of 2 adaptable dwellings be provided within the new buildings given that: • Only 43 of the 810 dwellings on the site are units and the provision of 2 adaptable units would provide an alternative for residents for whom larger dwellings are not affordable or practical; • The requirements of ADCP 2010 – Residential Flat Buildings were never intended to apply to the Former Lidcombe Hospital Site as residential flat buildings are prohibited in the zone; and • The minimum requirements for adaptable housing provision under ADCP 2010 – Former Lidcombe Hospital site are achieved.

Requirement	Yes	No	N/A	Comment
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 considered to be 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, 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. • 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. • Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy (refer design considerations on p72 of the Design Code) • 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 min. depth of 2m (2	☒	☐	☐	All apartments have at least one balcony. Access is provided directly from living areas and where possible, secondary access is provided from primary bedrooms. All balconies are orientated to the north, east and west and are provided with louvred screens. East and west facing balconies allow for casual surveillance of adjoining roads and appropriately located screening treatment to ensure privacy. The requirement for the integration of services into balcony design will be imposed as a condition of consent. **All balconies have a depth of between 2.1-2.2m. This is considered**

Requirement	Yes	No	N/A	Comment
chairs) and 2.4m (4 chairs). • Developments which seek to vary from the min. standards must demonstrate that negative impacts from the context – noise, wind, cannot be satisfactorily ameliorated with design solutions. • Require scale plans of balcony with furniture layout to confirm adequate, useable space when an alternate balcony depth is proposed.	☐ ☒ ☐	☐ ☐ ☐	☒ ☐ ☒	**acceptable as all balconies have an area of between 10-13sqm providing a functional space. Scaled plans of balconies have been provided showing that outdoor furniture can be accommodated.**
Ceiling Heights				
Objectives • 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 considered to be consistent with the Ceiling Heights objectives.

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.	☒	☐	☐	The minimum ceiling height of 2.7m is provided to all floors which meets the minimum standard for residential uses.
• 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.	☒	☐	☐	Full height floor to ceiling glass doors are provided to pen plan living areas to optimise solar access to internal areas.
• Design ceiling heights which promote building flexibility over time for a range of other uses, including retail or commercial, where appropriate.	☐	☐	☒	
• Coordinate internal ceiling heights and slab levels with external height requirements and key datum lines (refer p73 of Design Code).	☒	☐	☐	
• Count double height spaces with mezzanines as two storeys.	☐	☐	☒	
• Cross check ceiling heights with building height controls to ensure compatibility of dimensions, especially where multiple uses are proposed.	☒	☐	☐	
• Min. dimensions from finished floor level to finished ceiling level:				
o Mixed use buildings: 3.3m min. for ground floor retail/commercial and for first floor residential, retail or commercial.	☐	☐	☒	
o For RFBs in mixed use areas: 3.3m min for ground floor;	☐	☐	☒	
o For RFBs or other residential floors in mixed use buildings: 2.7m min. for all habitable rooms on all floors, 2.4m preferred min for non habitable rooms but no less than 2.25m;	☒	☐	☐	A floor to ceiling height of 2.7m is provided to each floor.
o 2 storey units: 2.4m for second storey if 50% or more of the apartments has 2.7m min. ceiling heights;	☐	☐	☒	
o 2 storey units with a 2 storey void space: 2.4m min;	☐	☐	☒	
o attic spaces: 1.5m min wall height at edge of room with a 30^0 min. ceiling slope.	☐	☐	☒	
• Developments which seek to vary the recommended ceiling heights must demonstrate that apartments will receive satisfactory daylight.	☐	☐	☒	
Flexibility				

Requirement	Yes	No	N/A	Comment
Objectives • To encourage housing designs which meet the broadest range of the occupants' needs as possible. • To promote 'long life loose fit' buildings, which can accommodate whole or partial changes of use. • To encourage adaptive reuse. • To save the embodied energy expended in building demolition.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposed development is considered to be consistent with the Flexibility objectives as layouts allow for changes to furniture arrangements and room uses.
Design Practice: • Provide robust building configurations, which utilise multiple entries and circulation cores, especially in larger buildings over 15m long by: thin building cross sections, which are suitable for residential or commercial uses; a mix of apartment types; higher ceilings in particular on the ground floor and first floor; separate entries for the ground floor level and the upper levels; sliding and/or moveable wall systems. • Provide apartment layouts which accommodate the changing use of rooms (refer design solutions on p75 of the Design Code). • Utilise structural systems which support a degree of future change in building use or configuration (refer design solutions on p75 of the Design Code). • Promote accessibility and adaptability by ensuring: the number of accessible and visitable apartments is optimised; and adequate pedestrian mobility and access is provided.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The building is in a residential zone and has been designed for residential use. Apartments have been designed with open plan living/dining rooms and the layout provides for basic changes to internal configuration or changes to room use.
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.	☒ ☒	☐ ☐	☐ ☐	The proposed development complies with the objectives relating to ground floor apartments.

Requirement	Yes	No	N/A	Comment
Design Practice				
• Design front gardens or terraces which contribute to the spatial and visual structure of the street while maintaining adequate privacy for apartment occupants. Refer to p77 of the Design Code for design options.	☒	☐	☐	The ground floor apartments are provided with front gardens and terraces which contribute to the visual structure of the street and provide privacy for residents.
• Ensure adequate privacy and safety of ground floor units located in urban areas with no street setbacks by: stepping up the ground floor level from the level of the footpath a maximum of 1.2m; designing balustrades and establishing window sill heights to minimise site lines into apartments, particularly in areas with no street setbacks; determining appropriateness of individual entries; ensuring safety bars or screens are integrated into the overall elevation design and detailing.	☐	☐	☒	The buildings are setback from the street frontage.
• 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.	☒	☐	☐	All of the ground floor apartments have private gardens which are accessible from the main living areas and are of such a size to support a range of activities. All units are visitable and accessible via the lift from the basement car park and ramped access to the pedestrian entry to the buildings within the site.
• 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.	☒	☐	☐	Planting is appropriate to allow for solar access.
• Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units.	☐	☐	☒	The ground floor units are not provided with individual entries from the street given the setback and staggered footprint of the buildings and alignment with the street frontage.
• Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	☒	☐	☐	All ground floor units are provided with a private courtyard.
Internal Circulation				
Objectives				
• To create safe and pleasant spaces for the circulation of people and their personal possessions.	☒	☐	☐	The proposed development is considered to be consistent with the Internal Circulation objectives.
• To facilitate quality apartment layouts, such as dual aspect apartments.	☒	☐	☐	
• To contribute positively to the form and articulation of the building façade and its relationship to the urban environment.	☒	☐	☐	
• To encourage interaction and recognition between residents to contribute to a sense of community and improve perceptions of safety.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice • Increase amenity and safety in circulation spaces by: providing generous corridor widths and ceiling heights particularly in lobbies, outside lifts and apartment entry doors; providing appropriate levels of lighting, including the use of natural daylight where possible; minimising corridor lengths to give short, clear sight lines; avoiding tight corners; providing legible signage noting apartment numbers, common areas and general directional finding; providing adequate ventilation.	☒	☐	☐	Corridors and foyers have been appropriately designed in terms of width, minimising length and provision of natural daylight so as to promote safety and movement of residents and their belongings.
• 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.	☒	☐	☐	Each building is provided with one (1) lift to service the four (4) units on each floor. This is considered to be satisfactory. The buildings, whilst having a main pedestrian entry from Main Avenue, also have an entry at the rear of the building so as to access the internal areas of the site and paths leading to Andrews Road.
• Articulate longer corridors by: utilising a series of foyer areas and/or providing windows along or at the end of a corridor.	☐	☐	☒	Whilst not particularly long corridors it is worth noting that windows are provided at one end of the corridors within both buildings.
• 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.	☒	☐	☐	The corridor within each building services four (4) apartments.

Requirement	Yes	No	N/A	Comment
Mixed Use				
Objectives • To support a mix of uses that complement and reinforce the character, economics and function of the local area. • Choose a compatible mix of uses. • Consider building depth and form in relation to each use's requirements for servicing and amenity (refer details on p80 of the Design Code). • 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.	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒	The proposed buildings are not mixed use, therefore this section is not applicable to consideration of the application.
Storage				
Objectives • To provide adequate storage for everyday household items within easy access of the apartment. • To provide storage for sporting, leisure, fitness and hobby equipment.	☒ ☒	☐ ☐	☐ ☐	All units are considered to be provided with adequate storage internally and within the basement.

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 entires 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 leasible storage in internal or basement car parks. • Provide storage which is suitable for the needs of residents in the local area and able to accommodate larger items such as sporting equipment and bicycles. • Ensure that storage separated from apartments is secure for individual use. • Where basement storage is provided: ensure that it does not compromise natural ventilation in car parks or create potential conflicts with fire regulations; exclude it from FSR calculations. • Consider providing additional storage in smaller apartments in the form of built-n 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: o Studio = 6m^3 o 1 bed = 6m^3 o 2 bed = 8m^3 o 3+ bed = 10m^3	☒	☐	☐	**All apartments are provided with internal storage or a combination of internal and basement storage. However, 14 of the 24 units do not have the minimum 50% of the required 8m^3 of storage for 2 bedroom units provided internally. These units have between 3.1sqm and 3.6sqm of storage space which is a shortfall of 0.4sqm-0.9sqm. This shortfall is provided for in the basement car park with all of the subject units being provided with 8.1m^3-8.5m^3. Storage areas for the other apartments either meet or exceed the minimum internal and total requirement.**
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 considered to be consistent with the Acoustic Amenity objectives as acoustic intrusion is minimised through building separation, unit orientation and the grouping of like-use rooms.

Requirement	Yes	No	N/A	Comment
Design Practice • Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings. • Arrange apartments within a development to minimise noise transition between flats by: locating busy, noisy areas next to each other and quieter areas next to other quieter areas (kitchen near kitchen, bedroom near bedroom); using storage or circulation zones within an apartment to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas; minimising the amount of party walls with other apartments. • Design the internal apartment layout to separate noisier from quieter spaces by: grouping uses within an apartment – bedrooms with bedrooms and service areas like kitchen, bathroom, laundry together. • Resolve conflicts between noise, outlook and views by using design measures including: double glazing, operable screened balconies; continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements. • Reduce noise transmission from common corridors or outside the building by providing seals at entry doors.	☒	☐	☐	Acoustic amenity within the development is considered to be promoted through building separation, unit orientation and the grouping of like-use rooms. As discussed in the report under SEPP (Infrastructure) 2007 the site is located opposite a railway line. A satisfactory acoustic report has been submitted and a condition of consent is to be imposed requiring compliance with the recommendations of the report to ensure the buildings are acoustically treated.
Daylight Access				
Objectives • To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development. • To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours. • To provide residents with the ability to adjust the quantity of daylight to suit their needs.	☒	☐	☐	The proposed development is considered to be generally consistent with the Daylight Access objectives as the orientation of living areas and proposed slim tower form allows for daylight infiltration.
Design Practice • Plan the site so that new residential flat development is oriented to optimise northern aspect. • Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer. • 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 ,	☒	☐	☐	The new buildings have been designed within the constraint of the footprints of the existing heritage buildings. Staggered footprints and stepped facades take advantage of the northern orientation of the site and optimise solar access to living areas and private open spaces. The communal open space area adjacent to Andrews Road receives solar access over a majority of the area from 12.00pm onwards, although part of the area receives solar access from 10.00am.

Requirement	Yes	No	N/A	Comment
single storey apartments have a northerly or easterly aspect; locate living areas to the north and service areas to the south and west of development; limit the number of south facing apartments and increase their window area; use light shelves to reflect light into deeper apartments.				
• 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).	☒	☐	☐	Shading and glare control have been incorporated into the design through the use of balcony overhangs and louvres.
• Limit the use of lightwells as a source of daylight by prohibiting their use as the primary source of daylight in habitable rooms.	☒	☐	☐	The proposed buildings do not incorporate any light wells.
• Where lightwells are used: relate lightwell dimensions to building separation; conceal building services and provide appropriate detail and materials to visible walls; ensure lightwells are fully open to the sky; allow exceptions for adaptive reuse buildings, if satisfactory performance is demonstrated.	☐	☐	☒	
• 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.	☒	☐	☐	75% of apartments (18 out of 24) receive the minimum required 3 hours solar access to the living room and private open space.
• Limit the number of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed.	☐	☐	☒	There are no single aspect apartments within the development.
• Developments which seek to vary from the minimum standards must demonstrate how site constrains and orientation prohibit the achievement of these standards and how energy efficiency is addressed.	☐	☐	☒	
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.	☒	☐	☐	The proposed development is considered to be consistent with the Natural Ventilation objectives as all habitable rooms have sufficient openings for ventilation. Non-habitable rooms are located in the centre of the buildings so as to ensure habitable rooms are located adjacent to external walls. The BASIX commitments dictate energy consumption requirements.
• To provide natural ventilation in non-habitable rooms, where possible.	☐	☐	☒	
• To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
Design Practice				
• Plan the site to promote and guide natural breezes by: determining prevailing breezes and orient buildings to maximise use, where possible; locating vegetation to direct breezes and cool air as it flows across the site and by selecting planting or trees that do not inhibit air flow.	☒	☐	☐	The building and unit layouts are designed to maximise natural ventilation through the use of open-plan living areas and generous openings to living areas and bedrooms.
• Utilise the building layout and section to increase the potential for natural ventilation (refer design solutions on p86 of the Design Code)	☒	☐	☐	
• Design the internal apartment layout to promote natural ventilation by: minimising interruptions in air flow through an apartment; grouping rooms with similar usage together.	☒	☐	☐	Rooms with similar usage are grouped together so as to enhance natural ventilation.
• Select doors and operable windows to maximise natural ventilation opportunities established by the apartment layout (refer design solution on p86-87 of Design Code)	☒	☐	☐	
• Coordinate design for natural ventilation with passive solar design techniques.	☒	☐	☐	The building has been designed to satisfy the principles of passive solar design.
• Explore innovative technologies to naturally ventilate internal building areas or rooms.	☐	☐	☒	The building is considered to be sufficiently ventilated.
• Building depths which support natural ventilation typically range from 10-18m.	☐	☐	☒	The building depth is limited to 17-17.5m. Each floor of the buildings only has four (4) units and all have a dual aspect so as to maximise natural ventilation.
• 60% of residential units should be naturally cross ventilated.	☒	☐	☐	100% (24 out of 24) units achieve natural cross-ventilation.
• 25% of kitchen within a development should have access to natural ventilation.	☒	☐	☐	100% of the kitchens (24 out of 24) have access to natural ventilation by being located adjacent to a window and/or being located within the open plan living/dining room.
• Developments which seek to vary from the minimum standards must demonstrate how natural ventilation can be satisfactorily achieved particularly in relation to habitable rooms.	☐	☐	☒	
Awnings and Signage				
Objectives • To provide shelter for public streets. • To ensure signage is in keeping with desired streetscape character and with the development in scale, detail and overall design	☐ ☐	☐ ☐	☒ ☒	The site is located within a residential zone and awnings are not required.

Requirement	Yes	No	N/A	Comment
Design Practice <u>Awnings</u> • 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. <u>Signage</u> • Councils should prepare guidelines for signage based on the desired character and scale of the local area (refer considerations on p88 of Design Code) • 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. • To ensure that new developments have facades which define and enhance the public domain and desired street character. • To ensure that building elements are integrated into the overall building form and façade design.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposed development is considered to be consistent with the Facade objectives as elevations are of high architectural design quality which will define and enhance the public domain whilst appropriately responding to the heritage context of the site.
Design Practice • Consider the relationship between the whole building form and the façade and/or building elements. • Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. Refer design solutions on p89 of the Design Code. • Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the façade orientation. • Express important corners by giving visual prominence to parts of the façade. • Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design. • Coordinate security grills/screens, ventilation louvres and car park entry doors with the overall façade design.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	A high level of modulation, articulation and architectural elements are incorporated into the design of the buildings to provide visually interesting and varied facades. The facades are of an appropriate scale, rhythm and proportion to respond to their use and the context of the site. The facades also respond appropriately to the orientation of the site.
Roof Design				

Requirement	Yes	No	N/A	Comment
Objectives • To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings. • To integrate the design of the roof into the overall façade, building composition and desired contextual response. • To increase the longevity of the building through weather protection.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposed development is considered to be consistent with the Roof Design objectives as a flat roof with no prominent elements which detract from the overall appearance of the building and the setting of the heritage listed buildings is proposed.
Design Practice • Relate roof design to the desired built form Refer design solutions on p91 of the Design Code. • 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 eg rainwater tanks, photovoltaics, water features • Where habitable space is provided within the roof optimise residential amenity in the form or attics or penthouse apartments.	☒ ☒ ☒ ☒ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☒	The flat roof and parapet treatment of the proposed buildings have been appropriately designed to suit the context of the site and so as to minimise the visual impact of the new buildings on the heritage buildings located on the site.
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 considered to be consistent with the Energy Efficiency objectives as a BASIX Certificate which achieves the relevant energy targets is provided and the relevant commitments shown on plans.
Design Practice Requirements superseded by BASIX	☐	☐	☒	The BASIX Certificate for the building show that the development as a whole achieves the Pass Mark for energy and water conservation.
Maintenance				
Objectives • To ensure long life and ease of maintenance for the development.	☒	☐	☐	The proposed development is considered to be consistent with the Maintenance objectives as relevant conditions shall be included in any consent to ensure the site is suitably maintained.

Requirement	Yes	No	N/A	Comment
Design Practice • Design windows to enable cleaning from inside the building, where possible. • Select manually operated systems in preference to mechanical systems. • Incorporate and integrate building maintenance systems into the design of the building form, roof and façade. • Select durable materials, which are easily cleaned and are graffiti resistant. • Select appropriate landscape elements and vegetation and provide appropriate irrigation systems. • For developments with communal open space, provide a garden maintenance and storage area, which is efficient and convenient to use and is connected to water and drainage.	☒	☐	☐	Should the application be recommended for approval, relevant conditions in relation to use of high-quality materials and general maintenance of the site shall be included in any consent that may be issued.
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.	☒	☐	☐	The proposed development is considered to be consistent with the Waste Management objectives as suitable arrangements and facilities for waste disposal and storage are proposed.

Requirement	Yes	No	N/A	Comment
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.	☐ ☒ ☒ ☒ ☒ ☒ ☒ ☐ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	Suitable waste management facilities are proposed In the basement.
Water Conservation				
Objectives To reduce mains consumption of potable water. To reduce the quantity of urban stormwater runoff.	☒ ☒	☐ ☐	☐ ☐	The proposed development is considered to be 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.

(b) Auburn Local Environmental Plan 2010

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

Clause	Yes	No	N/A	Comment
Part 1 Preliminary				
1.1 Name of Plan This Plan is *Auburn Local Environmental Plan 2010*.	☒	☐	☐	
1.1 AA Commencement This Plan commences on the day on which it is published on the NSW legislation website.	☒	☐	☐	The plan was gazetted on 29 October 2010.
1.3 Land to which Plan applies (1) This Plan applies to the land identified on the Land Application Map. **Note.** Part 23 of Schedule 3 to the *State Environmental Planning Policy (Major Development) 2005* applies to certain land identified on the Land Application Map. (2) Despite subclause (1), this Plan does not apply to the land identified on the Land Application Map as "Deferred matter".	☒ ☒	☐ ☐	☐ ☐	The plan applies to the site.
1.6 Consent authority The consent authority for the purposes of this Plan is (subject to the Act) the Council.	☒	☐	☐	Council is the consent authority for this development.
1.9 Application of SEPPs and REPs (1) This Plan is subject to the provisions of any State Environmental Planning policy that prevails over this Plan as provided by section 36 of the Act. (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies: *State Environmental Planning Policy No 1—Development Standards.* *Sydney Regional Environmental Plan No 24 Homebush Bay Area*.	☒ ☐	☐ ☐	☐ ☒	There are a number of State Policies relevant to the development application but these are addressed earlier in the report.
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	☐ ☐	☐ ☐	☒ ☒	There are no such covenants or agreements that restrict the carrying out of development on the land.

Clause	Yes	No	N/A	Comment
the meaning of section 183A of the *Crown Lands Act 1989*, or (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or *(d)* to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or *(e)* to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.				
(3) This clause does not affect the rights or interests of any public authority under any registered instrument.	☐	☐	☒	
(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).	☐	☐	☒	
Part 2 Permitted or prohibited development				
2.1 Land use zones The land use zones under this Plan are as follows: **Residential Zones** R2 Low Density Residential **R3 Medium Density Residential** R4 High Density Residential	☒	☐	☐	The land is zoned R3 Medium Density Residential.
2.2 Zoning of land to which Plan applies For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.	☒	☐	☐	
2.3 Zone objectives and land use table (1) The Table at the end of this Part specifies for each zone: (a) the objectives for development, and (b) development that may be carried out without consent, and (c) development that may be carried out only with consent, and (d) development that is prohibited.	☒	☐	☐	
(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.	☒	☐	☐	The zone objectives have been considered during the assessment of the development application.
(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,	☒	☐	☐	

Clause	Yes	No	N/A	Comment
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. (2) Before granting consent, the consent authority: (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.	☐ ☐	☐ ☐	☒ ☒	The land is within the R3 Medium Density Residential Zone.
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*	☒	☐	☐	The application proposes strata subdivision.

Clause	Yes	No	N/A	Comment
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.	☐	☐	☒	
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.	☒	☐	☐	Partial demolition works are proposed.
Land Use Table				
Zone R3 Medium Density Residential 1 **Objectives of zone** To provide for the housing needs of the community within a medium density residential environment. To provide a variety of housing types within a medium density residential environment. To enable other land uses that provides facilities or services to meet the day to day needs of residents. 2 **Permitted without consent** Nil 3 **Permitted with consent**	☒	☐	☐	The relevant objectives are complied with.
Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Group homes; **Multi dwelling housing**; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Any other development not specified in item 2 or 4	☒	☒	☐	The application proposes the conversion of two of the heritage buildings (Buildings 73 & 74) to **multi dwelling housing** which is permitted with consent in the zone. It is also proposed, however, to convert a heritage building (Building 72) to a residential flat building and to construct two (2) new residential flat buildings. A residential flat building is type of **residential accommodation** which is

Clause	Yes	No	N/A	Comment
4 **Prohibited** Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (major); Registered clubs; Research stations; **Residential accommodation**; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres, Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies				prohibited in the zone. The applicant is proposing to rely on clause 5.10(10) of the LEP which allows, under certain circumstances, for consent to be granted to development that would otherwise be prohibited. As discussed in detail in the body of the report, the proposal is considered to comply with clause 5.10(1) and it is recommended that the application be approved.
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.	☐	☐	☒	Torrens title subdivision of the site is not proposed, however, the development will be strata title subdivided.
(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	☐	☐	☒	

Clause	Yes	No	N/A	Comment
and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle. (3C) Despite subclauses (3)–(3B), the minimum lot size for development on land within the Former Lidcombe Hospital Site, as shown edged blue on the Lot Size Map, is as follows in relation to development for the purpose of: (a) dwelling houses: (i) 350 square metres, or (ii) if a garage will be accessed from the rear of the property - 290 square metres, or (iii) if the dwelling house will be on a zero lot line - 270 square metres, (b) semi-detached dwellings - 270 square metres, (c) multi dwelling housing - 170 square metres for each dwelling, (d) attached dwellings - 170 square metres. (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.	☐ ☒	☐ ☐	☒ ☐	As the development is to be strata subdivided this clause does not apply. It is noted however, that the two heritage listed buildings are proposed to be converted to multi dwellings and will have strata lot areas ranging from 226sqm to 425sqm.
4.3 Height of buildings (1) The objectives of this clause are as follows: (a) to establish a maximum building height to enable appropriate development density to be achieved, and (b) to ensure that the height of buildings is compatible with the character of the locality (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. (2A) Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is: (a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres, (b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map—14	☒ ☐ ☐	☐ ☒ ☐	☐ ☐ ☒	**The maximum height of building specified on the map is 9m. A small portion of the roofs of the new residential flat building exceeds the height limit by 0.74, (Building A) and 1.0m (Building B). The applicant is seeking a variation to the development standard in accordance with Clause 4.6 of the LEP. As discussed in the body of the report the variation is considered to be acceptable in this instance. (NB: the existing heritage buildings exceed the height limit by between 1.25m and 2.15m, however, it is unreasonable to expect existing buildings to comply with the control).**

Clause	Yes	No	N/A	Comment
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 maximum floor space ratio for the site is 0.5:1. The proposed FSR is 0.55:1. The applicant is seeking a variation to the development standard in accordance with Clause 4.6 of the LEP. As discussed in the body of the report the variation is considered to be acceptable in this instance.**
(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	☐	☒	☐	
(2A) Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows: (a) for sites less than 1,300 square metres—0.75:1, (b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1, (c) for sites that are 1,800 square metres or greater—0.85:1.	☐	☐	☒	The subject site located within the Former Lidcombe Hospital site therefore, this clause is not applicable.
(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.	☐	☐	☒	

Clause	Yes	No	N/A	Comment
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) require community land and public places to be dealt with separately.				
(2) Definition of "floor space ratio"				
The ***floor space ratio*** of buildings on a site is the ratio of the gross floor area of all buildings within the site 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				

Clause	Yes	No	N/A	Comment
The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.				
(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed 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 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.	☒	☐	☐	The gross floor area of the existing buildings have been included in the FSR calculation.
(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	☒	☐	☐	

Clause	Yes	No	N/A	Comment
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.	☒	☐	☐	The applicant is proposing to vary the Maximum building height and floor space ratio applicable to the site. This matter has been discussed in detail in the body of the report and the variation satisfies these provisions of the LEP.
(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 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	☒	☐	☐	

Clause	Yes	No	N/A	Comment
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.	☒	☐	☐	The concurrence of the Director-General is assumed in accordance with the relevant Department of Planning Circular.
(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 Living if:	☐	☐	☒	
(a) The subdivision 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*				

Clause	Yes	No	N/A	Comment
Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated, (c) clause 5.4.				
Part 5 Miscellaneous provisions				
5.6 Architectural roof features (1) The objectives of this clause are: (a) To ensure that any decorative roof element does not detract from the architectural design of the building, and (b) To ensure that prominent architectural roof features are contained within the height limit. (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent. (3) Development consent must not be granted to any such development unless the consent authority is satisfied that: (a) the architectural roof feature: (i) comprises a decorative element on the uppermost portion of a building, and (ii) is not an advertising structure, and (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and (iv) will cause minimal overshadowing, and (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	No architectural roof features are proposed.
5.9 Preservation of trees or vegetation (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.	☒ ☒	☐ ☐	☐ ☐	A total of thirty (30) trees have been identified on the site of varying significance. The original proposal was modified in response to concerns raised by the Heritage Division of the Office of Environment and Heritage regarding removal of significant trees. It is proposed to now remove nine (9) trees (instead of the originally proposed 18) and relocate a further two (2) trees. Given the site's listing

Clause	Yes	No	N/A	Comment
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:				on the State Heritage Register the application was referred to the Office of Environment and Heritage for integrated approval. The Heritage Council has issued General Terms of Approval which includes approval for the removal of trees.
(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 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	☐	☐	☒	

Clause	Yes	No	N/A	Comment
(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	☐	☐	☒	
5.9AA Trees or vegetation not prescribed by development control plan (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.	☐	☐	☒	
(2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.	☐	☐	☒	
5.10 Heritage conservation **Note.** Heritage items, if any are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5. (1) **Objectives** The objectives of this clause are as follows: (a) to conserve the environmental heritage of Auburn, (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	☒	☐	☐	The subject site is located within the Former Lidcombe Hospital Site heritage conservation area and is also listed on the State Heritage Register.

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

Clause	Yes	No	N/A	Comment
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 proposal will not have an adverse impact on the heritage significance of the buildings or the conservation area. A satisfactory heritage impact statement has been submitted and the NSW Heritage Council has issued General Terms of Approval.
The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	☒	☐	☐	

Clause	Yes	No	N/A	Comment
(6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.	☐	☐	☒	
(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.	☐	☐	☒	The Heritage Council have issued General Terms of Approval.
(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: (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	☐	☐	☒	The site is not identified in the LEP as an Aboriginal Place of heritage significance.
(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate about the application and take into consideration any response received within 28 days after the notice is sent.	☐	☐	☒	
(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item: (a) notify the Heritage Council about the application, and	☐	☐	☒	
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	☐	☐	☒	
(10) **Conservation incentives**				

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

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☐</td><td>The applicant is seeking to rely on this clause to allow for the adaptive reuse of one of the heritage buildings (Building 72) and the construction of two new buildings for the purposes of residential flat buildings. This type of development is prohibited in the R3 Medium Density Residential zone. As discussed in the body of the report the applicant has satisfactorily addressed the Conservation Incentives clause and the proposal is considered acceptable.</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 watertable 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</td></tr></table></td><td>☒

☐</td><td>☐

☐</td><td>☐

☒</td><td>The land has a Class 5 rating. No works are proposed that would require the submission of an acid sulphate soil management plan.</td></tr>
</table>

Clause		Yes	No	N/A	Comment
	lowered more than 2 metres below the natural ground surface.				
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		☐	☐	☒	

Clause	Yes	No	N/A	Comment
to carry out any works if: (a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or (b) the works are likely to lower the watertable.				
6.2 Earthworks (1) The objectives of this clause are as follows: (a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land, (b) to allow earthworks of a minor nature without separate development consent.	☒	☐	☐	Earthworks are proposed in conjunction with the proposed development and will not have a detrimental impact on existing drainage, soil stability, the future use of the land, the existing and likely future amenity of adjoining properties, watercourse, water catchment area or environmentally sensitive area. A condition of consent is recommended to be imposed with respect to the classification of fill. The Heritage impact Statement prepared by GML assesses the potential for disturbance of archaeological areas of the site ad has made recommendations accordingly.
(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	☒	☐	☐	

Clause	Yes	No	N/A	Comment
sensitive area. **Note.** The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.				
6.3 Flood planning (1) The objectives of this clause are: a) to minimise the flood risk to life and property associated with the use of land, b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, c) to avoid significant adverse impacts on flood behaviour and the environment. (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 not located in a flood planning area.

Clause	Yes	No	N/A	Comment
6.5 Essential Services (1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage. (d) stormwater drainage or on-site conservation, (e) suitable road access. (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.	☒ ☐	☐ ☐	☐ ☒	Services are provided to the site and will be augmented as required.
6.6 Particular dual occupancy subdivisions must not be approved (1) Development consent must not be granted for a subdivision that would create separate titles for each of the two dwellings resulting from a dual occupancy development. (2) This clause does not apply in relation to the subdivision under either of the following Acts: (a) *The Community Land Development Act 1989*. (b) *The Strata Schemes (Freehold Development Act 1973*).	☐ ☐	☐ ☐	☒ ☒	
Schedule 1 Additional permitted uses "Nil"				

(c) Auburn Development Control Plan 2010

– Residential Flat Buildings

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

Requirement	Yes	No	N/A	Comments
1.0 Introduction				
1.1 Development to which this Part applies This part applies to residential flat building development. It does not apply to Newington and Wentworth Point (formerly Homebush Bay West) areas. Please refer to the Newington Parts of this ADCP 2010 or the Wentworth Point DCPs listed in Section 1.6 of the	☐	☐	☒	The development site is not located in the Wentworth Point or Newington locality.

Requirement	Yes	No	N/A	Comments
Introduction Part of this ADCP 2010.				
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 development is considered to comply with this part of the DCP as it will provide a high level of amenity for residents and contribute to the streetscape for instance.
2.0 Built Form				
2.1 Site area **D1** A residential flat building development shall have a minimum site area of 1000m^2 and a street frontage of 20m in the B4 Zone or 26m in the R4 Zone. **D2** Where lots are deep and have narrow street frontages the capacity for maximising residential development is limited. Two or more sites may need to be amalgamated to provide a combined site with sufficient width for good building design.	☒ ☒	☐ ☐	☐ ☒	The development site is considered to be of acceptable size and dimensions with a site area of approximately 6,165sqm and a frontage of 75m to Andrews Road, 45m to Main Avenue and 52m to Weeroona Road. The site is of sufficient size for the development and is surrounded on all boundaries by roads.
2.2 Site coverage **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 proposed development has a site coverage of 60%. Although this exceeds the maximum control of 50%, the site also comprises multi dwellings which, under the Former Lidcombe Hospital Site part of ADCP 2010 can have a higher site coverage. The development provides for communal open space and large private courtyards to ground floor apartments and multi dwelling housing. The development is considered to respond appropriately to the constraints posed by the location of the existing heritage buildings and significance trees.
2.3 Building envelope **D1** Council may consider a site specific building envelope for certain sites, including: • double frontage sites; • sites facing parks; • sites adjoining higher density zones; and • isolated sites. **D2** The maximum building footprint dimensions, inclusive of balconies and building articulation but excluding architectural features, is 24m x 45m for	☒ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☐ ☒ ☒ ☒ ☒	Given the site's unusual configuration, and constraints posed by the location of existing heritage buildings and significant trees, the proposed building footprints and envelopes are considered to be appropriate. Although the site has an area in excess of 3,000sqm none of the building components exceed 24m.

Requirement	Yes	No	N/A	Comments
sites up to 3,000m^2				
D3 The tower component of any building above the podium or street wall height is to have a maximum floor plate of 850m^2.	☐	☐	☒	
2.4 Setbacks **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 new buildings address both the Main Avenue and Weeroona Road frontages of the site. It would be reasonable that the Weeroona Road frontage be treated as a secondary street frontage as Main Avenue is the significant street within the Former Lidcombe Hospital site. Weeroona Road is comprised of the railway line to the south, the rear of new dwellings and the EPA research facility to the east and the frontage of five dwellings, open space and the University campus to the west. As such there is no established or consistent setback. Building A has a minimum setback of approximately 3m to Weeroona Road, however, as the building has a staggered footprint and offset facade from the street alignment, the majority of the building exceeds this setback. Building B has a minimum setback of 5.1m from Main Avenue however, given the staggered building footprint the majority of the building exceeds this setback. Building 72 (existing heritage building) has a setback of approximately 10m from Andrews Road.
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, verandahs, balconies and/or blade walls. Such articulation elements may be forward of the required building line up to 1m.	☐	☐	☒	The distance between the Main Avenue boundary and residential property boundaries on the opposite side is approximately 16m, therefore adequate separation between facades will be achieved. The railway line is located opposite the Weeroona Road frontage of the site. Building 72 is not directly opposite the facades of any other dwellings. The staggered footprints of the new buildings dictate their massing, with blade walls and varying materials adding articulation and interest. These elements do not encroach within the building setbacks.
D6 In all residential zones, levels above 4 storeys are to be setback for mid-block sites.	☐	☐	☒	The new buildings are three (3) storeys in height.
2.4.2 Side setback **D1** In all residential zones, buildings shall have a side setback of at least 3m.	☒	☐	☐	The side setback is not applicable in this instance as the site is triangular in shape and bounded on all sides by roads. The building separation requirements of SEPP 65 – RFDC have
D2 Eaves may extend a distance of 700mm				

Requirement	Yes	No	N/A	Comments
from the wall.	☒	☐	☐	been discussed in the relevant compliance table.
2.4.3 Rear setback				
D1 Rear setbacks shall be a minimum of 10m.	☐	☐	☒	The rear setback is not applicable in this instance as the site is triangular in shape and bounded on all sides by roads. The building separation requirements of SEPP 65 – RFDC have been discussed in the relevant compliance table.
D2 Where there is a frontage to a street and a rear laneway the setback to the rear laneway shall be a minimum of 2m.	☐	☐	☒	
D3 Where a building is an L or T shape with the windows facing side courtyards the rear setback shall be a minimum of 2m.	☐	☐	☒	
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 ADCP 2010 for additional controls.	☐	☐	☒	The development site is not adjacent to Haslam's Creek.
2.4.5 Setbacks at Olympic Drive, Lidcombe				
D1 For sites with frontage to Olympic Drive, buildings shall be designed to address Olympic Drive and provide a setback of 4m.	☐	☐	☒	The development is not located on Olympic Drive. This section of the DCP is not applicable.
D2 The setback area and verge shall be landscaped and planted with a double row of street trees.	☐	☐	☒	
D3 The setback to east-west streets shall be generally 4 to 6m and ensure view corridors to Wyatt Park are maintained.	☐	☐	☒	
2.5 Building depth				
D1 The maximum depth of a residential flat building shall be 24m (inclusive of balconies and building articulation but excluding architectural features).	☒	☐	☐	The maximum depth of Building A is approximately 23m, Building B approximately 22m and Building 72 is 17m. Both the new and existing buildings comply with this control.
2.6 Floor to ceiling heights				
D1 The minimum floor to ceiling height shall be 2.7m. This does not apply to mezzanines.	☒	☐	☐	All levels within the new buildings have a floor to ceiling height of 2.7m. The development is acceptable in this regard. The floor to ceiling levels within the existing building 2.89m on the ground floor and 3.11m on the first floor. Both the new and existing buildings comply with this control.
D2 Where there is a mezzanine configuration, the floor to ceiling height may be varied.	☒	☐	☐	
2.7 Head Height of Windows				
D1 The head height of windows and the proportion of windows shall relate to the floor to ceiling heights of the dwelling.	☒	☐	☐	Window head heights within the new buildings are a minimum of 2.4 metres from floor level. The head heights of windows in the existing building are proportional to the ceiling height. The development is acceptable in this regard.
D2 For storeys with a floor to ceiling height of 2.7m, the minimum head height of windows shall be 2.4m.	☒	☐	☐	
D3 For storeys with a floor to ceiling height of 3m, the minimum head height of windows shall be 2.7m.	☒	☐	☐	
2.8 Heritage				
D1 All development adjacent to and/or adjoining a heritage item shall be: • responsive in terms of the curtilage and	☒	☐	☐	The proposed buildings are located within the Former Lidcombe Hospital Site Heritage Conservation Area and

Requirement	Yes	No	N/A	Comments
design; • accompanied by a Heritage Impact Statement; and • respectful of the building's heritage significance in terms of the form, massing, roof shapes, pitch, height and setbacks.				the same area is listed on the State Heritage Register. The application was referred to the Office of Environment and Heritage for integrated approval and the Heritage Council have issued their General Terms of Approval. The proposed development is therefore, acceptable in terms of its impact on the heritage significance of the buildings and the conservation area.
2.9 Building Design **2.9.1 Materials** **D1** All developments shall be constructed from durable, high quality materials.	☒	☐	☐	No objection is raised to the materials and colour scheme of the proposal which is considered to be of high quality and will make a positive contribution to the streetscape.
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.	☒	☐	☐	The proposal offers an articulated facade with distinct horizontal and vertical elements.
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.	☒	☐	☐	The entries to the buildings are clearly articulated and identifiable.
D3 Elevations shall provide for variation and depth rather than relying on front façade treatment only. Varied massing projections and recesses shall be used to create a sense of articulation and depth.	☒	☐	☐	The stepped footprint of the new buildings creates massing and recesses in the facades.
2.9.3 Roof form **D1** Roof forms shall be designed in a way that the total form does not add to height and bulk of the building.	☒	☐	☐	Flat roofs and low horizontal parapets are proposed for the new buildings. The roof form is in accordance with this clause.
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.	☒	☐	☐	A condition of consent is to be imposed with regards to the treatment of the underside of balconies.
D2 Opaque glazing and/or masonry for balustrading and balconies is encouraged.	☒	☐	☐	The balconies will be solid in accordance with the requirements of this control.
D3 Clear glazing for balustrading and balconies is prohibited.	☒	☐	☐	
2.10 Dwelling size **D1** The size of the dwelling shall determine the maximum number of bedrooms permitted.	☒	☐	☐	The 2 bedroom units in the new buildings are all located on corners and have sizes varying from 73sqm to

Requirement	Yes	No	N/A	Comments
Number of bedrooms / **Size** Studio 50m² 1 bedroom (cross through) 50m² 1 bedroom (masionette) 62m² 1 bedroom (single aspect) 63m² 2 bedrooms (corner) 80m² 2 bedrooms (cross through or over) 90m² 3 bedrooms 115m² 4 bedrooms 130m² **D2** At least one living area shall be spacious and connect to private outdoor areas.	☒	☐	☐	93sqm. Although the minimum requirement in the DCP for two bedroom units is 80sqm, SEPP 65 – RFDC requires a minimum of 70sqm. The RFDC takes precedence over the DCP in this regard. The 3 bedroom units within the existing heritage building are approximately 130sqm in area. All units have living areas that directly connect to private outdoor open space areas.
2.11 Apartment mix and flexibility **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. **D2** The appropriate apartment mix for a location shall be refined by: • considering population trends in the future as well as present market demands; and • noting the apartment's location in relation to public transport, public facilities, employment areas, schools and universities and retail centres.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The new buildings contain 4 x 2 bedroom units and the existing building will be converted to 2 x 3 bedroom units. The Former Lidcombe Hospital Site is comprised of a range of dwelling types including one bedroom secondary dwelling to large 3-4 bedroom multi dwellings. The proposed unit mix is considered to be acceptable.
D3 A mix of one (1) and three (3) bedroom apartments shall be located on the ground level where accessibility is more easily achieved for disabled, elderly people or families with children.	☒	☐	☐	The new buildings comprise 2 bedroom units on the ground floor and the heritage building has 3 bed units on the ground floor. Thus, this control is satisfied.
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.	☒	☐	☐	All units are orientated to achieve maximum solar access and have been designed to accommodate future changes in room use.
D5 Robust building configurations which utilise multiple entries and circulation cores shall be provided especially in larger buildings over 15m long.	☒	☐	☐	The new buildings have a single circulation core, however have entries to the street and within the site.
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.	☒	☐	☐	All units with the new and existing building can accommodate changes in room use and all bedrooms can accommodate double beds.

Requirement	Yes	No	N/A	Comments
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.	☐	☐	☒	The buildings are located in the R3 Medium Density Residential zone and are unlikely to be used for any other purpose given the prohibitions within the zone.
3.0 Open space and landscaping				
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 development proposal is considered to be generally consistent with the open space and landscaping objectives.
3.2 Landscaping **D1** If an area is to be paved, consideration shall be given to selecting materials that will reduce glare and minimise surface run-off.	☒	☐	☐	A condition of consent can be imposed in this regard.
D2 All landscaped podium areas shall maintain a minimum soil planting depth of 600mm for tree provision and 300mm for turf provision.	☒	☐	☐	On-slab planting areas have sufficient soil depth for planting.
3.3 Deep soil zone **D1** A minimum of 30% of the site area shall be a deep soil zone.	☒	☐	☐	A deep soil zone of approximately 47% is to be provided to the development.

Requirement	Yes	No	N/A	Comments
D2 The majority of the deep soil zone shall be provided as a consolidated area at the rear of the building.	☐	☐	☐	**Given the constraints posed by the location of the existing buildings and significant trees the majority of the deep soil zone is provided around the periphery of the site rather than as a consolidated area between the rear of the buildings. This is considered to be acceptable an acceptable treatment given the unique characteristics of the site.**
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				
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 site contains a number of significant tress. The majority of the trees are being retained, however eight (8) trees are to be removed. These trees were approved for removal as part of the General Terms of Approval issued by the Heritage Council.
D3 The minimum soil depth for terraces where tree planting is proposed is 800mm.	☒	☐	☐	
D4 Applicants shall demonstrate that the development will not impact adversely upon any adjoining public reserve or bushland.	☐	☐	☒	
D5 Residential flat buildings shall address and align with any public open space and/or bushland on their boundary.	☐	☐	☒	
D6 All podium areas and communal open space areas, which are planted, shall be provided with a water efficient irrigation system.	☒	☐	☐	
3.5 Private open space				
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.	☒	☐	☐	As discussed in the SEPP 65 RFDC compliance table all units within the new buildings are provided with balconies and ground floor courtyards to meet the minimum design, location and area requirements. The two (2) ground floor units within Building 72 (existing heritage building) have linear rear courtyards of 29sqm and an approximate depth of 2m. These dwellings do, however, have very large areas within the front setback and a ground floor front verandah with solid balustrades that will provide additional privacy for a table and chairs. The two (2) units upstairs have balconies of 2m in depth and approximately 12sqm and 16.5sqm. the proposal is satisfactory having regard to the provision of private open space.
D2 Dwellings on the ground floor shall be provided with a courtyard that has a minimum area of $9m^2$ and a minimum dimension of 2.5m.	☒	☐	☐	
D3 Dwellings located above ground level shall be provided with a balcony or roof terrace that has a minimum area of $8m^2$ and a minimum dimension of 2m.	☒	☐	☐	
D4 Balconies may be semi enclosed with louvres and screens.	☒	☐	☐	
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.	☒	☐	☐	
D8 Private open space and balconies shall take advantage of mid to long distance	☒	☐	☐	

Requirement	Yes	No	N/A	Comments
views where privacy impacts will not arise.				
3.6 Communal open space **D1** Communal open space shall be useable, have a northern aspect and contain a reasonable proportion of unbuilt upon (landscaped) area and paved recreation area. **D2** The communal open space area shall have minimum dimensions of 10m.	☒ ☒	☐ ☐	☐ ☐	This matter has been discussed in the SEPP 65 RFDC compliance table.
3.7 Protection of existing trees **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 ADCP 2010.	☒ ☒	☐ ☐	☐ ☐	The retention and removal of existing trees has been discussed previously. The new buildings have been designed to protect as many significant trees as possible which will be integrated into new site landscaping. A condition of consent is to be imposed requiring street trees be provided along the Weeroona Road frontage of the site.
3.8 Biodiversity **D1** The planting of indigenous species shall be encouraged.	☒	☐	☐	
3.9 Street trees **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 metre 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 driveway has been located to protect existing significant trees. Street trees are not required on Mai given the location of existing large trees within the site adjacent to the boundary. The steeing of Andrews rad is to be retained to enable views of the heritage buildings. n Avenue
4.0 Access and car parking				
4.2 Basements **D1** Where possible, basement walls shall be located directly under building walls. **D2** A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary. **D3** Basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting. **D4** Basement walls visible above ground level shall be appropriately finished (such as face brickwork and/or render) and appear as part of the building.	☒ ☒ ☒ ☐	☐ ☐ ☐ ☐	☐ ☒ ☐ ☒	Where possible basement walls have been located directly beneath building walls however given the size of the basement area required and the unusual configuration of the site the basement extends beyond the footprint of the new buildings. The basement wall will however not be visible area adequately setback to allow for planting.
5.0 Privacy and security				
5.1 Privacy **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	☐ ☒	☒ ☐	☐ ☐	Building separation has been discussed in the SEPP 65 RFDC compliance table. Windows to main living rooms and

Requirement	Yes	No	N/A	Comments
bedrooms shall be oriented to the street and to the rear, or to the side when buildings form an 'L' or 'T' shape.				bedroom are face the street and where screening measures have not been indicated on the plans appropriate conditions of consent are recommended to be imposed.
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.	☒	☐	☐	
5.2 Noise				
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;	☒	☐	☐	This matter has been discussed previously in the SEPP 65 – RFDC compliance table and in the body of the report under SEPP (Infrastructure) 2007. The building has been appropriately designed and will be treated in accordance with the recommendations of the submitted acoustic report.
• 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*.	☒	☐	☐	
5.3 Security				
D1 Shared pedestrian entries to buildings shall be lockable.	☒	☐	☐	Pedestrian residential entry lobby on the ground floor are separate and potentially lockable.
D2 Ensure lighting is provided to all pedestrian paths, shared areas, parking areas and building entries.	☒	☐	☐	Suitable conditions will be imposed on the development to ensure compliance with this part.
D3 High walls which obstruct surveillance are not permitted.	☒	☐	☐	No obstructive walls noted.
D4 The front door of a residential flat building shall be visible from the street.	☒	☐	☐	Identifiable entries are provided.
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.	☒	☐	☐	Casual surveillance to all streets will be possible from the upper floors of the development.
D6 A council approved street number should be conspicuously displayed at the front of new development or the front fence of	☒	☐	☐	A suitable condition will be imposed on the development to ensure compliance with this part.

Requirement	Yes	No	N/A	Comments
such development.				
D7 Fences higher than 900mm shall be of an open semi transparent design.	☒	☐	☐	Suitable fences have been proposed.
D8 Balconies and windows shall be positioned to allow observation of entrances.	☒	☐	☐	Casual surveillance to all streets will be possible from the residential floors of the development.
D9 Proposed planting must not obstruct the building entrance from the street or sightlines between the building and the street frontage.	☒	☐	☐	Proposed planting is not considered to obstruct building entrance views.
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.	☒	☐	☐	Proposed planting is not considered to obstruct building entrance views.
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.	☒	☐	☐	Suitable furnishings have been provided in the communal open space.
D13 Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	☒	☐	☐	Casual surveillance to all streets will be possible from the upper floors of the development.
D14 Ground floor apartments may have individual entries from the street.	☐	☐	☒	Given the configuration of site and change in levels it is not possible to provide individual building entries to all ground floor units.
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.	☐	☐	☒	The proposal does not adjoin a park or public open space.
5.4 Fences				
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.	☐	☒	☐	**All site fencing will be set back from the boundary and is to be a combination of 1.2m and 1.5m palisade fencing depending on the proximity to the street frontage and if it adjoins private open space areas. Fencing is to be setback from the boundary with the setback area to be landscaped so as to minimise the appearance of fencing. The proposal is acceptable in this regard.**
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.	☐	☐	☒	

Requirement	Yes	No	N/A	Comments
D5 Front fences shall satisfy the acoustic abatement criteria and be provided with a landscaped area on the street side of the fence.	☐	☐	☒	
D6 Fences located on side or rear boundaries of the premises, behind the main building line shall not exceed a maximum height of 1.8m.	☒	☐	☐	
D7 Fencing and associated walls must be positioned so as not to interfere with any existing trees.	☒	☐	☐	
D8 Gates and doors are to be of a type which does not encroach over the street alignment during operation.	☒	☐	☐	
6.0 Solar amenity and stormwater reuse				
Objectives a. To minimise overshadowing of adjoining residences and to achieve energy efficient housing in a passive solar design that provides residents with year round comfort and reduces energy consumption.	☒	☐	☐	The siting of the building is such that surrounding buildings and private open space will receive adequate solar access.
b. To create comfortable living environments.	☒	☐	☐	The development incorporates a suite of energy efficiency and water conservation measure and detailed in the submitted plans and BASIX certificate.
c. To provide greater protection to the natural environment by reducing the amount of greenhouse gas emissions.	☒	☐	☐	
d. To reduce the consumption of non-renewable energy sources for the purposes heating water, lighting and temperature control.	☒	☐	☐	
e. To encourage installation of energy efficient appliances that minimise greenhouse gas generation.				
6.1 Solar amenity **D1** Solar collectors proposed as part of a new development shall have unimpeded solar access between 9:00am to 3:00pm on June 21.	☐	☐	☒	Solar collectors are not proposed and the site does not directly adjoin another dwelling. The shadows cast by the development will not impact on the roof or private open space areas of dwellings on the opposite side of the street.
Solar collectors existing on the adjoining properties shall not have their solar access impeded between 9:00am to 3:00pm on June 21.	☐	☐	☒	
Where adjoining properties do not have any solar collectors, a minimum of $3m^2$ of north facing roof space of the adjoining dwelling shall retain unimpeded solar access between 9:00am to 3:00pm on June 21.	☐	☐	☒	
Note: Where the proposed development is located on an adjacent northern boundary this may not be possible.	☐	☐	☒	
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.	☐	☐	☒	
D3 If the principal area of ground level				

Requirement		Yes	No	N/A	Comments
	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.	☒	☐	☐	The proposal incorporates an open plan living/dining area which has access to an outdoor space in the form of a balcony or a courtyard.
D5	North-facing windows to living areas of neighbouring dwellings shall not have sunlight reduced to less than 3 hours between 9:00am and 3:00pm on June 21 over a portion of their surface.	☐	☐	☒	
D6	Where the proposed residential flat building is on an adjacent northern boundary or located within an area undergoing transition, compliance with D1, D2, D3 and D4 development controls may not be achievable.	☐	☐	☒	
D7	Internal living areas and external recreation areas shall have a north orientation for the majority of units in the development, where possible.	☒	☐	☐	This has been achieved where possible. External recreation areas have a northerly aspect where possible.
D8	The western walls of the residential flat building shall be appropriately shaded.	☒	☐	☐	Appropriate shading structures have been proposed over all balconies.
6.2	**Ventilation**				
D1	Rooms with high fixed ventilation openings such as bathrooms and laundries shall be situated on the southern side to act as buffers to insulate the building from winter winds.	☐	☐	☒	The building and unit layouts are designed to maximise natural ventilation through the use of open-plan living areas and generous openings to living areas and bedrooms.
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.	☒	☐	☐	All units in both the new and existing buildings are dual aspect.
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.	☐	☒	☐	Habitable rooms are located adjacent to external walls.
6.3	**Rainwater tanks**				
D1	Developments may have rain water tanks for the collection and reuse of stormwater for car washing and watering of landscaped areas.	☒	☐	☐	Rainwater tanks are required in accordance with the BASIX requirements.
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.	☒	☐	☐	A condition of consent will be imposed to ensure compliance with the requirements of this part.
D3	The suitability of rainwater tanks erected				

Requirement	Yes	No	N/A	Comments
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 ADCP 2010.	☒	☐	☒	
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 ADCP 2010.	☒	☐	☐	Council's Development Engineer has raised no objection to the proposal subject to the imposition of conditions.
7.0 Ancillary site facilities				
7.1 Clothes washing and drying **D1** Each dwelling shall be provided with individual laundry facilities located within the dwelling unit.	☒	☐	☐	Each unit is provided with laundry facilities. All private courtyards can accommodate outdoor clothes drying facilities in a suitable location and balconies are provided with screens.
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 **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.	☒	☐	☐	All units are provided with a minimum of $8m^3$ of storage space within the unit and in the basement.
D2 Storage space shall not impinge on the minimum area to be provided for parking spaces.	☒	☐	☐	The storage areas do not interfere with the parking spaces.
7.3 Utility services **D1** Where possible, services shall be underground.	☒	☐	☐	
7.4 Other site facilities **D1** A single TV/antenna shall be provided for each building.	☒	☐	☐	A condition of consent is recommended to be imposed in this regard.
D2 A mailbox structure that meets the relevant Australia Postal Service requirements shall be provided, located centrally and close to the major street entry to the site. All letterboxes shall be lockable.	☒	☐	☐	The proposal incorporates suitable locations within the pedestrian entries where a mailbox structure can be located. A condition of consent will be imposed to ensure this requirement is met.
D3 Individual letterboxes can be provided where ground floor residential flat building units have direct access to the street.	☐	☐	☒	
7.5 Waste disposal Applicants shall refer to the requirements held in the Waste Part of this ADCP 2010.	☒	☐	☐	The proposed development has been designed having regard to the waste requirements of the DCP.

Requirement	Yes	No	N/A	Comments
8.0 Subdivision				
8.1 Lot amalgamation **D1** Development sites involving more than one lot shall be consolidated. **D2** Plans of Consolidation shall be submitted to, and registered with, the office of the NSW Land and Property 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.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	The development site is surrounded on all frontages by roads. As such, isolation of adjoining sites is not an issue.
8.2 Subdivision **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. **D2** Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part.	☒ ☒	☐ ☐	☐ ☐	The development is proposed to be strata titled.
8.3 Creation of new streets **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.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	No new streets are proposed as part of the development.
9.0 Adaptable housing				
9.1 Development application requirements Evidence of compliance with the Adaptable Housing Class C requirements of Australian Standard (AS) 4299 shall be submitted when lodging a development application to Council and certified by an experienced and qualified building professional.	☒	☐	☐	
9.2 Design guidelines				

Requirement	Yes	No	N/A	Comments
D1 The required standard for Adaptable Housing is AS4299. Wherever the site permits, developments shall include adaptive housing features into the design.	☒	☐	☐	
External and internal considerations shall include:				
• access from an adjoining road and footpath for people who use a wheel chair;	☒	☐	☐	
• doorways wide enough to provide unhindered access to a wheelchair;	☒	☐	☐	
• adequate circulation space in corridors and approaches to internal doorways;	☒	☐	☐	
• wheelchair access to bathroom and toilet;	☒	☐	☐	
• electrical circuits and lighting systems capable of producing adequate lighting for people with poor vision;	☒	☐	☐	
• avoiding physical barriers and obstacles;	☒	☐	☐	
• avoiding steps and steep end gradients;	☒	☐	☐	
• visual and tactile warning techniques;	☒	☐	☐	
• level or ramped well lit uncluttered approaches from pavement and parking areas;	☒	☐	☐	
• providing scope for ramp to AS 1428.1 at later stage, if necessary;	☒	☐	☐	
• providing easy to reach controls, taps, basins, sinks, cupboards, shelves, windows, fixtures and doors;	☒	☐	☐	
• internal staircase designs for adaptable housing units that ensure a staircase inclinator can be installed at any time in the future; and	☐	☐	☒	
• providing a disabled car space for each dwelling designated as adaptable.	☒	☐	☐	
Note: In the design of residential flat buildings, applicants shall consider the Access and Mobility Part of this ADCP 2010.	☒	☐	☐	
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.	☐	☒	☐	**The provision of adaptable dwellings has been discussed in the SEPP 65 RFDC compliance table.**
(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.				

No. of dwellings	No. of adaptable units
5-10	1
11-20	2
21 – 30	**3**
31- 40	4
41 - 50	5
Over 50	6

Requirement	Yes	No	N/A	Comments
9.3 Lifts **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.	☐	☐	☒	
9.4 Physical barriers **D1** Physical barriers, obstacles, steps and steep gradients within the development site shall be avoided.	☒	☐	☐	
10.0 Development Control Diagrams and Tables				
10.1 Development control diagrams (for residential zones only) Figures 1 to 4 comprise development control diagrams which illustrate the controls for setbacks, communal open space and number of storeys for two (2) scenarios. The following scenarios are provided. (Refer to Diagrams in DCP)	☐	☐	☒	The development control diagrams are not considered to be applicable to the subject application given that they relate to mid blocks and corner blocks of standard configuration. The subject site is triangular in shape and bounded on all sides by roads. The site also comprises existing heritage buildings and significant trees.
10.2 Tables Table 1 - Development standards for road widths	☐	☐	☒	This section of the DCP is not applicable as no new streets are proposed.

- **Former Lidcombe Hospital Site**

The relevant objectives, performance criteria and development controls have been considered in the assessment of the application and are discussed in further detail below. It should be noted that this part of the DCP is applicable to detached, semi-detached and multi dwelling housing types and has limited relevance to a residential flat building.

2.0 Site Planning Principles

The overall objective of this section of the DCP is to ensure that the urban design/structure plan for the site retains key features of the site and responds to these. All of the matters required to be considered were largely addressed under DA-572/2002 for the staged redevelopment of the estate, including landscape and built elements to be retained, location of open space, street layout and hierarchy, pedestrian and cycle circulation and public transport. The subject proposal satisfies the requirements pertaining to the retention of built and landscape elements, car parking and built form, insofar as the heritage significance of the built and landscape elements, including settings and views, are not adversely impacted.

3.0 Heritage

The proposed development satisfies the objectives, performance criteria and development standards pertaining to built, archaeological and landscape heritage insofar as the proposal will not have an adverse impact on the significance of the built, archaeological or landscape heritage of the precinct (NB: This matter has been discussed in detail in the Auburn LEP 2010 Compliance table).

4.0 Landscaping, public open space and public domain

Private open space areas have been designed to accommodate outdoor recreation needs and function as an extension of interior living areas. The landscape design contributes to the amenity of the neighbourhood and streetscape and integrates with the retained significant trees. The proposal is considered to comply with the objectives, performance criteria and development standards pertaining to landscaping.

5.0 Roads and Access Controls

No new roads are proposed as part of the application. Main Avenue and Andres Road have been reconstructed as part of previous approvals.

6.0 Site Planning Controls

6.1 Setbacks (Front, Side and Rear)

The applicable development standards are listed below and a table of compliance follows, summarising the assessment of the proposal:-

- *4m (min) front setback to building façade of habitable rooms*
- *3m (min) front setback for corner lots or lots fronting public open space (providing solar access and other environmental provisions are met)*
- *1.2m (min) side setback for detached dwellings*
- *Nil (min) rear setback for garages and studios on lanes where a minimum separation of 7.5m to the opposite building façade or boundary fence is provided*
- *825mm (min) setback to eaves/fascias*
- *5.5m (min) front setback to garages*
- *2m (max) articulation zone as measured from the primary front setback for structures (including carports, pergolas, entry features & verandahs)*
- *7m (min) between rear loading garage and dwelling*
- *7.5m (min) between garage facade in lane and opposite boundary fence or building facade*

Comment:-

Building No.	Front setback (m)	Side setback & secondary frontage (m)	Rear setback (between rear garage & dwelling) (m)	Front setback to Garage (m)	Setback between garage & opp boundary fence / building facade in laneway (m)	Articulation zone (setback from front boundary) (m)	Complies
72 (RFB)	> 9	> 3.8	N/A	N/A	N/A	N/A	Yes
73 (Multi dwelling)	9.85	N/A	N/A	N/A	N/A	N/A	Yes
74 (Multi dwelling)	**2.25** to >8	N/A	N/A	N/A	N/A	N/A	**No**
A (RFB)	**2.8-3.3**	N/A	N/A	N/A	N/A	-	**No**
B (RFB)	4.5 (approx.)	11 (approx.)	N/A	N/A	N/A	4.5 (approx.)	Yes

The proposed development generally complies with the objectives, performance criteria and development standards pertaining to setbacks with the following exceptions:

- *Front setback*

This matter has been discussed in detail in the ADCP 2010 – Residential Flat Buildings Compliance table. The minimum front setback controls within both parts of the DCP are the same.

6.2 Orientation

This section of the DCP relates to the orientation of organisation of lots so as to ensure that environmental performance guidelines are achieved. The subject lot is existing and the new buildings have been designed within the constraints of the footprints of the existing heritage buildings and significant trees. As discussed throughout the report the development achieves the relevant minimum energy efficient development standards with respect to such matters as solar access and natural ventilation.

6.3 Safety (CPTED) requirements

The proposal responds appropriately to the principles of Crime Prevention Through Environmental Design. For example, dwellings have surveillance of the street, clear and legible building entries are accessible from the street and internal pathways, and hard and soft landscaping elements are to be used to define public and semi-private places whilst minimising opportunities for concealment.

6.4 Private Open Space and Landscaping

The applicable development standards are listed below and a table of compliance follows, summarising the assessment of the proposal:-

- *Detached houses: 70m^2 (min) private open space, 45% (min) landscaped area*
- *Semi-detached houses: 60m^2 (min) private open space, 40% (min) landscaped area*
- *Terrace houses: 35 - 50m^2 (min) private open space, 30 - 40% (min) landscaped area*
- *Studio accommodation: 8m^2 (min) balcony or private courtyard, minimum depth of 2m*
- *4m x 4m (min) dimensions of contiguous private open space*

Dwelling No.	Private open space (sqm)	Provides min 4x4m within private open space	Landscape area (%)	Complies
72.1 - 72.4 (RFB)	N/A	N/A	N/A	N/A
73.1	**66**	Yes	N/A	**No**
73.2	**53**	**No**	N/A	**No**
74.1	**28**	**No**	N/A	**No**
74.2	**23**	**No**	N/A	**No**
A1.1-3.4 (RFB)	N/A	N/A	N/A	N/A
B1.1-3.4 (RFB)	N/A	N/A	N/A	N/A

Buildings 73 and 74 are proposed to be converted to semi-detached style dwellings, that being two attached dwellings within each building. The DCP requires that dwellings of this type have a minimum private open space area of 70sqm. The proposed dwellings are

provided with rear private open space area of between 23sqm and 66sqm. However, all dwellings have generous north-facing landscaped front yards and verandahs. The particular constraints of the site's configuration, historical location of the driveway and building footprints have to a certain extent impacted on the location and configuration of private open space areas. In this instance, it is considered acceptable that open space be provided in both the front and rear of the dwellings as there is adequate area in the rear for clothes drying facilities and ground floor front verandahs with solid balustrades will provide additional privacy for a table and chairs.

6.5 Fencing

The applicable development standards relating to fencing are listed below:

- *Side boundary fencing constructed behind the building alignment setback shall be a maximum height of 1.8m and be constructed from materials which complement the design of the dwelling.*
- *The front and side dividing fences where located within the front yard area shall not exceed a height of 1.2m as measured above existing ground level and shall be a minimum of 50% transparent.*
- *Front and side dividing fences where located within the front yard area shall not be constructed of solid pre-coated metal type materials such as colorbond or similar.*
- *Front fencing that is to provide privacy screening for external living areas shall be considered up to a maximum height of 1.8m if complementary to the dwelling design.*
- *Fencing to secondary road frontages and rear vehicular access shall be a maximum of 1.8m in height at the road boundary from the rear boundary up to the line of the front of the dwelling and must be of materials and design complementary to both the streetscape and dwelling.*
- *Front fences shall be compatible with and sympathetic to the dwelling design.*
- *Fencing styles shall complement both the architectural design of the dwelling and the streetscape. Front fences should not exceed 1.2m in height unless required for provision of privacy to private open space and unless appropriately screened by landscaping and with variations in materials and alignment.*

Fencing is proposed to be provided along Weeroona Road and part of Main Avenue and will be a combination of 1.2m and 1.5m palisade fencing depending on whether it functions as a front fence of to provide privacy to a courtyard. All fencing will be setback from the street frontages and softened by landscaping. The proposal is satisfactory in this regard.

6.6 Ancillary Site Facilities

The proposal complies with the objectives, performance criteria and development standards pertaining to the provision of ancillary site facilities insofar as an open air clothes drying facility is provided in each of the rear yards, and a mail box structure is to be located building entries.

6.7 Site Drainage and Stormwater Management

The proposal complies with the relevant objectives, performance criteria and development standards pertaining to site drainage and stormwater management. Council's Development Engineer has raised no objection to the proposal in this regard subject to the imposition of appropriate conditions of consent.

7.0 Residential Development and Subdivision Controls

7.1 Housing and private domain principles

To guide the built form and character of the private domain and to ensure that a high quality environment is created the following principles are to be met:

- *A range of building types and densities are to be provided. This mix should include detached, semi detached/zero lot line dwellings, town houses and terrace houses along with some studio accommodation above garages that are separate from the dwellings.*
- *Buildings are to address the street and reinforce territorial definition.*
- *Building design is to be responsive to, and integrated with, its environment and adjoining dwellings.*
- *Building design is to be contemporary and be compatible in scale and proportion with the horizontal proportions of the heritage hospital buildings.*
- *The building design is to be energy efficient and may include eaves and other shading devices.*
- *Building design is encouraged to link internal living and external courtyard/garden spaces.*
- *Street facades and appearance are to be considered as part of overall streetscape design.*
- *Building materials and finishes are to be durable.*
- *Private domain landscape is to contribute to the landscape masterplan for the site.*

The proposed development complies with the housing and private domain principles of the DCP.

7.2 Housing objectives

To ensure that residential development of land:

- *creates a high level of residential amenity;*
- *ensures that individual housing design is integrated and sympathetic to the approved masterplan and intended character of the area;*
- *ensures a distinctive architectural approach is adopted using a variety of housing types that incorporate strong contemporary roof forms and modulation, eave overhangs, as well as elements such as louvres that control and regulate the microclimate;*
- *promotes the building of dwellings that maximise the opportunity for energy efficient usage and solar access;*
- *provides residents with a high level of private amenity, particularly in relation to outlook and private open space;*
- *creates a socio-economically diverse residential community that is safe and convenient for residents; and*
- *provides opportunities for social interaction, neighbourhood living, recreation, and cultural and environmental awareness.*

The proposed development complies with the housing objectives of the DCP.

7.3 Subdivision, Allotment Planning, Size and Shape

The applicable development standards are listed below, and a table of compliance follows, summarising the assessment of the proposal:-

- *Detached houses: 12m (min) wide frontage*
- *Detached houses with rear garage: 10m (min) wide frontage*
- *Semi-detached & zero lot line houses: 7.5m (min) wide frontage*
- *Terrace houses & townhouses: 6m (min) wide frontage*
- *Studio accommodation: 10m (min) width, 55m^2 (max) lot size and minimum habitable floor area of 45m^2*

The proposed development is to be strata subdivided with the allotment widths dictated by the division of the existing heritage buildings and therefore, the buildings are dictating the lot configuration in this instance. In any case, the widths of the strata lots for the semi-detached style dwellings complies with the minimum 7.5m wide lot frontage.

7.4 Dwelling Design and Form

The applicable development standards are listed below, and a table of compliance follows, summarising the assessment of the proposal:

- *Dwellings are to be predominantly 2 storeys with some single storey component, 3 storey dwellings will be considered where it can be demonstrated that it enhances the streetscape and/or legibility.*
- *14m (max) building depth for any 2nd or 3rd storey component*
- *3.6m (max) building height from finished ground level to ceiling of upper most floor for single storey and 9.6m (max) for 3 storey*
- *1.0m (max) distance between finished ground and ground floor level; and 1.5m (max) where special siting permits*
- *2.7m (min) – 3.0m (max) floor to ceiling heights for ground floor and 2.4m (min) - 2.7m (max) for 1st and 2nd storeys*
- *Garage door openings are not to exceed 50% of the allotment width*
- *Garage door fronts are to be setback 5.5m from the street boundary and 1.5m from the front dwelling façade (NB: garage door setbacks from street boundary discussed previously)*
- *Carport structures are to be designed as open pergola type structures so they are secondary elements and do not dominate the dwelling façade, max width of 3.5m, min setback of 2m from primary street front boundary and max height of 3.5m*

House No.	No. of storeys	Building depth (2nd storey excl. covered balconies) (m)	Ceiling height (Ground floor) (m)	Ceiling height (First floor) (m)	Garage door width (%)	Garage door setback from Facade (m)	Complies
72.1 - 72.4 (RFB)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
73.1	2	11.5m (approx.)	**2.6**	**2.67**	N/A	N/A	**No**
73.2	2	11.5m (approx.)	**2.6**	**2.67**	N/A	N/A	**No**
74.1	2	11.5m (approx.)	**2.8**	**2.8**	N/A	N/A	**No**
74.2	2	11.5m (approx.)	**2.8**	**2.8**	N/A	N/A	**No**
A1.1-3.4 (RFB)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
B1.1-3.4 (RFB)	N/A	N/A	N/A	N/A	N/A	N/A	N/A

The information submitted by the applicant with respect to floor to ceiling heights indicates that the floor to ceiling heights within the heritage buildings to be converted to semi-detached style dwellings do not comply with the minimum requirements. As the buildings are existing of state significance alterations to ceiling heights are not possible. However, the minimum floor to ceiling under the building code of Australia (BCA) of 2.4m is achieved.

Cumulative controls

- *A minimum of 20% of the total number of dwellings will be detached dwellings*
- *A minimum of 30% of the total number of dwellings shall have garage access from rear*

Of the 800 dwellings approved to date (including the subject application), a total of 25% (203) of dwellings will be detached dwellings and approximately 49% (391) of dwellings have garages accessed from the rear/secondary frontage of the site. It is noted that the subject proposal does not have any detached dwellings. It does however, provide for basement

access for 28 of the 32 dwellings which is taken to contribute to the overall number of dwellings with “garage access from the rear” as the objective of reducing the impact of garages within the streetscape is achieved. Both of the cumulative totals are in excess of the minimum requirements and the proposal, therefore, complies with the DCP in this regard. .

7.5 Density of Dwellings

The DCP references condition 67 of the court issued consent of DA-572/2002 which stipulates a maximum dwelling yield on the site of 750 dwellings. This condition has subsequently been amended and the dwelling yield increased to 810 (DA-572/2002/S).

The cumulative dwellings total approved under all applications to date, and the subject application, is 800. The proposal complies with the DCP and court issued consent in this regard.

7.6 Site coverage

The applicable development standards for site coverage are listed below, and a table of compliance follows, summarising the assessment of the proposal:

- *Detached dwellings – max. 55%*
- *Semi-detached & zero-lot line dwellings – max. 60%*
- *Terrace houses & townhouses – max. 70%*

The proposal generally complies with the objectives, performance criteria and development standards relating to site coverage. As the site is to be strata subdivided and comprises a mix of semi-detached style dwellings and residential flat buildings, the ste coverage for the development has been calculated for the entire site and complies with the the requirements of SEPP 65- RFDC and ADCP 2010 – Residential Flat Buildings.

7.7 Composition within Street Blocks and along Streets

The proposal satisfies the objectives, performance criteria and development standards in so far as the organisation of the buildings relate to the street, open space hierarchy and desired future character of the precinct.

7.8 Architectural Expression

The proposed development appropriately responds to the objectives and performance criteria and complies with the development standards in so far as building facades are modulated and articulated; corner buildings address both street frontages; windows to living areas are directed to the street, to rear private open space and vehicular access areas; and level changes along the street are incremental so as to minimise cut and fill.

7.9 Adaptable Housing

The applicable development standards are listed below, and a table of compliance follows, summarising the assessment of the proposal:

- *A minimum of 10% of the total number of dwellings shall be constructed so as to be adaptable for use by aged or disabled occupants in accordance with the relevant provisions of the Building Code of Australia and Australian Standards.*

Of the 800 dwellings approved to date (including the subject application), 81 dwellings are adaptable (10.1%). It is noted however, that no adaptable dwellings are proposed to be provided in this stage of the development. As discussed in the SEPP 65 – RFDC and ADCP 2010 – Residential Flat Buildings compliance tables, it is reasonable to require that adaptable dwellings be provided within this stage given that the residential flat buildings are to be newly constructed and provide an alternative housing option to the mutli dwelling housing available in the rest of the estate.

7.10 Building Materials

The external finishes of the new residential flat buildings will be compatible with the existing heritage buildings and newly constructed dwellings in the vicinity of the site. The proposed materials satisfy the objectives, performance criteria and development controls

7.11 Solar Amenity

The proposal has been designed in accordance with the objectives, performance criteria and development standards of the DCP in so far as:

- The dwellings have been designed having regard to the principles of passive energy efficient design including orientation, natural ventilation and solar access; and
- Roof and wall insulation, energy efficient fittings and hot water systems are to be installed as per the submitted BASIX certificate.

7.12 Privacy and Overshadowing

The development standards are listed below and a discussion regarding compliance follows:

- *3 hours (min) solar access to 50% of the ground level private open space for a minimum of 80% of all dwellings*
- *3 hours (min) solar access on June 21 to one internal living area for a minimum of 80% of all dwellings*
- *Windows to living areas to face predominantly to the street and to the rear*
- *9m (min) separation required between windows to living areas and directly facing windows and balconies unless other mitigating measures are adopted*
- *First floor balconies not permitted where they directly overlook living areas of adjacent dwellings unless suitable screening is provided*

The siting and design of the dwellings incorporates windows to living areas which face the street and to the rear. Buildings separation has been discussed in the SEPP 65 – RFDC compliance table and is considered to be generally acceptable with conditions of consent recommended to be imposed where adequate screening has not been proposed.

Based on the applications approved to date, including the subject stage, but excluding existing heritage buildings as building orientation and window location cannot be altered, approximately 80% of dwellings achieve the required solar access standards.