

SYDNEY (WEST) CENTRAL CITY PLANNING PANEL

JRPP No	2017SWC080 DA
DA Number	DA-280/2017
Local Government Area	Cumberland Council
Proposed Development	Demolition of all existing structures and construction of 10 storey residential flat building consisting of 117 units with 4 levels of basement parking
Street Address	9-15 Raphael Street, LIDCOMBE NSW 2141
Applicant/Owner	<u>Applicant:</u> Urban Link Pty Limited <u>Owner:</u> BBC Group Pty Ltd
Number of Submissions	Nil
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment Value > \$20 million
List of All Relevant s79C(1)(a) Matters	<p>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (BASIX) • State Environmental Planning Policy (Infrastructure) • State Environmental Planning Policy 55 (Remediation of Land) • State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development) • Auburn Local Environmental Plan 2010 <p>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)</p> <p>List any relevant development control plan: s79C(1)(a)(iii)</p> <ul style="list-style-type: none"> • Auburn Development Control Plan 2010 <p>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)</p> <ul style="list-style-type: none"> • Nil

	<p>List any coastal zone management plan: s79C(1)(a)(v)</p> <ul style="list-style-type: none"> • Nil <p>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</p> <ul style="list-style-type: none"> • Nil
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Planning assessment report • Recommended Conditions of Consent
Recommendation	Approval subject to conditions
Report by	Cumberland Council

Assessment Report and Recommendation

DA-280/2017 GF:EC

SUMMARY

Applicant	Urbanlink Pty Limited
Owner	BBC Group Pty Limited
Application No.	DA-280/2017
Description of Land	Lot 9 DP 397, Lot 10 DP 397, Lot 11 DP 397, Lot 12 DP 397, 9-15 Raphael Street, LIDCOMBE NSW 2141
Proposed Development	Demolition of all existing structures and construction of 10 storey residential flat building consisting of 117 units with 4 levels of basement parking
Site Area	1,761m ²
Zoning	Zone B4 - Mixed Use
Disclosure of political donations and gifts	Nil disclosure
Issues	Height variation with Cl. 4.6 Minor non-compliances with SEPP 65 Minor non-compliances with ADCP 2010

1. Recommendation

That Development Application No. DA-280/2017 for Demolition of all existing structures and construction of 10 storey residential flat building consisting of 117 units with 4 levels of basement parking on land at 9-15 Raphael Street, LIDCOMBE NSW 2141 be approved subject to conditions contained in the attached schedule.

2. History

- 18 September 2015
The Marsden Street Precinct Planning Proposal (PP-3/2014), which involved land bounded by Mark, James, East and Railway Streets, Lidcombe, permitted increased floor space ratio of up to 5:1 and a maximum height of 32m under the B4 – Mixed use zone as part of Amendment No. 14 to the ALEP 2010 which came into effect on 18 September 2015.

- 11 January 2017
Pre-lodgement meeting for demolition of existing structures & construction of ten storey residential flat building comprising of 117 units with 3 levels of basement parking (PL-1/2017) is lodged with the Council and pre-lodgement minutes was issued on 3 April 2017 indicating the proposal will require some modifications in particular the footpath dedication and setback and building design.

- 15 June 2017
Development application DA-280/2017 is lodged with the Council for determination.

- 5 July 2017
Letters were sent to the adjoining property owners and occupants for public notification between 11 July 2017 and 25 July 2017. No submissions were received.

- 4 September 2017
Correspondence is issued to the applicant and a number of issues are raised including:-
 - Splay and footpath dedication
 - Storage area
 - Use of rooms
 - Private open spaces
 - Solar access
 - Accessible car parking spaces
 - Stormwater
 - Traffic and parking
 - Waste collection
 - Road widening
 - Acoustic measures

- 29 September 2017 and 3 October 2017
Modified plans are presented to the Council for assessment. These plans are the subject of this report.

3. Site and Locality Description

The site is known as Lots 9, 10, 11 and 12 in DP 397 being 9-15 Raphael Street, Lidcombe. The site is a corner lot located on the western side of Raphael Street and southern side of Davey Street with a laneway forming its southern curtilage.

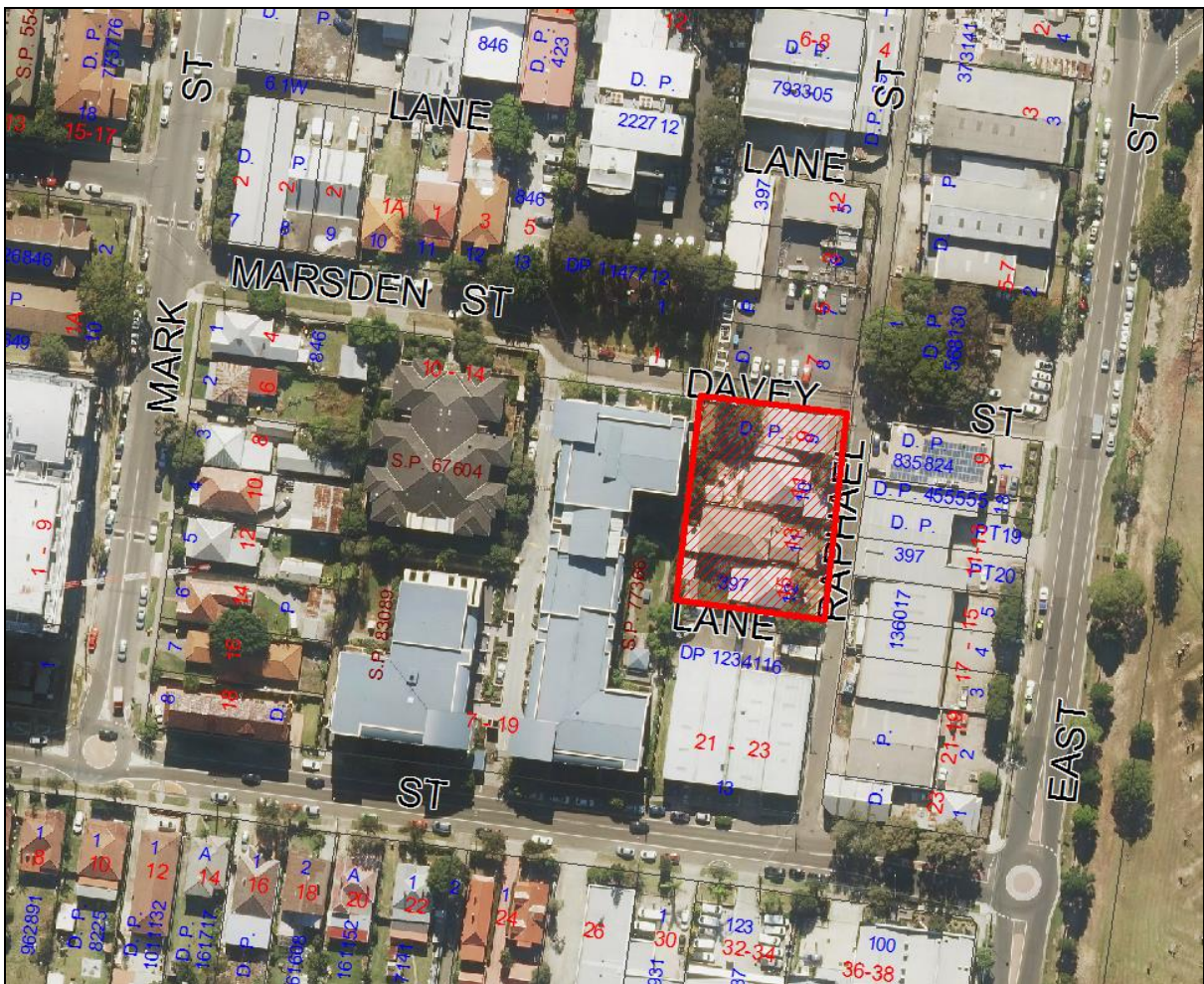
The site is situated within the Lidcombe Town Centre within the B4 Mixed Use zone. The proposal comprises of 4 lots forming a rectangular shaped configuration with frontages to Raphael Street (east) and western side boundary of 49.675m, the Council laneway (south) of 35.46m and the frontage to Davey Street (north) of 35.41m in length. The proposed development creates a combined land area of 1,761m².

Adjoining developments immediately to the west of the subject site are 2 residential flat buildings of 3 storeys over basement parking. To the east of the site across Raphael Street are 1-2 storey industrial warehouses. To the south of the subject site across the Council laneway is a new 10 storey residential flat building over basement parking that is currently under construction. To the north of the subject site opposite Davey Street is private uncovered car park area of the adjoining industrial premises.

The sites are currently improved with single or 2 storey detached dwelling each.

The site provides a gentle slope with a level change of approximately 1.89m across the entire site from the northeast corner along Raphael Street towards the southwest corner of the site.

The site is identified on the map below:



4. Description of Proposed Development

Development application DA-280/2017 proposes the demolition of all existing structures and construction of 10 storey residential flat building consisting of 117 units with 4 levels of basement parking.

The development application has the following components:

Basement

Basement Level 4 having room for 34 vehicles, Basement Level 3 having 47 vehicles, Basement Level 2 having 47 vehicles and Basement Level 1 having 29 vehicles for a total of 157 vehicles.

The plans indicate the basements having:-

- 133 residential parking spaces including 10 accessible spaces and 24 visitor spaces and 2 accessible spaces
- Vehicular access ramp from Raphael Street
- Two lifts connecting the basement with the rest of the development
- Two fire isolated stairwells
- 46 Bicycle / Motorbike parking bays
- 105 Storage rooms

It is noted that the basement car park layout shall be amended to provide compliant accessible car parking spaces and a total of 13 accessible car parking spaces for the required 13 adaptable units. Therefore, the number of car parking spaces available within the basement car park will be reduced. Please refer to the report below for further discussion.

Residential flat building

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

The building will have a height of 34.76m from the natural ground level to the topmost part of the building being the lift overrun and shading structures for the rooftop private open space located to the centre of the building.

The building complex will contain 117 residential apartments encompassing the following:-

- 2 x studio
- 74 x 1 bedroom units
- 41 x 2 bedroom units

The ground level includes a driveway ramp along the eastern side of the site, services, a common open space and 11 residential units. Vehicular access to the site is via Raphael Street and pedestrian entrances are via Davey Street and Raphael Street.

A 2.5m and another 2m wide pedestrian footpath and widened carriageway wide will be dedicated to Council along the Raphael Street frontage and Davey Street frontages respectively.

After the land dedication, the building has been designed to observe nil setback from the southern Council laneway as well as portions of the western elevation.

The includes a communal open space on rooftop of the development occupying an area of approximately 736m² and partial shade created by a pergola.

Other important features of the building includes:-

- 2 x Lift access for all levels
- Second communal open space on the ground floor and a communal landscape are along the Raphael Street frontage over the provided OSD location.
- Garbage room and waste collection area on the ground floor level

5. Referrals

(a) Internal Referrals

Development Engineer

The development application was referred to Council's Development Engineer and the initial comments received raised concerns with regard to stormwater drainage, parking and vehicle access.

Upon review of the information and subsequent amended plans, Council's engineer advised that proposed development is satisfactory due to the provision of adequate car parking and vehicle access to the site. The stormwater drainage concept design is acceptable and the waste collection is capable of being satisfactory by increasing the basement headroom to 4m. Appropriate conditions of consent have been included into the consent where appropriate.

Environmental Health

The development application was referred to Council's Environmental Health Officer for comment who has generally raised no objections to the proposal as a preliminary Site Investigation report was submitted with the current application that indicated that the site is suitable for the proposed use.

(b) External Referrals

NSW Police

The development application was referred to the NSW Police Crime Prevention Officer for advice on the design of the complex. The Crime Prevention Officer responded on the 30 June 2016 and indicated no objections subject to conditions related to the provisions of suitable signage, lighting, CCTV, landscape design preventing concealment and the like. It is intended that the matters be addressed by the inclusion of appropriate conditions on any development consent that may be issued.

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

State Environmental Planning Policies

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

The requirement at Clause 7 of SEPP 55 has been considered in the following table to ensure the site is suitable or can be made suitable to accommodate the proposed development. A Preliminary Site Investigation report prepared by STS GeoEnvironmental Pty Ltd (Report No. 16/0011 Project No. 20739/6439C) on January 2016 was submitted with the application. The report did not reveal any potential matters of concern with regard to contamination and concludes that the site is suitable for its intended use.

Council's Environmental Health Officer has reviewed the reports and determined that the site is suitable to support such a development given that the report provides that the site is suitable for the proposed use.

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

As the development relates to a new residential development, a BASIX certificate has been submitted to accompany the development application. The plans and details submitted with the development application which satisfy the relevant BASIX commitments and required to be endorsed as the development application plans. Conditions can be imposed on the development consent to ensure that the development will be in accordance with all specified BASIX commitments.

(c) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)

The provisions and design quality principles of Schedule 1 of SEPP 65 and Apartment Design Guide (ADG) have been considered in the assessment of the development application. 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 ADG as discussed below.

State Environmental Planning Policy 65

Requirement	Comment
Clause 2 Aims, objectives etc.	The proposal is generally considered to satisfy the aims and objectives of SEPP 65. Some aspects of non-compliance are identified with this policy, and these are discussed in greater detail below.
Principle 1: Context	<p>The site is bound by laneway to the south, Raphael Street to the east and a Davey Street to the north.</p> <p>The area is in transition in which the current urban form is being replaced with residential and mixed use developments and are likely to continue for the foreseeable future.</p> <p>There is a residential flat building situated on land to the immediate west which is three storeys high.</p> <p>There are a number of developments occurring within the town centre of Lidcombe which is changing the dynamics of the town centre. This is an ongoing process that will continue for some time.</p> <p>This development continues the changes that are occurring within or close to the Lidcombe Town Centre.</p>
Principle 2: Built Form and Scale	<p>The development application is seeking consent for a ten storey residential flat building.</p> <p>The building will present a strong façade to Raphael Street and Davey Street.</p> <p>Similar floor plates are used for each residential floor.</p> <p>The communal open space on the ground floor and the landscape strip along the Davey Street frontage allow for the introduction of planter boxes for landscaping elements.</p>
Principle 3: Density	<p>The site is zoned for mixed use development and is located in the Lidcombe Town Centre and the maximum allowable density on site is 5:1.</p> <p>The proposed development has an FSR of 4.77:1 and complies with the maximum FSR for the site. The proposed development is, therefore, of an appropriate density.</p>
Principle 4: Sustainability	<p>A BASIX Certificate and relevant reports have been submitted with the development application.</p> <p>The certificates require sustainable development features to be installed into the development.</p>

Requirement	Comment
	<p>The proposal will incorporate features relating to ESD in the design and construction of the development inclusive of water efficient fixtures and energy saving devices.</p> <p>The development achieves a good level of cross ventilation throughout the development with a majority of the proposed units having dual aspects or diagonal cross ventilation.</p>
Principle 5: Landscape	<p>Given that the subject site is located in a town centre, deep soil zones are not considered to be practical due to requirements for basement parking and desired built forms requiring nil street setbacks to create a defined street edge.</p> <p>The site is provided with common area occupying some 136m² across the ground level. There is a second common area situated on rooftop area occupying an area of 736m².</p> <p>An additional communal landscape area is integrated into the building design along the Raphael Street frontage to soften the building design on the ground level.</p>
Principle 6: Amenity	<p>The proposal will deliver sufficient amenity to residents of the building. The proposal generally achieves compliance with the ADG in this regard which contains many amenity controls.</p> <p>The building design incorporates access and circulation, apartment layouts, floor area, ceiling height, private open space, common open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities. The proposal is considered to generally comply with the ADG and ADCP 2010 which contains numerous amenity controls.</p> <p>Suitable access is provided to all parts of the building, through the efficient use of lift to access all levels.</p> <p>The development is considered to provide an appropriate level of amenity for future residents.</p>
Principal 7: Safety	<p>Passive surveillance of public space is maximised through orientation of units.</p> <p>The position and orientation of the various building elements allow balconies and habitable rooms of apartments to overlook the streets and central courtyard on the podium level.</p> <p>The main pedestrian entrance is visible from the street.</p> <p>Safety is achieved by separating the pedestrian paths from the vehicular driveway.</p> <p>All access paths shall be suitably illuminated at night.</p> <p>Lighting shall be provided to all common areas including the car parking areas as well as the stairs and access areas to external courtyards.</p> <p>Dark unlit areas and entrapment areas within the basement have been avoided or minimised.</p>
Principal 8: Housing Diversity and Social Interaction	<p>The apartment mix is considered to be satisfactory.</p> <p>The specifics of the building are:-</p> <ul style="list-style-type: none"> - 2 studio unit - 73 x 1 bedroom apartments. - 41 x 2 bedroom apartments. <p>Of those there are 13 adaptable apartments out of a total of 117 apartments and all of them are 1 bedroom units.</p> <p>The site is within the Lidcombe Town Centre and close to associated services.</p> <p>Services are readily available close by such as shopping facilities, public</p>

Requirement	Comment
	transport, schools, healthcare and religious activities. The mix of apartments is satisfactory.
Principle 9: Aesthetics	The mixed use building has an attractive contemporary appearance and utilises building elements that provide individuality to the development without compromising the streetscape or detracting from the appearance of existing surrounding development. The building respond well in this regard with its provision of good aesthetics through the use of high quality materials, attention to detail in its internal spaces and how it addresses the street frontages. The building provides an appropriate response to the existing and likely future character of the locality.
Clause 28 Determination of DAs	Cumberland Council does not employ a formal design review panel. The design quality principles are considered above and the ADG is considered in the assessment table immediately below.

Apartment Design Guide

This report provides an assessment and planning commentary on non-compliances with the Apartment Design Guide. A full assessment against the controls in the Apartment Design Guide is available on Council file.

Part 3E1 - Deep soil zones														
3E-1 Design criteria Deep soil zones are to meet the following minimum requirements: <table border="1" data-bbox="240 1064 719 1126"> <thead> <tr> <th>Site Area</th> <th>Dimensions</th> <th>Deep Soil</th> </tr> </thead> <tbody> <tr> <td>> 1,500m²</td> <td>6m</td> <td>7%</td> </tr> </tbody> </table>		Site Area	Dimensions	Deep Soil	> 1,500m ²	6m	7%	<p><i>Given the location of the site within the Lidcombe Town Centre, a deep soil zone is not provided within the site.</i></p> <p><i>The criteria specified cannot be achieved given the need to provide basement parking and the design of the floor plate. A compliant deep soil zone is not achievable in this instance.</i></p>						
Site Area	Dimensions	Deep Soil												
> 1,500m ²	6m	7%												
Part 3F - Visual privacy														
3F-1 Design criteria Minimum separation distances from buildings to the side and rear boundaries between windows and balconies are provided to as follows: <table border="1" data-bbox="240 1373 719 1630"> <thead> <tr> <th>Building height</th> <th>Habitable rooms & balconies</th> <th>Non habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>		Building height	Habitable rooms & balconies	Non habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p><i>Although the proposal fails to provide the required building separation from the southern rear boundary and western side boundary, it is considered the proposal remains compliant with this standard given no windows are proposed on the part of the building that presents nil setback from the boundary.</i></p> <p>South: <i>The development proposed nil setback from the southern boundary. The subject site adjoins to a new 10 storey residential flat building (currently under construction) at 9-11 Raphael Street across the access laneway. This laneway is 4.27m in width and is currently unused. Given that no windows are proposed on the southern elevation of the development, overlooking onto the new 10 storey residential flat buildings at 9-11 Raphael Street will be minimal. In addition, the subject site is located within B4 Mixed Use zone of the Lidcombe Town Centre, nil setback with minimal amenity impact on the adjoining property is deemed acceptable.</i></p> <p>West: <i>Currently a 3 storey residential flat building is constructed to the west and this building is designed to provide 3m setback from the common side boundary.</i></p> <p><i>The proposed development provides nil setback to 15.2m portion of the entire length of the western side boundary. It is noted that no windows are proposed on this portion of the building and balconies adjoins to this western side</i></p>
Building height	Habitable rooms & balconies	Non habitable rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												

	<p><i>boundary will be screened with a solid wall. The building separation increased to 9m where west facing windows and balconies are proposed and privacy screens will be installed to mitigate any visual impact from these areas.</i></p> <p><i>The building separation proposed on this western boundary is considered to be acceptable given the part that is proposed to be built to the boundary will not result in unacceptable amenity impact on any residential units with regards to privacy and solar access.</i></p> <p><i>Given the orientation of the site and its position within the town centre, the non-compliance is considered acceptable in this instance.</i></p>															
<p>Part 4D - Apartment size and layout</p>																
<p>4D-3 Design Guidance The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high.</p>	<p>Complies. Wardrobes in all master bedrooms are designed to comply with this requirement.</p>															
<p>Part 4E - Private open space and balconies</p>																
<p>4E-1 Design Criteria All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="240 913 722 1196"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1 bedroom apartments</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom apartments</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3 plus bedroom apartments</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3 plus bedroom apartments	12m ²	2.4m	<p>Complies. All units are designed to provide at least one balcony that achieved the minimum size and dimensions of the relevant dwelling type.</p>
Dwelling type	Minimum area	Minimum depth														
Studio apartments	4m ²	-														
1 bedroom apartments	8m ²	2m														
2 bedroom apartments	10m ²	2m														
3 plus bedroom apartments	12m ²	2.4m														
<p>Part 4F - Common circulation and spaces</p>																
<p>4F-1 Design criteria The maximum number of apartments off a circulation core on a single level is eight.</p>	<p>Complies. A maximum of 10 apartments are proposed from each access corridor which is considered acceptable in this instance. Having considered two lifts are provided within the development with each servicing an average of 6 apartments on each level and the proposal is designed to provide 1 to 2 bedroom apartments predominantly. Therefore, the average usage of each lift is much less than 8 apartments on a single level.</p>															
<p>Part 4L - Ground floor apartments</p>																
<p>4L-1 Design Guidance Direct street access should be provided to ground floor apartments.</p>	<p>Complies. All ground floor units are accessible via the main pedestrian access corridor due to the slope of the site. However, proposed development is designed to provide terraces and open spaces to the front of the ground floor units to soften the front building façade to maximise street frontage activity along the street levels.</p>															

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

The site is located within the area within the Sydney Harbour Catchment and SREP (Sydney Harbour Catchment) 2005 is applicable to the development application. The development application raises no issues as consistency with the requirements and objectives of the *Auburn Development Control Plan 2010*.

(e) Auburn Local Environmental Plan 2010 (ALEP)

The provision of the ALEP 2010 is applicable to the development proposal. The application primarily seeks Council's approval to construct a new 10 storey residential flat building over 4 levels of basement car park for 157 vehicles within the Lidcombe Town Centre. A summary of major controls is discussed as below. A detailed report is available on Council file.

Part 2 – Land Use Table

The subject site is identified within the B4 Mixed Use zone within the Lidcombe Town Centre. The proposed residential flat building achieves compliance with the core statutory requirements of the ALEP 2010 and the objectives of the B4 Mixed Use zone.

Part 4, Clause 4.3 – Height of Buildings

The relevant Height of Buildings Map of the ALEP 2010 indicates a maximum 32m building height applies to the site.

As shown on the architectural plans, the proposal seeks approval to construct a new 10 storeys residential flat building over 4 levels of basement car park with a maximum height of 34.76m at its highest point when measured from the natural ground level. This will result in a variation of 2.76m or 8% to the permissible height.

A Clause 4.6 Variation of Development Standard was submitted with the application seeking Council's approval for 2.76m variation to the lift overrun and shading structures. The applicant contends that the variation should be supported by Council for the following reasons:

- *The proposed development is consistent with the objectives of the zone and the objectives of the building height control.*
- *The proposal does not result in any adverse impact from adjoining properties.*
- *The height variation equates to a maximum 2.76m for a minor portion of the building and is not visually prominent.*
- *The area of exceedance is for communal open space and does not contain any habitable space.*

The review of the written variation and the proposed development confirmed that the proposed variation to this development standard is acceptable.

It is noted that the main part of the proposed development does not exceed the maximum permissible height except the lift overruns and shading structure over the rooftop communal open spaces. The structures are designed to facilitate the use of roof area as communal area. It is located centrally to the proposed building which will not be a readily visible element to the building.

In addition, the rooftop terrace is proposed to provide rooftop communal open space and landscape area to compensate the missing of deep soil planting area and to comply with the ADG and ADCP 2010 requirements.

In general, the proposed development is consistent with the intended scale of development in the B4-Mixed Use zone and will achieve a better outcome than insisting on strict compliance and the loss of the common open space are on the rooftop level.

It is considered the non-compliant does not give rise to any additional density, rather than the provision of the communal open space area on the rooftop. The non-compliant is minor in this regard.

As discussed in the report below the proposal does not exceed the FSR requirement as identified in the ALEP 2010. The non-compliant is relatively minor and will not result in any amenity issue to the adjoining properties.

Therefore, the proposed variation to the development standard is considered minor in this regard and may be supported.

Part 4, Clause 4.4 – Floor Space Ratio

Generally, a floor space ratio of 5:1 applies to the subject site in accordance with the Floor Space Ratio Map of the ALEP 2010.

A floor space ratio of 4.77:1 which is equivalent of a total of 8,397m² of gross floor area is proposed for the development to accommodate the proposed 10 storey residential flat building for 117 residential units over 4 levels of basement car park. Whilst the garbage room on the ground floor is included in the GFA calculation, all basement storage, parking spaces, manoeuvring area, loading/unloading area and plant room are excluded from the calculation in accordance with the ALEP 2010 definition.

Accordingly, the development complies with the floor space ratio requirement.

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

There are no draft planning instruments that will apply to the development application.

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

(a) Auburn Development Control Plan 2010 (ADCP)

The relevant objectives and requirements of the ADCP 2010 have been considered in the assessment of the development application. The summary of the assessment is identified in the content of the report below:

i) Local Centres

This report provides an assessment and planning commentary on non-compliances with the Local Centres DCP. A full assessment against the controls in the Local Centres DCP is available on Council file.

3.0 Streetscape and Urban form	
3.2 Setbacks	
D1 New development or additions to existing development shall adopt front	<i>A front setback of 4-6m applies to the development site along the Raphael Street and Davey Street frontages as</i>

<p>setbacks, as shown in Figure 2 (refer to section 14.2 Setbacks for Auburn Town Centre) and Figure 7 (refer to section 15.2 Setbacks for Lidcombe Town Centre). External walls – 1500mm for two storeys.</p>	<p><i>per Figure 7 of Section 15.2.</i></p> <p><i>The proposal seeks Council's variation to part of the eastern elevation (36.78%) of the building towards the Davey Street corner which observes nil to 3m setback.</i></p> <p><i>Despite this variation on part of the eastern elevation towards the corner of the building, the rest of the building along Raphael Street and Davey Street provide a minimum 4m setback from the street frontages which complies with the setback requirement of this clause.</i></p> <p><i>In addition, it is noted that a 2.5m and 2m wide strip of land will be dedicated to Council to the full width of the site for Raphael Street and Davey Street pedestrian pathway widening respectively.</i></p> <p><i>The proposed development encloses the streetscape, provides a greatly enhanced visual outlook to Raphael Street and Davey Street provide a built form which is consistent with the desired future character of the Lidcombe Town Centre.</i></p> <p><i>As such, the proposed setback along with the variation is considered appropriate.</i></p>
<p>15.0 Lidcombe Town Centre</p>	
<p>15.2 Setbacks D1 Setbacks within the town centre shall be consistent with Figure 7.</p>	<p><i>The matter has been addressed earlier in the report under Part 3.2 above.</i></p> <p><i>A variation is identified but it is determined that the variation may be supported. The proposed front boundary setback is considered acceptable because it accentuate the streetscape and greatly enhances the visual outlook to Davey Street and Raphael Street and provides a built form which is consistent with the desired future character for the Lidcombe Town Centre.</i></p>

ii) Parking and Loading

The relevant requirements and objectives of the Parking and Loading part of the ADCP 2010 have been considered in the assessment and is considered satisfactory.

Given that the development is located within a B4 mixed use zone and is within 1,000m of a railway station in the Lidcombe Town Centre, the specific provisions of 5.1.5 of this part applies.

The parking requirement is specified below:

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

Component of Building	Min. Car parking spaces required	Max. car parking spaces required
No. of Bedrooms		
Studio/1 bedroom	1.0 parking space	1.0 parking space
2 bedrooms	1.2 parking spaces	3.0 parking spaces
3 bedrooms	1.5 parking spaces	4.0 parking spaces
4 or more bedrooms	2.0 parking spaces	6.0 parking spaces
Visitor car parking area		
0 - 50 units	4.0 parking spaces	10.0 parking spaces
51- 100 units	8.0 parking spaces	25.0 parking spaces
101 - 250 units	12.0 parking spaces	55.0 parking spaces
251 or more units	16.0 parking spaces	65.0 parking spaces

The calculation of the required parking for the development based on revised 117 residential units is demonstrated below:

Component of Building	Number of units	Min. No. of Parking	Max. No. of Parking
Studio	2	2	2
1 bed	74	74	74
2 bed	41	50	123
Visitor	-	12	55
Total	117 units	Min. 138 parking spaces	Max. 254 parking spaces

Although the proposed basement car parking has been designed to accommodate a total of 157 vehicles including 10 accessible car parking spaces, the review of the architectural plans identified that there is a shortfall of 3 accessible car parking spaces to cater a total of 13 adaptable units based on the scale of the proposed residential flat building. As such, the basement car park shall be amended to provide 13 accessible car parking spaces and associated share spaces on site to cater for the post adaptability of nominated units. In this regards, the proposed basement car park layout will be amended to indicate 154 car parking spaces only.

- Required No. of car parking spaces as per DCP = 138 (minimum) – 254 (maximum)
- **Required No. of car parking as per ADG = 107 (83 Residential & 24 visitor)**
- No. of car parking spaces = 157

It should be noted that 13 of the 157 spaces are to be designated accessible to cater for the post adaptability of nominated units and 24 spaces are designated as visitors' spaces.

The development is considered to provide sufficient parking to service the residential development. The development is considered acceptable with regard to the Parking and Loading section of the ADCP 2010.

iii) Residential Flat Buildings

This report provides an assessment and planning commentary on non-compliances with the Residential Flat Building DCP. A full assessment against the controls in the Residential Flat Building DCP is available on Council file

2.0 Built Form	
2.2 Site coverage Development controls D1 The built upon area shall not exceed 50% of the total site area.	<p><i>The building occupies 94.89% of the site on the ground floor level. It is not feasible to achieve compliance with the stated provision due to the zoning, location of the site within the Lidcombe Town Centre, footpath dedication, parking provision and the applicable planning controls that allows a high floor space ratio. It is considered appropriate to permit a variation to the stated provision in this instance.</i></p>
2.3 Building envelope D2 The maximum building footprint dimensions, inclusive of balconies and building articulation but excluding architectural features, is 24m x 45m for sites up to 3,000m²	<p><i>The ground floor level is considered to be appropriately designed notwithstanding its dimensions.</i></p> <p><i>The proposed development is L-shaped design has a maximum building footprint of approximate 20m x 32.91m on one elevation and 44.675m x 21.2m on the other elevation which occupies an area of approximate 1,177.6m² excluding the communal open space on the ground floor which is open to the elements.</i></p> <p><i>Therefore, the proposed development is considered acceptable given that it is constrained by its location and zoning.</i></p>
2.4 Setbacks	

<p>Development controls 2.4.1 Front setback D1 The minimum front setback shall be between 4 to 6m (except for residential flat development in the B1 and B2 zones) to provide a buffer zone from the street where residential use occupies the ground level.</p> <p>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.</p> <p>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.</p>	<p><i>The subject site is located within the B4 Mixed Use zone.</i></p> <p><i>As discussed in the report above, the proposal does not satisfy the numerical setback requirement for the Site 7 – Marsden Street of Lidcombe Town Centre.</i></p> <p><i>However, given the corner location of the site, the setback variation to the development along Raphael Street towards Davey Street corner is appropriate.</i></p> <p><i>The site has a frontage to a laneway but the 2m setback from the lane is not provided. The setback from the lane (southern boundary) is "nil". A review of the laneway confirmed it is currently unused and no windows are proposed on the southern elevation of the development immediate abutting the southern side boundary of the site, thereby overlooking onto the balconies of the new 10 storey residential dwelling (currently under construction) at 21-23 James Street will be minimal. In addition, the subject site is located within B4 Mixed Use zone of the Lidcombe Town Centre area, nil setback with minimal amenity impact on the adjoining properties is deemed acceptable.</i></p> <p><i>The building at ground level occupies the whole site except for the communal open space area at the rear and some landscape areas proposed along Raphael Street and Davey Street curtilage which provides some greenery to the built form.</i></p>
<p>2.5 Building depth</p> <p>Development controls D1 The maximum depth of a residential flat building shall be 24m (inclusive of balconies and building articulation but excluding architectural features).</p>	<p><i>The development proposed a variable building depth between 15m to 43m when measured from wall to wall from Raphael Street elevation and 19m to 32m from wall to wall from Davey Street elevation. However, the variation is considered acceptable in spite of the non-compliance with this numerical requirement.</i></p> <p><i>The development is articulated to respond to the shape of the allotment. The performance of the apartments in relation to solar access and natural ventilation is generally considered acceptable and compliant with the ADG requirements</i></p> <p><i>The communal open space on the ground level and proposed built form allows for increased amenity to each unit.</i></p> <p><i>Therefore, a variation is supported in this regard as it is not considered to adversely affect the residential amenity of the units.</i></p>
<p>3.0 Open space and landscaping</p>	
<p>3.3 Deep soil zone</p> <p>Development controls D1 A minimum of 30% of the site area shall be a deep soil zone.</p> <p>D2 The majority of the deep soil zone shall be provided as a consolidated area at the rear of the building.</p> <p>D3 Deep soil zones shall have minimum dimensions of 5m.</p>	<p><i>The basement occupies the entire site prohibiting the provision of any deep soil zone. The design is considered acceptable in this instance as the development site is located within the Lidcombe Town Centre. The area is a relatively dense urban area which restricts the provision of deep soil zones. Suitable stormwater management measures are proposed and soft landscaping accommodating shrubs vegetation form an integral part of the communal open space areas on ground.</i></p>

<p>D4 Deep soil zones shall not include any impervious (hard) surfaces such as paving or concrete.</p>	
<p>4.0 Access and car parking</p>	
<p>4.2 Basements</p> <p><i>Performance criteria</i> P1 Basements allow for areas of deep soil planting.</p>	<p><i>As discussed above, the basement occupies the entire site prohibiting the provision of any deep soil zone. The soft landscaping proposed within the communal open space areas on ground level and rooftop area is considered to be an acceptable alternative rather than a strict compliance with this requirement.</i></p>
<p>5.0 Privacy and security</p>	
<p>5.4 Fences</p> <p><i>Development controls</i> 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.</p>	<p><i>A fence wall like structure faces Raphael Street and Davey Street which varies in height from 600mm to 1m due to the slope of the land. The fence features horizontal slats above a solid base. The design is compatible with the B4 Mixed Use town centre setting of the site.</i></p>

iv) Access and Mobility

The relevant requirements and objectives of the Access and Mobility part of the ADCP 2010 have been considered in the assessment of the development application. Council may be satisfied that the proposal satisfies the requirements of the ADCP 2010 in general as equitable access is provided to the development from the street/basement levels and suitable accessible facilities are provided within the building. The development, with minor amendments, is able to provide disabled car parking spaces for each proposed post-adaptable unit. Further, relevant conditions for the development to comply with Australian Standard AS1428 and the *Building Code of Australia* regarding disabled access is included in any consent if the application is recommended for approval. In this regard the application is considered to be consistent with the objectives and relevant requirements of the ADCP 2010.

v) Stormwater Drainage

The development application was referred to Council's Development Engineer and the comments received raised concerns with regard to stormwater drainage, waste collection, parking and vehicle access.

Whilst Council's Engineer advice dated 16 December 2017 indicated that minor concerns regarding parking configuration, stormwater drainage and waste collection remained outstanding, it was further advised that Council staff may support the proposal subject to minor amendment to the proposal plans to incorporate a 4m headroom height to the garbage collection area.

vi) Waste

The relevant requirements and objectives of the Waste part of the ADCP 2010 have been considered in the assessment of the development application. Suitable arrangements for waste management have been proposed as part of this development application and appropriate conditions imposed. Council raises no major concerns in this regard.

(b) Auburn Development Contributions Plan 2007

The development would require 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.

The Section 94 Contributions will be based upon the following criteria:-

Residential:

- 76 x studio or 1 bedroom apartments
- 41 x 2 bedroom apartments

Total: 117 units

The contribution amount is \$457,903.06. The specified amounts are subjected to the CPI.

9. 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.

10. 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 *Environmental Planning and Assessment Regulations 2000*.

11. 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.

12. 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 to 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.

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

Public Notification

Advertised (newspaper) Mail Sign Not Required

In accordance with Council's Notification of Development Proposals section as identified in the *Auburn Development Control Plan 2010*, the initial proposal was publicly exhibited for a period of fourteen (14) days between 11 July 2017 and 25 July 2017. No submissions were received in respect of the proposed development.

14. 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.

15. 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”.

16. Conclusion

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and this report has been prepared for the information of the Joint Regional Planning Panel.

The proposed development is appropriately located within the B4 – Mixed use zone under the relevant provisions of *Auburn Local Environmental Plan 2010*. The proposal is generally consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with the ADG and Council's controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

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 is recommended to the South West Central Planning Panel for a approval subject to conditions.