

SYDNEY WEST CENTRAL PLANNING PANEL ADDENDUM REPORT

Panel Reference Number	2017SWC096
DA Number	DA 307/2017
Local Government Area	Cumberland Council
Proposed Development	Demolition of existing structures and construction of a mixed-use development comprising 2 residential towers, 3 levels of retail / commercial uses, 3 levels of basement parking including alterations and additions to the Village Tavern on the corner of Queen Street and Harrow Road and associated stormwater and landscape works
Street Address	41 Auburn Road, Auburn
Applicant/Owner	ABC Planning (Anthony Betros) / Auburn Shopping Village Pty Ltd
Number of Submissions	Four (4)
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment Value \$64,400,000 (>\$20 million)
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (BASIX) 2004 • State Environmental Planning Policy No. 64 – Advertising and Signage • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • Auburn Local Environmental Plan (LEP) 2010 • Auburn Development Control Plan (DCP) 2010
Recommendation	Refusal
Report by	William Attard, Senior Planner – Cumberland Council
Meeting date	8 February 2018

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ATTACHMENTS

Attachment 1 – Draft Notice of Determination

1 Executive Summary

- 1.1 Council is in receipt of a Development Application from ABC Planning (Anthony Betros) for a development involving a mixed use development with 2 residential towers above commercial / retail at 41 Auburn Road, Auburn. The Development Application seeks approval for the demolition of existing structures and construction of a mixed-use development comprising 2 residential towers, 3 levels of retail / commercial uses, 3 levels of basement parking including alterations and additions to the Village Tavern on the corner of Queen Street and Harrow Road and associated stormwater and landscape works.
- 1.2 Due to a late submission received by the Panel from the Applicant, the panel adjourned the matter, seeking a response by Council to the submission received.
- 1.3 The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979, including likely impacts, the suitability of the site for the development, and the public interest, and the proposed development is not considered appropriate.
- 1.4 The recommendation of the Panel stands, that being that the Sydney West Central Planning Panel Refuse the Development Application, subject to the Refusal Notice provided at **Attachment 1**.

2 Background

- 2.1 Following an extensive review of the application, the application was referred to the Sydney West Central Planning Panel on 21 December 2017 for determination.
- 2.2 Due to the late submission received by the Panel from the Applicant, the panel adjourned the matter, seeking a response by Council to the material submitted.

3 Response to Submission Received

- 3.1 The following response is provided to the submission received from the Applicant, dated 29 November 2017.

1. ***Failure to submit documentation demonstrating compliance with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979), with regard to the following:-***

Applicant: *A full document was submitted with the DA lodgement on the 20 July 2017, covering the Pre-Lodgement response, Design Principles and the SEPP65 Apartment Design Code checklist, together with 7 report attachments, which will be referred to in the following response.*

Council: As specified, documentation demonstrating compliance with SEPP 65 has not been submitted.

Clause 28(2) – Determination of Development Applications

- 1.1 ***In determining a Development Application for Consent to carry out development to which this Policy applies, a Consent Authority is to***

take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):

....

(c) the Apartment Design Guide

3C – Public Domain Interface

1.1.1 Objective 3C-1 reads as follows:-

- **Transition between private and public domain is achieved without compromising safety and security.**

The proposal does not maintain safety and security between the public and private domain, due to the following:-

Applicant: *Clear demarcation has been defined on each level as outlined in the Crime Risk Analysis, the drawings and as detailed below, Refer the DA SEPP 65 Apartment Guide Code checklist Section 3C.*

Council: A separation between the different uses should exist, to maintain the safety and security of the residential area for residents and visitors. The proposed access arrangements, as dot pointed below, are not appropriate.

- **A double door arrangement is present between the commercial area and residential area on Level 1 within Residential Tower 1.**

Applicant: *The access door is to enable resident access to the retail centre at each level with a security door that is controlled by the Centre Management as outlined in the Crime Analysis report.*

Council: Refer to commentary above.

- **A double door arrangement is present between the balcony area of the Restaurant, known as Restaurant 136.58m², and the communal open space area on Level 1.**

Applicant: *The security door to the residential recreation area is a designated fire egress door that will be security controlled by management for emergency use only.*

Council: Refer to commentary above.

- **Access is proposed between the bar area and communal open space area on Level 1.**

Applicant: *No access is proposed the door is for emergency use only and security controlled.*

Council: Refer to commentary above.

3D – Communal Open Space

1.1.2 Objective 3D-2 reads as follows:-

- ***Communal open space is designed to allow for a range of activities, respond to the site conditions and be attractive and inviting.***

There is an impediment for future residents within Residential Tower 1 – Level 1 to access the principal communal open space area within Level 1, which is unacceptable. Access is only afforded via the use of the lift to Level 2, only to require the person/s to then utilise the steps / separate lift within the area identified as C1 and go down to Level 1, to access the communal open space area.

Applicant: Refer the DA SEPP 65 Apartment Guide Code check list Section 3D.

There is no impediment at level 1 or level 2, the communal space is accessed via a split level communal internal space, which has its own stair and accessible platform lift joining both levels, with direct access to the external Communal Area.

The external Communal Resident Recreational space is at Level RL 30.5.

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

1.1.3 Objective 3D-3 reads as follows:-

- ***Communal open space is designed to maximise safety.***

The proposal does not maintain safety within the communal open space, due to the following:-

Applicant: Safety has been maintained by casual surveillance of the resident recreational at both level 1 & 2.

Council: Refer to commentary below which addresses the points raised.

- ***A section of the communal open space area on Level 2 is hidden from view from the remainder of the communal open space area.***

Applicant: The level 2 resident passive recreational space is accessible from building B1, B2 and B3 being directly visible from both towers.

Council: The area of communal open space in question is hidden from view from the remainder of the communal open space area, which is inappropriate.

- ***The communal open space area on Level 2 directly abuts a bedroom window within Unit 2.2.01.7 on Level 2.***

Applicant: All residential units are separated from the recreational areas at level 1 by a level difference and landscaped courtyard walls, while at level 2

landscaped courtyard walls are used to ensure privacy to each unit adjacent to the passive recreation area.

Council: The area of communal open space in question directly abuts a bedroom window of Unit 2.2.01.7 on Level 2, which is inappropriate.

3F – Visual Privacy

1.1.4 Objective 3F-1, which reads as follows:-

- ***Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.***

Furthermore, Design Criteria 1 requires the following minimum separation distances from buildings to side and rear boundaries:-

Building height	Habitable rooms and 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

The proposal does not comply with the minimum required building separation, which is unacceptable, as building separation is not shared equitably between neighbouring sites, and is not maintained within subject development, to the following areas:-

Applicant: Refer the DA SEPP 65 Apartment Guide Code check list Section 3F p.40-41, where possible development scenarios for the adjacent sites have been modelled to demonstrate the future building separations scenarios, assuming amalgamation so that each respective site is not isolated in a development sense.

These scenarios are consistent with the Auburn Town Centre Urban Design guidelines for the continuation of the podium on all street frontages together with the current FSR and height controls.

All building heights are relative above the retail podium level.

Council: Refer to commentary below which addresses the points raised.

South – Residential Tower 1 – Oriented to 1, 3 & 5 – 7 Mary Street, Auburn

- ***Levels 1 and 2 (Storeys 3 and 4) are required to maintain a separation of 6 metres, however, a separation of 3.117 metres and 5.267 metres has been provided.***

Applicant: *The setbacks are 3.117m to non-habitable and 6.217m habitable rooms, to match setbacks for the rest of the tower, 5.267m should align with level 3.*

The current boundary separation allows 4 storey buildings at 6m, above the podium level, extensively a 6 storeys above street level the podium height defined by the Auburn Town Centre Study.

Consistent with the Auburn Town Centre study guidelines the possible adjacent development modelling assumes site amalgamation with an extension of the podium and a corner tower within the current development envelope controls.

The separation between the towers ranges from 19.7m to 24.4m in excess of the building separation requirements and achieves the current FSR and building height controls.

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. The separation as measured to the boundary is 3.117 metres and 5.267 metres respectively, which is not appropriate, noting the requirement is 6 metres.

- ***Level 3 (Storey 5) is required to maintain a separation of 9 metres, however, a separation of 0 metres, 3.117 metres and 6.217 metres has been provided.***

Applicant: *Building separation should be based upon possible viable development scenarios which produce desirable urban design outcomes consistent with the Auburn Town Centre Studies.*

The setbacks are 3.117m to non-habitable and 6.217m habitable rooms, to match setbacks for the rest of the tower, 5.267m should align with level 3.

The current boundary separation allows 4 storey buildings at 6m, above the podium level, extensively a 6 storeys above street level the podium height defined by the Auburn Town Centre Study.

Consistent with the Auburn Town Centre study guidelines the possible adjacent development modelling assumes site amalgamation with an extension of the podium and a corner tower within the current development envelope controls.

The separation between the towers ranges from 19.7m to 24.4m in excess of the building separation requirements and achieves the current FSR and building height controls.

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. The separation as measured to the boundary is 0 metres, 3.117 metres and 6.217 metres respectively, which is not appropriate, noting the requirement is 9 metres.

- ***Levels 4, 5 and 6 (Storeys 6, 7 and 8) are required to maintain a separation of 9 metres, however, a***

separation of 1.3 metres, 3.117 metres, 4.4 metres and 6.217 metres has been provided.

Applicant: *The setbacks are 3.117m to non-habitable and 6.217m habitable rooms, to match setbacks for the rest of the tower, 5.267m should align with level 3.*

The current boundary separation allows 4 storey buildings at 6m, above the podium level, extensively a 6 storeys above street level the podium height defined by the Auburn Town Centre Study.

Consistent with the Auburn Town Centre study guidelines the possible adjacent development modelling assumes site amalgamation with an extension of the podium and a corner tower within the current development envelope controls.

The separation between the towers ranges from 19.7m to 24.4m in excess of the building separation requirements and achieves the current FSR and building height controls.

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. The separation as measured to the boundary is 1.3 metres, 3.117 metres, 4.4 metres and 6.217 metres respectively, which is not appropriate, noting the requirement is 9 metres.

- **Level 7 (Storey 9) is required to maintain a separation of 12 metres, however, a separation of 1.3 metres, 3.117 metres, 4.4 metres and 6.217 metres has been provided.**

Applicant: *The setbacks are 3.117m to non-habitable and 6.217m habitable rooms, to match setbacks for the rest of the tower, 5.267m should align with level 3.*

The current boundary separation allows 4 storey buildings at 6m, above the podium level, extensively a 6 storeys above street level the podium height defined by the Auburn Town Centre Study.

Consistent with the Auburn Town Centre study guidelines the possible adjacent development modelling assumes site amalgamation with an extension of the podium and a corner tower within the current development envelope controls.

The separation between the towers ranges from 19.7m to 24.4m in excess of the building separation requirements and achieves the current FSR and building height controls.

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. The separation as measured to the boundary is 1.3 metres, 3.117 metres, 4.4 metres and 6.217 metres respectively, which is not appropriate, noting the requirement is 12 metres.

- **Level 8 (Storey 10) is required to maintain a separation of 12 metres, however, a separation of 4.367 metres and 6.317 metres has been provided.**

Applicant: *The setbacks are 3.117m to non-habitable and 6.217m habitable rooms, to match setbacks for the rest of the tower, 5.267m should align with level 3.*

The current boundary separation allows 4 storey buildings at 6m, above the podium level, extensively a 6 storeys above street level the podium height defined by the Auburn Town Centre Study.

Consistent with the Auburn Town Centre study guidelines the possible adjacent development modelling assumes site amalgamation with an extension of the podium and a corner tower within the current development envelope controls.

The separation between the towers ranges from 19.7m to 24.4m in excess of the building separation requirements and achieves the current FSR and building height controls.

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. The separation as measured to the boundary is 4.367 metres and 6.317 metres respectively, which is not appropriate, noting the requirement is 12 metres.

- **Levels 9 and 10 (Storeys 11 and 12) are required to maintain a separation of 12 metres, however, a separation of 1.3 metres, 3.117 metres, 4.117 metres and 6.215 metres has been provided.**

Applicant: *The setbacks are 3.117m to non-habitable and 6.217m habitable rooms, to match setbacks for the rest of the tower, 5.267m should align with level 3.*

The current boundary separation allows 4 storey buildings at 6m, above the podium level, extensively a 6 storeys above street level the podium height defined by the Auburn Town Centre Study.

Consistent with the Auburn Town Centre study guidelines the possible adjacent development modelling assumes site amalgamation with an extension of the podium and a corner tower within the current development envelope controls.

The separation between the towers ranges from 19.7m to 24.4m in excess of the building separation requirements and achieves the current FSR and building height controls.

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. The separation as measured to the boundary is 1.3 metres, 3.117 metres, 4.117 metres and 6.215 metres respectively, which is not appropriate, noting the requirement is 12 metres.

**West – Residential Tower 2 – Oriented to 1, 3 & 5 – 7
Mary Street, Auburn**

- ***Level 3 (Storey 4) is required to maintain a separation of 6 metres, however, a separation of 1.2 metres and 2.65 metres has been provided.***

Applicant: *The setbacks are 3.117m to non-habitable and 6.217m habitable rooms, to match setbacks for the rest of the tower, 5.267m should align with level 3.*

The current boundary separation allows 4 storey buildings at 6m, above the podium level, extensively a 6 storeys above street level the podium height defined by the Auburn Town Centre Study.

Consistent with the Auburn Town Centre study guidelines the possible adjacent development modelling assumes site amalgamation with an extension of the podium and a corner tower within the current development envelope controls.

The separation between the towers ranges from 19.7m to 24.4m in excess of the building separation requirements and achieves the current FSR and building height controls.

Council: *The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. The separation as measured to the boundary is 1.2 metres and 2.65 metres respectively, which is not appropriate, noting the requirement is 6 metres.*

In addition to the above, this review has identified that habitable rooms are also located within the required separation, maintaining a separation to the boundary of 3.4 metres, 4.8 metres and 5.8 metres respectively. This item has been added to the Draft Notice of Determination.

- ***Levels 4, 5, 6 and 7 (Storeys 5, 6, 7 and 8) are required to maintain a separation of 9 metres, however, a separation of 1.2 metres and 2.65 metres has been provided.***

Applicant: *The setbacks are 3.117m to non-habitable and 6.217m habitable rooms, to match setbacks for the rest of the tower, 5.267m should align with level 3.*

The current boundary separation allows 4 storey buildings at 6m, above the podium level, extensively a 6 storeys above street level the podium height defined by the Auburn Town Centre Study.

Consistent with the Auburn Town Centre study guidelines the possible adjacent development modelling assumes site amalgamation with an extension of the podium and a corner tower within the current development envelope controls.

The separation between the towers ranges from 19.7m to 24.4m in excess of the building separation requirements and achieves the current FSR and building height controls.

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. The separation as measured to the boundary is 1.2 metres and 2.65 metres respectively, which is not appropriate, noting the requirement is 9 metres.

In addition to the above, this review has identified that habitable rooms are also located within the required separation, maintaining a separation to the boundary of 4.8 metres and 5.8 metres respectively. This item has been added to the Draft Notice of Determination.

- ***Levels 8 to 15 inclusive (Storeys 9 to 16 inclusive) are required to maintain a separation of 12 metres, however, a separation of 1.2 metres and 2.65 metres has been provided.***

Applicant: *The setbacks are 3.117m to non-habitable and 6.217m habitable rooms, to match setbacks for the rest of the tower, 5.267m should align with level 3.*

The current boundary separation allows 4 storey buildings at 6m, above the podium level, extensively a 6 storeys above street level the podium height defined by the Auburn Town Centre Study.

Consistent with the Auburn Town Centre study guidelines the possible adjacent development modelling assumes site amalgamation with an extension of the podium and a corner tower within the current development envelope controls.

The separation between the towers ranges from 19.7m to 24.4m in excess of the building separation requirements and achieves the current FSR and building height controls.

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. The separation as measured to the boundary is 1.2 metres and 2.65 metres respectively, which is not appropriate, noting the requirement is 12 metres.

In addition to the above, this review has identified that habitable rooms are also located within the required separation, maintaining a separation to the boundary of 4.8 metres and 5.8 metres respectively. In addition, additional balconies are also located within the required separation, maintaining a separation to the boundary of 10.7 metres. These items have been added to the Draft Notice of Determination.

South – Residential Tower 2 – Oriented to 43 & 45 Auburn Road, Auburn

- ***Level 3 (Storey 4) is required to maintain a separation of 6 metres, however, a separation of 0 metres, 1.2 metres and 2.65 metres has been provided.***

Applicant: *The current development envelope controls limit the height of any development on this site to a 5 to 7 storey building only, which is within*

building separation requirements depending on the development use above podium level, which is 3 to 5 storeys.

A retail development with residential units facing Mary Street and Auburn road has been assumed for the modelling in the report.

Council: The maximum height standard applicable to 43 and 45 Auburn Road, Auburn, is 49 metres, in excess of a 3 to 5 storey limitation identified by the Applicant.

This review has identified the separation to habitable rooms and balconies as measured to the boundary for both Levels 2 and 3 (Storeys 3 and 4) is 0 metres, 3.017 metres, 3.4 metres and 3.92 metres respectively, which is not appropriate, noting the requirement is 6 metres. These items have been updated within the Draft Notice of Determination.

- ***Levels 4 and 5 (Storeys 5 and 6) are required to maintain a separation of 9 metres, however, a separation of 3.017 metres, 4.7 metres and 6.867 metres has been provided.***

Applicant: *Refer the DA SEPP 65 Apartment Guide Code check list Section 3F p.40-41, where possible development scenarios for the adjacent sites, assuming amalgamation, have been modelled to demonstrate the future building separations scenarios so that each respective site is not isolated in a development sense.*

These scenarios are consistent with the Auburn Town Centre Urban Design guidelines for the continuation of the podium on all street frontages together with the current FSR and height controls.

All building heights are relative above the retail podium level.

Council: The separation as measured to the boundary is 3.017 metres, 4.7 metres and 6.867 metres respectively, which is not appropriate, noting the requirement is 9 metres.

- ***Levels 6 and 7 (Storeys 7 and 8) are required to maintain a separation of 9 metres, however, a separation of 3.017 metres, 4.017 metres, 4.7 metres and 6.867 metres has been provided.***

Applicant: *Refer the DA SEPP 65 Apartment Guide Code check list Section 3F p.40-41, where possible development scenarios for the adjacent sites, assuming amalgamation, have been modelled to demonstrate the future building separations scenarios so that each respective site is not isolated in a development sense.*

These scenarios are consistent with the Auburn Town Centre Urban Design guidelines for the continuation of the podium on all street frontages together with the current FSR and height controls.

All building heights are relative above the retail podium level.

Council: The separation as measured to the boundary is 3.017 metres, 4.017 metres, 4.7 metres and 6.867 metres respectively, which is not appropriate, noting the requirement is 9 metres.

In addition to the above, this review has identified that additional balconies are also located within the required separation, maintaining a separation to the boundary of 1.2 metres. This item has been added to the Draft Notice of Determination.

- ***Levels 8 to 15 inclusive (Storeys 9 to 16 inclusive) are required to maintain a separation of 12 metres, however, a separation of 3.017 metres, 4.017 metres, 4.7 metres and 6.867 metres has been provided.***

Applicant: *Refer the DA SEPP 65 Apartment Guide Code check list Section 3F p.40-41, where possible development scenarios for the adjacent sites, assuming amalgamation, have been modelled to demonstrate the future building separations scenarios so that each respective site is not isolated in a development sense.*

These scenarios are consistent with the Auburn Town Centre Urban Design guidelines for the continuation of the podium on all street frontages together with the current FSR and height controls.

All building heights are relative above the retail podium level.

Council: The separation as measured to the boundary is 3.017 metres, 4.017 metres, 4.7 metres and 6.867 metres respectively, which is not appropriate, noting the requirement is 12 metres.

In addition to the above, this review has identified that additional balconies are also located within the required separation, maintaining a separation to the boundary of 1.2 metres. This item has been added to the Draft Notice of Determination.

Separation Between Residential Towers 1 and 2

- ***Level 4 (Storey 5) is required to maintain a separation of 18 metres, however, a separation of 11.5 metres, 11.8 metres and 15.2 metres has been provided.***

Applicant: *Due to the Auburn Town Centre requirements for the continuation of a podium, Level 4 is 6 storeys above street level and only 3 levels above the podium hence within the required building separation of 6m.*

Please refer to the development scenario outlined in the SEPP 65 Apartment Design Guide checklist p.40-41 that is within the development envelope requirements and achieves a separation of 19.7m to 24.3m.

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. The separation as measured to the boundary is 11.5 metres, 11.8 metres and 15.2 metres respectively, which is not appropriate, noting the requirement is 18 metres.

- **Level 5 (Storey 6) is required to maintain a separation of 18 metres, however, a separation of 8.7 metres, 13.2 metres and 13.5 metres has been provided.**

Applicant: *Due to the Auburn Town Centre requirements for the continuation of a podium, Level 4 is 6 storeys above street level and only 3 levels above the podium hence within the required building separation of 6m.*

Please refer to the development scenario outlined in the SEPP 65 Apartment Design Guide checklist p.40-41 that is within the development envelope requirements and achieves a separation of 19.7m to 24.3m.

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. The separation as measured to the boundary is 8.7 metres, 13.2 metres and 13.5 metres respectively, which is not appropriate, noting the requirement is 18 metres.

- **Level 6 (Storey 7) is required to maintain a separation of 18 metres, however, a separation of 10.8 metres, 11.8 metres and 15.2 metres has been provided.**

Applicant: *Due to the Auburn Town Centre requirements for the continuation of a podium, Level 4 is 6 storeys above street level and only 3 levels above the podium hence within the required building separation of 6m.*

Please refer to the development scenario outlined in the SEPP 65 Apartment Design Guide checklist p.40-41 that is within the development envelope requirements and achieves a separation of 19.7m to 24.3m.

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. The separation as measured to the boundary is 10.8 metres, 11.8 metres and 15.2 metres respectively, which is not appropriate, noting the requirement is 18 metres.

- **Level 7 (Storey 8) is required to maintain a separation of 18 metres, however, a separation of 10.8 metres, 13.6 metres and 15.2 metres has been provided.**

Applicant: *Due to the Auburn Town Centre requirements for the continuation of a podium, Level 4 is 6 storeys above street level and only 3 levels above the podium hence within the required building separation of 6m.*

Please refer to the development scenario outlined in the SEPP 65 Apartment Design Guide checklist p.40-41 that is within the development envelope requirements and achieves a separation of 19.7m to 24.3m.

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. The separation as measured to the boundary is 10.8 metres, 13.6 metres and 15.2 metres respectively, which is not appropriate, noting the requirement is 18 metres.

- **Level 8 (Storey 9) is required to maintain a separation of 24 metres, however, a separation of 15.8 metres has been provided.**

Applicant: *Due to the Auburn Town Centre requirements for the continuation of a podium, Level 4 is 6 storeys above street level and only 3 levels above the podium hence within the required building separation of 6m.*

Please refer to the development scenario outlined in the SEPP 65 Apartment Design Guide checklist p.40-41 that is within the development envelope requirements and achieves a separation of 19.7m to 24.3m.

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. The separation as measured to the boundary is 15.8 metres, which is not appropriate, noting the requirement is 24 metres.

- **Level 9 (Storey 10) is required to maintain a separation of 24 metres, however, a separation of 21.5 metres and 23.6 metres has been provided.**

Applicant: *Due to the Auburn Town Centre requirements for the continuation of a podium, Level 4 is 6 storeys above street level and only 3 levels above the podium hence within the required building separation of 6m.*

Please refer to the development scenario outlined in the SEPP 65 Apartment Design Guide checklist p.40-41 that is within the development envelope requirements and achieves a separation of 19.7m to 24.3m.

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. The separation as measured to the boundary is 21.5 metres and 23.6 metres respectively, which is not appropriate, noting the requirement is 24 metres.

- **Level 10 (Storey 11) is required to maintain a separation of 24 metres, however, a separation of 19.2 metres and 21.6 metres has been provided.**

Applicant: *Due to the Auburn Town Centre requirements for the continuation of a podium, Level 4 is 6 storeys above street level and only 3 levels above the podium hence within the required building separation of 6m.*

Please refer to the development scenario outlined in the SEPP 65 Apartment Design Guide checklist p.40-41 that is within the development envelope requirements and achieves a separation of 19.7m to 24.3m.

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. The separation as measured to the boundary is 19.2 metres and 21.6 metres respectively, which is not appropriate, noting the requirement is 24 metres.

1.1.5 Objective 3F-2 reads as follows:-

- **Site and building design elements increase privacy without compromising access to light and air and**

balance outlook and views from habitable rooms and private open space.

The proposal does not maintain privacy within the development, between the following areas:-

Residential Tower 1

Applicant: *At all times privacy is maintained to the residential units and the communal space while allowing for casual surveillance from the upper levels from a security point of view, which is also reinforced by level changes.*

Council: Refer to commentary below which addresses the points raised.

- ***The specialty retail tenancy on Level 1, known as Specialty Retail 110.71m², and the communal open space area on Level 1.***

Applicant: *There is a 1.5m level difference between the communal and the retail areas, which will also be fire isolated, so no direct vision, due to the use difference.*

Council: Council acknowledges the level difference of 1.5m (29 mAHD v. 30.5mAHD), however, overlooking is still present between the two areas, which is not appropriate.

- ***The communal open space area on Level 8 within Residential Tower 1, and the northern units associated with Residential Tower 2, due to the limited separation provided, that being 11.6 metres.***

Applicant: *The building separation is from habitable rooms to a non-habitable space and is in excess of the 9m requirement and is fully landscaped with pergolas.*

Please refer to the Landscape drawings.

Council: The separation is 11.6 metres, which is not appropriate, noting the requirement is 24 metres.

- ***The private open space area associated with Unit 3.2.15, and the balcony and bedroom associated with Unit 3.2.01.1 on Level 3 within Residential Tower 1.***

Applicant: *There are privacy screens, landscaping and glazing line setbacks.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space areas and bedrooms associated with Unit 3.1.06.2, and Unit 3.1.07.2 on Level 3 within Residential Tower 1.***

Applicant: *There are courtyard walls and privacy screens in a landscaped environment.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space areas and bedrooms associated with Unit 3.1.06.1, and Unit 3.1.07.1 on Level 3 within Residential Tower 1.***

Applicant: *There are courtyard walls and privacy screens in a landscaped environment.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space area associated with Unit 4.1.06.2, and the living room associated with Unit 4.2.16.2 on Level 4 within Residential Tower 1.***

Applicant: *Privacy screen separation and high level windows.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space area associated with Unit 4.1.06.1, and the living room associated with Unit 4.2.16.1 on Level 4 within Residential Tower 1.***

Applicant: *Privacy screen separation and high level windows.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space area associated with Unit 5.1.07.2, and the private open space and bedroom associated with Unit 5.1.06.2 on Level 5 within Residential Tower 1.***

Applicant: *Privacy screen separation and high level windows.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space area associated with Unit 5.1.07.1, and the private open space and bedroom associated with Unit 5.1.06.1 on Level 5 within Residential Tower 1.***

Applicant: *Privacy screen separation and high level windows.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space area associated with Unit 6.1.06.2, and the living room associated with Unit 6.2.16.2 on Level 6 within Residential Tower 1.***

Applicant: *Privacy screen separation and high level windows.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space area associated with Unit 6.1.06.1, and the living room associated with Unit 6.2.16.1 on Level 6 within Residential Tower 1.***

Applicant: *Privacy screen separation and high level windows.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space area associated with Unit 7.1.07.2, and the private open space and bedroom associated with Unit 7.1.06.2 on Level 7 within Residential Tower 1.***

Applicant: *Privacy screen separation and high level windows.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space area associated with Unit 7.1.07.1, and the private open space and bedroom associated with Unit 7.1.06.1 on Level 7 within Residential Tower 1.***

Applicant: *Privacy screen separation and high level windows.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space area associated with Unit 9.2.06B.1, and the south facing windows associated with Unit 9.2.09A.2 on Level 9 within Residential Tower 1.***

Applicant: *There is a blank wall and Painted Back Glass panels for architectural design continuity.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space area associated with Unit 9.2.05B.1, and the south facing windows associated with Unit 9.2.09A.1 on Level 9 within Residential Tower 1.***

Applicant: *There is a blank wall and Painted Back Glass panels for architectural design continuity.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space area associated with Unit 10.2.06B.1, and the south facing windows associated with Unit 10.2.09A.2 on Level 10 within Residential Tower 1.***

Applicant: *There is a blank wall and Painted Back Glass panels for architectural design continuity.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space area associated with Unit 10.2.05B.1, and the south facing windows associated with Unit 10.2.09A.1 on Level 10 within Residential Tower 1.***

Applicant: *There is a blank wall and Painted Back Glass panels for architectural design continuity.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

Residential Tower 2

- ***The private open space area associated with Unit 3.2.06, and the private open space area associated with Unit 3.2.17.2 on Level 3 within Residential Tower 2.***

Applicant: *Refer elevations there is a blank wall.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space area associated with Unit 3.2.05, and the private open space area associated with Unit 3.2.17.1 on Level 3 within Residential Tower 2.***

Applicant: *Refer elevations there is a blank wall, privacy screens and landscape setback.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space areas associated with Unit 11.2.08.1, and 11.2.01.1 on Level 11 within Residential Tower 2.***

Applicant: *Privacy screens refer elevations.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The private open space areas associated with Unit 11.2.08.2, and 11.2.01.3 on Level 11 associated with Residential Tower 2.***

Applicant: *Privacy screens refer elevations.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

3J – Bicycle and Car Parking

1.1.6 *Design Criteria 1 requires developments within 800 metres of a railway station within the Sydney Metropolitan Area to maintain the minimum car parking requirements for residents and visitors as set out in the Guide to Traffic Generating Developments.*

Applicant: *Refer the DA SEPP 65 Apartment Guide Code check list Section 3J p.46-47 and the Traffic report.*

Council: Refer to commentary below which addresses the point raised.

The site is located within 800 metres of the Auburn Railway Station. A total of 268 car parking spaces are required to service the residential portion of the development. In total, 264 car parking spaces have been provided within the residential car parking levels on Basement Levels 2 and 3, which is unacceptable, as adequate parking has not been provided to service the development.

Applicant: *Please refer to the Traffic Report, as precisely because of the site's close proximity to the station and the degree of parking already provided within the Town Centre, the Council officers previously accepted 1 residential car space / unit.*

Council: The proposed development does not comply with required number of car parking spaces as defined by the Guide to Traffic Generating Developments.

Council officers do not accept a reduction in the required number of car parking spaces to service the development.

Note: As the car parking within Basement Level 1 is a combination of commercial and residential visitor parking spaces, adequate information has not been provided to determine the extent of parking provided to service residential visitors.

Applicant: *Please refer to the Traffic Report, The concept discussed with the Council Traffic officers confirmed the efficient combined usage of the commercial, residential visitor and retail parking, as the use patterns of residential*

visitor parking would be different from the commercial and retail use patterns.

Council: The Applicant's statement does not reflect the notation provided.

4A – Solar and Daylight Access

1.1.7 Objective 4A-1 reads as follows:-

- ***To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.***

Furthermore, Design Criteria 1 requires living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area.

Applicant: *Demonstrated, please refer the DA SEPP 65 Apartment Guide Code check list Section 4A p.51-53.*

Council: Refer to commentary below which addresses the point raised.

Furthermore, Design Criteria 2 notes a maximum of 15% of apartments in a building can receive no direct sunlight between 9 am and 3 pm at mid-winter.

Applicant: *As outlined in DA SEPP 65 Apartment Guide Code check list p.51 we have concentrated on maximising the number of north, east and west facing residential units.*

Council: Refer to commentary below which addresses the point raised.

Adequate information has not been provided to determine if the proposed development achieves the required amount of solar access.

Applicant: *Refer the DA SEPP 65 Apartment Guide Code check list Section 4A p.51-53, 31-32 and drawings DA-9501 – 9503 for solar diagrams.*

Council: As noted below, sun angles and an hourly sun path analysis have not been provided to determine the extent of solar access achieved to the development.

Note: Sun angles and an hourly sun path analysis (perspectives depicting the view from the sun) have not been provided, required in order to determine the extent of solar access achieved to the development. In particular, the sun angles and hourly sun path analysis would depict the impact of the existing multi-storey development at 57-59 Queen Street, Auburn on the development, and the impact of Residential Tower 1 upon Residential Tower 2 of the subject development.

Applicant: *Although the hourly sun analysis has never been requested however an hourly sun analysis can be provided including the impact of the adjacent development Auburn Central.*

Council: The Applicant's commitment to provide an hourly sun analysis is noted.

1.1.8 Objective 4A-3 reads as follows:-

- ***Design incorporates shading and glare control, particularly for warmer months.***

Shading devices have not been designed to the western façades of the development, which is unacceptable, as no relief is given to units from the summer sun.

Applicant: *The balconies are recessed and will shade the living room walls, with perforated mesh sliding screens as noted on the elevations.*

Council: The sliding screens as reflected in the Applicant's statement are not reflected in the plans submitted with the Development Application.

4B – Natural Ventilation

1.1.9 Objective 4B-1 reads as follows:-

- ***All habitable rooms are naturally ventilated.***

The following standard units maintain double / single door arrangements to bedrooms, with no windows, and as such, are not naturally ventilated:-

Units 1.07, 2.03, 2.03A, 2.04, 2.04A, 2.05, 2.05A, 2.05B, 2.06, 2.06A, 2.06B, and Units 2.14A.

Applicant: *Unit 1.07 has windows to bedroom, refer DA-6101, please refer all other units noted have high level operable windows for ventilation over the doors within a 2.7m ceiling height.*

Council: This review has identified Unit 1.07 has the ability to be naturally ventilated via windows. This item has been updated within the Draft Notice of Determination.

Regarding all other units, the design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

1.1.10 Design Criteria 1 requires 60% of apartments to be naturally cross ventilated in the first nine storeys of the building.

The following breakdown is noted, and as such, the development does not maintain an appropriate level of natural ventilation:

Applicant: *Refer the DA SEPP 65 Apartment Guide Code check list Section 4B p.54-55 and DA-0303 Accommodation Schedule that details the plan*

location and distribution of all ventilated units achieving 61% of the total number of residential units, hence complying.

Council: The proposed development maintains only a limited number of units being naturally ventilated, as noted below, which is not acceptable.

- **Residential Tower 1 (Core 1): 21.74%;**
- **Residential Tower 1 (Core 2): 16.28%; and**
- **Residential Tower 2: 10.81%.**

Note: *The submitted Acoustic Report recommends sleeping areas and living areas be closed in order to maintain acoustic privacy, however, it is unclear which units will be affected by the Acoustic Report recommendations.*

Applicant: *Refer residential unit plans DA-6101-6107, all sleeping and living rooms are enclosed.*

Council: Noting the above response by the Applicant, as no windows for bedrooms and living areas can be opened based on the Acoustic Report recommendations, the proposed development maintains no units in natural ventilation, which is unacceptable.

4C – Ceiling Heights

1.1.11 Objective 4C-1 reads as follows:-

- **Ceiling height achieves sufficient natural ventilation and daylight access.**

Furthermore, Design Criteria 1 requires the following minimum ceiling heights, as measured from the finished floor level to the finished ceiling level:-

Minimum ceiling height for apartment and mixed use buildings	
Habitable rooms	2.7m
Non-habitable	2.4m
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use

Adequate information has not been provided to determine what the proposed floor to ceiling heights are.

Applicant: *Refer the DA SEPP 65 Apartment Guide Code check list Section 4C p.56-57, denoting all ceiling heights in section and in plan to denote the areas of ceilings lower than 2.7m which is in the unit entrance, bathroom and kitchen areas.*

Council: Refer to commentary below which addresses the point raised.

Note: *The Section Plans only identify the floor to floor heights between storeys.*

Applicant: *Incorrect.*

Refer the DA SEPP 65 Apartment Guide Code check list Section 4C p.56-57, denoting all ceiling heights in section and in plan to denote the areas of ceilings lower than 2.7m which is in the unit entrance, bathroom and kitchen areas.

Council: The Architectural Plans submitted with the Development Application do not identify compliance with the ceiling height requirements.

4D – Apartment Size and Layout

1.1.12 Objective 4D-2 reads as follows:-

- ***Environmental performance of the apartment is maximised.***

Furthermore, Design Criteria 2 requires in open plan layouts (where the living, dining and kitchen are combined); the maximum habitable room depth is 8 metres from a window.

The maximum habitable room depth of 8 metres from a window for combined living, dining and kitchen areas has not been achieved for the following standards units, which is unacceptable, as the units will instead rely upon artificial means to heat, cool and illuminate the units:-

Units 1.01B, 1.08A, 2.03, 2.05A, 2.05B, 2.16, 2.17, and 2.17A, ranging from 8.25 metres to 9.15 metres in depth.

Applicant: *Please refer residential unit plans DA-6101-6107, for correct unit depths, the distance of glazing from each one of the above mentioned units ranges from 5.469 (1.08A) to 8.25m (2.03) which can be adjusted if necessary by increasing the laundry width, all other units comply.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application. Units 1.01B, 1.08A, 2.03, 2.05A, 2.05B, 2.16, 2.17, and 2.17A, ranging from 8.25 metres to 9.15 metres in depth, which is not acceptable.

4E – Private Open Space and Balconies

1.1.13 Objective 4E-1 reads as follows:-

- ***Apartments provide appropriately sized private open space and balconies to enhance residential amenity.***

Furthermore, Design Criteria 1 requires the following minimum areas and depths for primary balconies:-

Applicant: Refer the DA SEPP 65 Apartment Guide Code check list Section 4E p.60-61, together with plans DA-3106-3120, DA-6101-6107, which schedules and denotes every balcony area which are in excess of the required balcony areas.

Council: Refer to commentary below which addresses the point.

Dwelling type	Minimum area	Minimum depth
Studio apartments	4m ²	-
1 bedroom apartments	8m ²	2m
2 bedroom apartments	10m ²	2m
3+ bedroom apartments	12m ²	2.4m

The minimum balcony dimensions have not been provided for the following units, and as such, compliance is unable to be determined:-

Applicant: As some of the balconies are triangular the balcony depth has been averaged e.g. 1.06, 2.15, 2.17, but the minimum depth can be achieved if required as all balcony sizes are in excess of the area requirement except unit 1.06 which is exactly on the minimum area.

Council: Refer to commentary below which addresses the points raised.

Residential Tower 1: Core 1

- **Units 3.1.07.2, 8.1.08A, 9.2.09A.2, 9.2.09A.1, and 10.2.09A.2.**

Applicant: As some of the balconies are triangular the balcony depth has been averaged e.g. 1.06, 2.15, 2.17, but the minimum depth can be achieved if required as all balcony sizes are in excess of the area requirement except unit 1.06 which is exactly on the minimum area.

Council: The Applicant's statement does not reflect the units in question.

Residential Tower 1: Core 2

- **Units 3.2.14A, 3.2.17A, 4.2.17A, 5.2.17A, 6.2.17A, and 7.2.17A.**

Applicant: As some of the balconies are triangular the balcony depth has been averaged e.g. 1.06, 2.15, 2.17, but the minimum depth can be achieved if required as all balcony sizes are in excess of the area requirement except unit 1.06 which is exactly on the minimum area.

Council: The Applicant's statement does not reflect the units in question.

Residential Tower 2

- **Units 2.1.01A.1, 4.2.06, 4.2.05, 5.2.06, 5.2.05, 6.2.06B, 6.2.05B, 12.3.02.1, 12.3.02.2, 13.3.02.1, 13.3.02.2, 14.3.02.1, 14.3.02.2, 15.3.02.1, and 15.3.02.2.**

Applicant: *As some of the balconies are triangular the balcony depth has been averaged e.g. 1.06, 2.15, 2.17, but the minimum depth can be achieved if required as all balcony sizes are in excess of the area requirement except unit 1.06 which is exactly on the minimum area.*

Council: The Applicant's statement does not reflect the units in question.

In addition, the minimum balcony areas have not been adhered to for the following units, and as such, residential amenity is compromised:-

Residential Tower 1: Core 1

- **Units 2.2.04.1, and 2.2.03.1.**

Applicant: *As some of the balconies are triangular the balcony depth has been averaged e.g. 1.06, 2.15, 2.17, but the minimum depth can be achieved if required as all balcony sizes are in excess of the area requirement except unit 1.06 which is exactly on the minimum area.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

Residential Tower 1: Core 2

- **Units 1.2.03.2, 2.2.03.2, and 2.2.04.2.**

Applicant: *As some of the balconies are triangular the balcony depth has been averaged e.g. 1.06, 2.15, 2.17, but the minimum depth can be achieved if required as all balcony sizes are in excess of the area requirement except unit 1.06 which is exactly on the minimum area.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

Furthermore, the minimum balcony dimensions have not been adhered to for the following units, and as such, residential amenity is compromised:-

Residential Tower 1: Core 1

- **Units 2.3.06, 2.2.01.1, 2.2.01.2, 2.2.07, 2.2.01.3, 2.2.01.4, 3.2.01.1, 3.2.01.2, 3.1.08, 4.2.15, 4.2.01.1, 4.2.01.2, 4.1.08, 4.1.06.2, 5.2.15, 5.2.01.1, 5.2.01.2, 5.1.08, 5.1.06.2, 6.2.15, 6.2.01.1, 6.2.01.2, 6.1.08, 6.1.06.2, 7.2.15, 7.2.01.1, 7.2.01.2, 7.1.08, 7.1.06.2, 8.1.09, and 9.2.01.2.**

Applicant: *As some of the balconies are triangular the balcony depth has been averaged e.g. 1.06, 2.15, 2.17, but the minimum depth can be achieved if*

required as all balcony sizes are in excess of the area requirement except unit 1.06 which is exactly on the minimum area.

Council: As noted by the Applicant, the required balcony depths have not been achieved.

Residential Tower 1: Core 2

- ***Units 2.2.01.5, 2.2.01.6, 3.2.01.3, 3.2.01.4, 4.2.01.3, 4.2.01.4, 4.2.01A, 4.1.06.1, 5.2.01.3, 5.2.01.4, 5.2.01A, 5.1.06.1, 6.2.01.3, 6.2.01.4, 6.2.01A, 6.1.06.1, 7.2.01.3, 7.2.01.4, 7.2.01A, and 7.1.06.1.***

Applicant: *As some of the balconies are triangular the balcony depth has been averaged e.g. 1.06, 2.15, 2.17, but the minimum depth can be achieved if required as all balcony sizes are in excess of the area requirement except unit 1.06 which is exactly on the minimum area.*

Council: As noted by the Applicant, the required balcony depths have not been achieved.

Residential Tower 2

- ***Units 2.2.01.7, 2.2.08, 3.2.08.1, 3.2.01.5, 3.2.01.6, 3.2.01.7, 3.2.08.2, 3.2.17.2, 3.2.17.1, 4.2.08.1, 4.2.01.5, 4.2.01.7, 4.2.08.2, 4.2.17.2, 4.2.17.1, 5.2.01.5, 5.2.01.6, 5.2.01.7, 5.2.17.2, 5.2.17.1, 6.2.08.1, 6.2.01.5, 6.2.01.7, 6.2.08.2, 6.2.17.2, 6.2.17.1, 7.2.08.1, 7.2.01.5, 7.2.01.6, 7.2.01.7, 7.2.08.2, 7.2.17.2, 7.2.17.1, 8.2.08.1, 8.2.01.4, 8.2.01.5, 8.2.01.6, 8.2.08.2, 8.2.17.2, 8.2.17.1, 9.2.08.1, 9.2.01.4, 9.2.01.5, 9.2.01.6, 9.2.08.2, 9.2.17.2, 9.2.17.1, 10.2.08.1, 10.2.01.1, 10.2.01.2, 10.2.01.3, 10.2.08.2, 10.2.17.2, 10.2.17.1, 11.2.08.1, 11.2.08.2, 11.2.17.2, 11.2.17.1, 12.2.17.2, 12.2.17.1, 13.2.17.2, 13.2.17.1, 14.2.17.2, 14.2.17.1, 15.2.17.1, and 15.2.17.1.***

Applicant: *As some of the balconies are triangular the balcony depth has been averaged e.g. 1.06, 2.15, 2.17, but the minimum depth can be achieved if required as all balcony sizes are in excess of the area requirement except unit 1.06 which is exactly on the minimum area.*

Council: As noted by the Applicant, the required balcony depths have not been achieved.

4F – Common Circulation and Spaces

1.1.14 Objective 4F-1 reads as follows:-

- ***Common circulation spaces achieve good amenity and properly service the number of apartments.***

Furthermore, Design Criteria 1 notes the maximum number of apartments off a circulation core on single level is eight. Residential Tower 2 maintains 9 to 11 units per level.

Applicant: Refer the DA SEPP 65 Apartment Guide Code check list Section 4F p.62-63.

We comply with the design intent with short corridors and light wells to improve the resident experience.

Buildings B1 and B2 consist of two cores consisting of a maximum of 8 and 7 unit respectively, although the cores are linked at level 1 & 2.

Building B3 has 11 units at level 2 only adjacent to the resident recreational area, all other floor level have a 9 unit footprint with light wells, which do not impact the level of amenity of the units or the corridor length.

Council: The proposed design does not adhere to the maximum number of units accessed from a circulation core, per level, which is not acceptable.

4H – Acoustic Privacy

1.1.15 Objective 4H-1 reads as follows:-

- **Noise transfer is minimised through the siting of buildings and building layout.**

Objective 4H-2 reads as follows:-

- **Noise impacts are mitigated within apartments through layout and acoustic treatments.**

In addition to the matters raised under 3F-2 above, related to privacy, acoustic privacy has not been maintained between the following areas:

Applicant: Refer the DA SEPP 65 Apartment Guide Code check list Section 4J p.66.

Please refer to the Acoustic Report which deals with the external and internal acoustic privacy.

Council: Refer to commentary below which addresses the points raised.

- **To the units directly above the balcony / courtyard area associated with the Board Room / Office on the Ground Level.**

Applicant: This relationship is similar to the residential relationship and will operate in commercial hours.

The balcony over covers 50% of the courtyard area providing shielding acoustically.

Council: Due to proximity of the commercial use to the residential units, acoustic privacy has not been maintained, which is unacceptable.

- **Unit 1.2.04.2 and the abutting Specialty Retail, known as Specialty Retail 215.70m² on Level 1.**

Applicant: *The retail unit is a different use and is fire isolated with blank walls please refer to the elevations.*

Council: Due to proximity of the commercial use to the residential units, acoustic privacy has not been maintained, which is unacceptable.

- ***To the units on Level 2 directly above the restaurants and balcony areas.***

Applicant: *The units have deeper balconies with landscaped zones, curved screens shielding the unit from the Village Square below and the restaurant directly under.*

Council: Due to proximity of the food and drink premises to the residential units, acoustic privacy has not been maintained, which is unacceptable.

4J – Noise and Pollution

1.1.16 Objective 4J-1 reads as follows:-

- ***In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.***

Applicant: *Refer the DA SEPP 65 Apartment Guide Code check list Section 4J p.67. Please refer to the Acoustic Report.*

Council: Refer to commentary below which addresses the point raised.

Consideration has not been given to the ventilation of the proposed restaurants, which will impact and reduce the amenity of the proposed residential units above.

Applicant: *Incorrect only one restaurants single face all other restaurants have corner locations or cross ventilation to the laneways. Plant rooms have also been provided for air conditioning of the restaurants.*

Council: As noted, consideration has not been given to the ventilation of the restaurants (via an exhaust fan), which has the potential to impact and reduce the amenity of the proposed residential units above.

2. *Failure to submit documentation demonstrating compliance with Auburn Local Environmental Plan 2010 (pursuant to S.79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979), with regard to the following:-*

Applicant: *Incorrect Refer the DA SEPP 65 Apartment Guide Code check list Section 4C p.56-57, together with drawings DA-5200-5202 for sections showing the height planes.*

Council: As specified, documentation demonstrating compliance with the Auburn LEP 2010 has not been submitted.

Clause 4.3 – Height of Buildings

- 2.1** *The maximum height of buildings applicable to the subject site is 49 metres. Adequate information has not been provided to determine the height of the development.*

Applicant: *Incorrect Refer the DA SEPP 65 Apartment Guide Code check list Section 4C p.56-57, together with drawings DA-5200-5202 for sections showing the height planes.*

Council: Refer to commentary below which addresses the point raised.

Note: *The submitted Statement of Environmental Effects indicates the development complies with the height of buildings standard, apart from a lift overrun, which is limited to a height of 50.6 metres, 1.6 metres above the height of buildings standard.*

Applicant: *Together with the SEE Refer the DA SEPP 65 Apartment Guide Code check list Section 4C p.56-57, together with drawings DA-5200-5202 for sections showing the height planes.*

Council: Refer to commentary below which addresses the point raised.

However, the Elevation and Section Plans submitted with the Development Application reveals a number of protruding blade / fin walls, as well as elements of the 14 storey residential tower extending beyond the 49 metre height of building standard.

Applicant: *Correct they are an integral part of the architectural design to vary the skylight of the building and have no impact on the overall massing of the building which is the design intent of the height limit.*

Council: As noted, the blade / fin walls, as well as elements of the 14 storey residential tower protrude above the 49 metre height limit, however, adequate information has not been submitted to determine the height of the development as measured to these structures.

- 2.2** *A 3D height plane has not been provided, accurately depicting the extent of the exceedance.*

Applicant: *This has never been requested however it can be provided if required.*

Council: The Applicant's commitment to provide a 3D height plane is noted.

Clause 6.3 – Flood Planning

- 2.3** *The subject site is affected by local overland stormwater flows. There are inconsistencies in the flood levels used in the Flood Study prepared by Hyder Consulting Pty Ltd, dated 23 April 2015. In addition, the model did not consider the storage of 3,400m³ as part of the development.*

Applicant: *The Flood Study prepared by Hyder Consultants has been prepared on the basis of a worst case scenario the storage will improve the overall performance of the flood mitigation.*

Council: The model does not incorporate available storage, which is required to get accurate modelling results.

2.4 Overland flow from adjacent properties has not been maintained by the proposal.

Applicant: *The Storm water Easement on the southern boundary is clearly shown on drawings DA-3101-3106.*

The proposed building footprint emulates exactly the existing Shopping Centre footprint so no overall change from the existing overflow conditions.

Council: The proposed development does not address the overland flow from adjoining sites. Overland flow from 43 and 45 Auburn Road, Auburn, has not been addressed. The design plans do not show the proposed overland flow path design details, including proposed surface levels within the existing easement.

3. Failure to submit documentation demonstrating compliance with Auburn Development Control Plan (DCP) 2010, 'Part 4 – Residential Flat Buildings' (pursuant to Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

Applicant: *A full document demonstrating compliance was submitted with the DA lodgement on the 20 July 2017, covering the Pre-Lodgement response, Design Principles and the SEPP65 Apartment Design Code checklist, together with 7 report attachments.*

Council: As specified, documentation demonstrating compliance with Auburn DCP 2010 has not been submitted.

Clause 2.3 – Building Envelope

3.1 The tower component of any building above the podium or street wall height is to have a maximum floor plate of 850m². Residential Tower 1 is maintained to 1118.7m² to 1243.4m², and Residential Tower 2 is maintained to 716.1m² to 853.2m², which is unacceptable, as the development does not maintain an appropriate level of visual privacy, due in a large part to the building footprint proposed.

Applicant: *Please refer the area schedule DA-0502 which details the area configuration for each level.*

The linking of Building B1& B2 form a horizontal emphasis to the Building B3 tower is extensively a standard 9 unit footprint of 757sm.

Council: As noted, Residential Tower 1 is maintained to 1118.7m² to 1243.4m², and Residential Tower 2 is maintained to 716.1m² to 853.2m², which is unacceptable.

Clause 6.1 – Solar Amenity

3.2 *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. If the principal area of ground level private open space of adjoining properties does not currently receive at least this amount of sunlight, then the new building shall not further reduce solar access.*

Applicant: *Refer the DA SEPP 65 Apartment Guide Code check list Section 4A p.51-53, 31-32 and drawings DA-9501 – 9503.*

All the adjacent properties to the south are commercial in nature with rear access from the driveway easement.

Council: Refer to commentary below which addresses the point raised.

In addition, 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.

Adequate information has not been provided to determine if adjoining properties are affected to the extent that the proposal reduces solar access beyond that to achieve compliance with the standards listed.

Applicant: *Adjacent residential areas are on the western side of Harrow Road only and are now zoned as part of the Town Centre for mixed use.*

Council: Irrespective of the land zoning, consideration is required to be given to maintaining the amenity of existing residential developments.

Note: *The relationship of the development to adjoining properties has not been noted on the solar access diagrams, nor have hourly solar access diagrams, in plan and elevation form been submitted, depicting the impact of the proposed development upon adjoining properties.*

In addition, the proposed development appears to affect the morning sun to the following properties:-

- *7 - 9, 11 and 13 Harrow Road, Auburn; and*
- *9, 11, 13 & 15 Mary Street, Auburn.*

Applicant: *Refer the DA Design principles Section 1.05 p.22-23 for the impact of neighbours. The area is already rezoned as part of the Town Centre which is an area in transition Adjacent residential areas are on the western side of Harrow Road only and are now zoned as part of the Town Centre.*

Council: Irrespective of the land zoning, consideration is required to be given to maintaining the amenity of existing developments.

Following a recent site inspection, Council notes the existing structures at 11, 13 & 15 Mary Street, Auburn, has been demolished. This item has been updated within the Draft Notice of Determination.

Clause 8.1 – Lot Amalgamation

3.3 *Adjoining parcels of land not included in the development site shall be capable of being economically developed.*

The subject development landlocks / isolates the adjoining sites at 43 & 45 Auburn Road, Auburn, which has a combined site area of 403.7m² and frontage to Auburn Road of 12.19m.

Applicant: *Refer the DA SEPP 65 Apartment Guide Code check list Section 3F p.40-41, where possible development scenarios for the adjacent sites, assuming amalgamation, have been modelled to demonstrate the future building separations scenarios so that each respective site is not isolated in a development sense.*

The sites are clearly not isolated and can be developed within the required development envelopes achieving the building separations.

Council: The proposed development isolates 43 and 45 Auburn Road, Auburn, by virtue of the limited site area and frontage. The required building separation as outlined within the ADG has not been adhered to.

No evidence of reasonable offers based on independent valuation/s have been submitted, nor have concept plans been submitted, which demonstrate that orderly and economic use and development of the adjoining sites can be achieved.

Applicant: *The client has made a previous submission to the Council in relation to their unsuccessful attempts to purchase the adjacent sites, however they will not be resubmitting this information with this application as the sites are not required for this successful development of our site.*

Council: The Applicant's statement references 43 and 45 Auburn Road, Auburn, are not required for the 'successful development' of 41 Auburn Road, Auburn, which is not the matter in question.

Note: A 5-6 storey commercial development has been depicted within 3D massing diagrams, however, by virtue of the limited building separation provided by the subject development, no residential can be accommodated on 43 & 45 Auburn Road, Auburn.

Applicant: *Incorrect a retail ground floor with residential units over has been modelled with the necessary separation for a 3 storey building above the podium.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

Furthermore, an understanding of parking and vehicular access for a future development at 43 & 45 Auburn Road, Auburn, has not been provided.

Applicant: *This has never been required and vehicle access can be achieved via a vehicle lift due to the narrow width of the site should redevelopment be contemplated.*

Council: The proposed development isolates 43 and 45 Auburn Road, Auburn, and as such, consideration of vehicle access to a future development is required.

A vehicle lift to afford vehicular access to a future development within 43 & 45 Auburn Road, Auburn, is not supported.

4. *Failure to submit documentation demonstrating compliance with Auburn Development Control Plan (DCP) 2010, 'Part 8 – Local Centres' (pursuant to Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979), with regard to the following:-*

Applicant: *Incorrect please refer to the Design Principles, Principle 02 and the DA SEPP 65 Apartment Guide Code check list Part 4.*

Council: As specified, documentation demonstrating compliance with Auburn DCP 2010 has not been submitted.

Clause 2.0 – Built Form

4.1 *Residential components are to be provided with direct access to street level with entrances clearly distinguishable from entries to commercial premises. Separate residential entries, distinguished from the commercial component of the development have not been designed, which creates a safety and security concern, as residential only areas can be accessed by the general public.*

Applicant: *Incorrect each residential entrance will be security controlled as outlined in the Crime Analysis Report.*

The site residents have a choice to access the retail centre at all levels through security controlled lobbies.

Each entrance at Lower Ground or Ground Level have distinct entrances from the streets and laneways, individually designed entrances will identify each building separately in response to each street frontage.

Council: A separation between the different uses should exist, to maintain the safety and security of the residential area for residents and visitors. The lack of separate residential entries is not appropriate.

4.2 *Car parking provided for the residential component of the development is to be clearly delineated and provided separate to general customer parking.*

Applicant: *Incorrect the residential entrance is totally separate to the retail and commercial parking separated by approximately 10.5m and will be clearly sign posted.*

Council: Refer to commentary below which addresses the point raised.

The residential visitor parking spaces are not separated from the commercial parking spaces, and as such, no mechanism exists to ensure adequate parking is provided to service the different uses.

Applicant: *Please refer to the Traffic report on the provision of visitor and commercial parking.*

As part of the Council discussions the integration of the residential visitor parking with the retail and commercial parking was agreed to be an efficient use of the car parking provisions due to the different time usages and rates.

Commercial and visitor spaces can be denoted if required on the basement plans.

Council: Council officers do not accept a lack of separation between the different parking uses, as no mechanism exists to ensure adequate parking is provided to service the different uses.

Clause 2.2 – Articulation and Design

4.3 ***The towers within the development, rather than defining the Plaza, encroach onto it. The proposed built form, with no setbacks to the tower elements, fails to provide a human scale to the Village Plaza, which dominates the pedestrian experience. The very limited interface of the Plaza with adjoining streets disconnects the street environment.***

Applicant: *The Village Square has a Queen Street frontage of 26m and an Auburn Road frontage of 9.7m, not including the adjacent street setbacks, which is not limited, but extensive and is the hub of the laneway network.*

Building B3 was designed as an iconic architectural statement that clearly defines the Village Square in relation to the Town Centre and the importance of the 5 ways site.

The expression of the podium, as required by the Town Centre Urban Design Studies means the current streetscape scale is maintained with the towers setback, to reduce the scale of the project at street level.

Council: The proposed Village Square (square) does not comply with the Auburn DCP 2010 controls, which requires the square to have a minimum 26m frontage along Auburn Road and Queen Street. The reduction in the dimensions of the square will restrict provision of amenities, an identity and flexibility.

The proposed walls enclosing the square have a height of 7 storeys with balconies encroaching the space above on Level 1, as well as the communal open space, balconies and part of residential units on Level 2.

The 7 storey wall height will be overwhelming and not be perceived at a human scale.

The non-compliant dimensions of the proposed square in addition to the design elements within the square, clutter up the space, which do not convey a strong spatial experience, making it undesirable.

4.4 *The coloured glass on the lower ground and ground level facades of the Queen Street façade, in addition to the metallic copper penny (red) horizontal bands, multi-coloured vertical bands, staggered awnings and angular balconies, although adding interest to the façade, results in a very busy façade that detracts from the coherence of the overall architectural composition. Furthermore, there are too many repeated elements which has resulted in monotony.*

Applicant: *We beg to differ the façade defines the retail podium and is cut into by the 2 and 3 storey entrances into the retail centre on each street frontage and cannot be described as monotonous.*

It will be a dynamic façade that integrates the existing pub into a coherent architectural treatment on each street frontage, albeit at different scales in response to each street frontage.

Please refer to the Design Principles, Principle 01 and the DA SEPP 65 Apartment Guide Code check list Part 3.

Council: The building façade should aim to achieve a certain degree of simplicity. The discordant use of materials results in the proposed podium and tower form not being integrated.

4.5 *The 124 metre long podium along Queen Street disrupts the rhythm of the street.*

Applicant: *We beg to differ as the façade links the existing pub adjacent to Auburn Central Plaza and the Village Squire, being a contrast to the 15 storey building adjacent to the site It is articulated by two entrances into the retail centre one being 2-3 storeys high providing a considerable vertical cut into the façade, highlighting the entrance.*

Council: The proposed level of articulation is not considered adequate given the length of the podium, especially on the lower ground floor, considering the significance of Queen Street within the Town Centre.

The elevation does not provide adequate variation to the built form, including vertical articulation, to avoid a bulky, monolithic appearance.

Applicant: *The façade is varied with steeping awning, horizontal glass blades and coloured glass panels, with cut outs for restaurant balconies and street dining.*

This statement is in stark contrast to the monotony statement above.

Council: The Queen Street elevation requires significant articulation to the built form and not an excessive repetition of material. Given the scale of the development, glass blades, coloured glass panels, awnings and balconies are unable to address the built form. The Queen Street elevation, which is the primary elevation, needs more emphasis on verticality and breaks, to allow sky views and provide visual relief.

4.6 *Generally, the elevations of the built form lack adequate variation to avoid a bulky, monolithic appearance (box like appearance).*

Applicant: *This is in stark contrast to the statements related to being too busy, the splaying of the facades provides diversity and is a contrast to the design strategy of the retail podium defining the unique nature of the residential component.*

Council: Refer to comments above under Part 8 – Local Centres, Clause 4.5 of the Auburn DCP 2010.

Clause 2.4 - Roofs

4.7 *Roof forms shall not be designed to add to the perceived height and bulk of the building. Blade / fin walls have been designed to the 14 storey residential tower, which add unnecessary height to the development.*

Applicant: *The vertical blades and fins break the roofline and provide necessary architectural definition and do not add bulk to the building, which is the design intent of this Clause.*

Council: The blade / fin walls designed to the 14 storey residential tower protrude above the 49 metre height limit, as noted earlier under the Auburn LEP 2010 section of this correspondence, adding unnecessary height to the development.

Clause 2.5 - Balconies

4.8 *Verandahs and balconies shall not be enclosed. The following balconies / private open space areas are enclosed to all sides, which is not considered to provide an acceptable level of amenity for future occupants:-*

Units 1.2.04.1, 1.2.03.1, 1.2.03.2, 1.2.04.2, 2.1.04, 2.2.17.2, 2.2.04A, and 2.2.03A.

Applicant: *Incorrect this is a misreading of the plans, generally all balconies are open except for the central unit on levels 8, 9, 10, namely units 8.2.01.5, 9.2.01.5, 10.2.01.2, which have with openable glass louvres.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

Clause 4.3 - Awnings

4.9 *Awning dimensions shall generally be:*

- **Minimum soffit height of 3.2m and maximum of 4m;**

Applicant: *The street awnings are stepped to follow the gradient of the street.*

Council: Refer to commentary below which addresses the points raised.

- **Low parole [profile], with slim vertical fascia or eaves (generally not to exceed 300mm height);**

Applicant: *Currently the façade depth is 300mm.*

Council: Refer to commentary below which addresses the points raised.

- **1.2m setback from kerb to allow for clearance of street furniture, trees, and other public amenity elements; and**

Applicant: *The awning line will be amended to align with this set out.*

Council: Refer to commentary below which addresses the points raised.

- **In consideration of growth pattern of mature trees.**

Applicant: *The trees as sited within the 1.2m zone from the kerb and will be accommodated by the awning.*

Please refer to the landscaping drawings and Principle 05 of the Design Principles.

Council: Refer to commentary below which addresses the points raised.

Adequate detail has not been provided to determine compliance with the following:-

- **The proposed soffit height of the awnings has not been provided.**
- **The profile of the awning is unclear within the submitted plans.**
- **The setback of the awnings from the kerb line has not been provided.**
- **Three existing street trees are present along Harrow Road; however, it is unclear from the submitted plans if the awning structure accommodates the existing trees and their growth pattern.**

Applicant: *This information has not been requested to date however it can be provided.*

Council: The information is required to be submitted with any Development Application, as it is a matter for consideration under the Auburn DCP 2010.

4.10 Awning design must match building facades, be complementary to those of adjoining buildings and maintain continuity.

Applicant: *The proposed street awning will align with adjacent awnings on Auburn Road and stepped to respond to the street slope of the site.*

Council: Refer to commentary below which addresses the points raised.

Furthermore, all residential buildings are to be provided with awnings or other weather protection at their main entrance area.

Applicant: *All residential street entrances are setback a minimum of 2m from the street with the building over at level 1, additional lower, together with the street awning which provides significant cover to the residential entrances.*

Council: Refer to commentary below which addresses the points raised.

Adequate information has not been provided within the floor plans to determine if the proposed awnings are continuous along the façades of the development, which is required to ensure all weather protection is afforded to persons residing in the development and the general public.

Applicant: *The street awnings are continuous on all street frontages except for the Village Square frontage, where the awning overlap the Village Square frontage.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

Clause 5.4 – Wind Mitigation

4.11 A Wind Effects Report is to be submitted with the Development Application for all buildings greater than 35m in height. For buildings over 48m in height, results of a wind tunnel test are to be included in the report.

Applicant: *The building is a maximum of 49m high apartment from the plantrooms which are setback and a Wind Effects Report has been submitted.*

A Wind Tunnel Test has never been requested.

Council: Refer to commentary below which addresses the point raised.

A Wind Effects Report has been submitted with the Development Application, however, the results of the wind tunnel testing have not been submitted, which is required as the development is greater than 48 metres in height. As such it is unclear if the proposed development will satisfy nominated wind standards and maintain comfortable conditions for pedestrians.

Applicant: *The Wind Effects Report clearly summaries the minimum impact to the wind environment both within the development and the related streetscape. The recommendations of Windtec have been incorporated into the design.*

As the building is within the general height control of 49m it was considered the Wind Effects Report adequately addressed the key concerns in relation to the wind environment created by the building.

Council: The information is required to be submitted with any Development Application, as it is a matter for consideration under the Auburn DCP 2010.

4.12 The indicative species list submitted with the Development Application identifies the following Street trees:-

- | | | | | |
|---|--|--------------------------|----------------|----------|
| ○ | Platanus x hybrid
10m | London Plane Tree | 20m | x |
| ○ | Lophostemon confertus
10m | Brush Box | 15m | x |
| ○ | Tristaniopsis laurina 'Luscious' | Water Gum | 9m x 5m | |

These species do not correlate with the physical characteristics recommended by the Pedestrian and Wind Environment Statement. Furthermore, the proposed location of these tree species has not been identified on the submitted Landscape Plans.

Applicant: *Additional Landscape information can be provided to identify the location of the species and the relation to the wind study.*

Council: The Applicant's commitment to provide additional landscape information is noted.

Clause 11 – Public Domain

4.13 A detailed plan, showing all proposed public domain works has not been submitted.

Applicant: *Incorrect please refer to the Design Principles, Principle 05 and the DA SEPP 65 Apartment Guide Code check list Part 4-40 and the landscaping drawings.*

Council: The plans do not show the necessary details including kerb and gutter details, design of top of kerb levels, invert levels, footpath design with Council approved boundary line levels, dimension of street furniture, spacing between street trees, footpath longitudinal section/s, and footpath cross sections.

4.14 Boundary line levels from Council have not been obtained and incorporated into the design.

Applicant: *The current levels have been taken from the submitted survey and incorporated into the design.*

Council: Boundary line levels have not been obtained from Council.

4.15 The low level footpath along Mary Street has not been designed in consultation with Council's Development Engineer.

Applicant: *The footpath in Mary Street remains at the existing street levels and have not been altered. We are quite happy to discuss the integration of the levels in this area.*

Council: Boundary line levels have not been obtained from Council, and the footpath has not been designed in consultation with Council's Development Engineer.

4.16 *The Queen Street and Harrow Road corner does not provide adequate active footpath area.*

Applicant: *Apart from the existing pub, which will have facades that open onto the street for street activation and the other frontages have been setback to widen the footpath in both Queen Street and Harrow, which could also be used for enable street dining depending on the retail mix.*

Council: As noted, adequate footpath area has not been designed to the Queen Street and Harrow Road corner.

Clause 14.4 - Laneways

4.17 *Redevelopment within the Auburn Town Centre shall make provision for the creation of new laneways. A laneway is required between Queen Street and Mary Street, adjacent to the required Public Open Space Area, which has not been designed, which is unacceptable, as the development hinders pedestrian access and circulation within the town centre.*

Applicant: *Incorrect there is an open laneway linking Queen and Mary Streets, through the Village Square Pedestrian access through a network of laneways run parallel to Queen Street and connect through to Harrow Road, Auburn Road and Mary Street.*

Incorrect please refer to the Design Principles, Principle 01 and the DA SEPP 65 Apartment Guide Code check list Part 3C and the landscaping drawings.

Council: The area to which the Applicant refers to is the entrance to the commercial portion of the development, as opposed to a connecting laneway, which does not adhere to the position as denoted within the Auburn DCP 2010.

Clause 14.5 – Key Site – Five Ways

4.18 *The subject site is required to be amalgamated with 43 and 45 Auburn Road, and 1, 3, and 5 - 7 Mary Street, Auburn, to achieve the desired aims and objectives of the Auburn DCP 2010. Amalgamation of the subject site with 43 and 45 Auburn Road, and 1, 3, and 5 - 7 Mary Street, Auburn has not been achieved.*

Applicant: *The client has made attempts to purchase the adjacent sites but to no avail and a report was issued to the Council in 2005-6.*

With this application the client has proceeded with the development within the current site boundaries. There is no intention to amalgamate any of

the adjacent sites and it has been demonstrated that the adjacent sites can be developed within the current development envelopes and are not isolated.

Council: Refer to commentary below which addresses the point raised.

No evidence of reasonable offers based on independent valuation/s have been submitted, nor have concept plans been submitted, which demonstrate that orderly and economic use and development of the adjoining sites be achieved.

Applicant: *The client has made attempts to purchase the adjacent sites but to no avail and a report was issued to the Council in 2005-6.*

With this application the client has proceeded with the development within the current site boundaries. There is no intention to amalgamate any of the adjacent sites and as demonstrated can be developed within the current development envelopes.

Council: As noted, no evidence of reasonable offers based on independent valuation/s have been submitted, nor have concept plans been submitted, which demonstrate that orderly and economic use and development of the adjoining sites be achieved.

Note: A 5-6 storey commercial development has been depicted for 43 and 45 Auburn Road, Auburn, within 3D massing diagrams, however, by virtue of the limited building separation provided by the subject development, no residential can be accommodated on 43 & 45 Auburn Road, Auburn, which is unacceptable.

Applicant: *Incorrect residential units can be accommodated on the site and is illustrated in the 3D modelling with building separation as denoted. Sketches can be provided to illustrate a possible development scenario if requested Refer SEPP 65 Apartment Design Guide checklist p.40-41.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

Furthermore, an understanding of parking and vehicular access for a future development at 43 & 45 Auburn Road, Auburn, has not been provided.

Applicant: *Sketches can be provided to illustrate how parking can be provided to the adjacent sites from Mary Street, with a vehicle lift as the site is narrow.*

Council: The proposed development isolates 43 and 45 Auburn Road, Auburn, and as such, consideration of vehicle access to a future development is required.

A vehicle lift to afford vehicular access to a future development within 43 & 45 Auburn Road, Auburn, is not supported.

A shop top housing development has been depicted for 1, 3, and 5 – 7 Auburn Road, Auburn, with 3D massing diagrams;

however, by virtue of the limited building separation provided by the subject development, the majority of the building separation is borne by 1, 3, and 5 – 7 Auburn Road, Auburn, which is unacceptable.

Applicant: *Incorrect a retail/residential development scenario has been modelled with residential units facing Mary Street and a 3m setback as required as the building is only 3 storeys above the podium.*

Council: As noted, a shop top housing development for 1, 3, and 5 – 7 Auburn Road, Auburn, shows the majority of the building separation is borne by 1, 3, and 5 – 7 Auburn Road, Auburn, which is not acceptable.

4.19 *An open space area shall be provided on the North-East corner of the site at the intersection of Auburn Road and Queen Street with a minimum width of 26m, including a 6m reservation as a pedestrian plaza to accommodate circulation and outdoor dining area.*

Applicant: *The provision of a public space on the corner of Queen Street and Auburn Road has been identified in the Town Centre Study, however no dimensional requirements have been specified.*

The Village Square currently has a Queen Street frontage of 26m and an Auburn Road frontage of 9.7m with additional 3m to 3.5m setbacks for street dining.

The Village Square averages 16m in depth with adjacent restaurants for outdoor Dining.

Council: Refer to commentary below which addresses the point raised.

The public open space area at the corner of Auburn Road and Queen Street has not been designed in accordance with the standards, measuring 9.5 metres along Auburn Road and 22 metres along Queen Street.

Applicant: *Please identify which standards as the Village Square is within the boundary of our defined site and is not publicly owned.*

Council: The dimensions of the village square are noted within the Auburn DCP 2010.

Note: The limited width of the open space, in particular the frontage to Auburn Road, restricts the openness of the space, limiting the opportunity for the public realm to be expanded. The proposed width limits the opportunity to provide visual relief, as well as provide views between Auburn Road and Queen Street, while also restricting the opportunity for social interaction and outdoor dining.

Applicant: *The Village Square width varies from 10m to 26m with adjoining laneway space and street setbacks for the adjacent retail totally open to both street frontages.*

Restaurants flank the Village Square and the street frontages with ample opportunity for street dining on all frontages, hence encouraging social interaction, as this will be the new cultural centre of Auburn.

Council: As noted above, due to the limited frontage to Auburn Road, and area proposed for the village square, the openness of the space is restricted, and visual relief, social interaction and outdoor dining is limited.

4.20 *The balconies of units on Level 1, which encroach on to the Village Plaza, as well as the decorative light fittings and the fountain skylight, are visual barriers which clutter the space.*

Applicant: *The balconies are recessed and do not encroach into the defined space.*

The lanterns and screens provide privacy and acoustic screenings for the resident above as well as visual activation and shade to the Village Square.

Council: As noted, the balconies on Level 1 encroach onto the village square, and the lantern features and fountain skylight clutter the space.

4.21 *The Village Square has not been reinforced as an open space focal point to the Auburn Town Centre.*

Applicant: *The very location and iconic tower location define the Village Square as the very heart of the Auburn Town Centre, with view corridors down each street alignment.*

Council: The main aspect of the proposed Village Square is Queen Street. The proposed square does not integrate well with the five Ways public realm, as it does not open up views towards the Five Ways intersection.

4.22 *The urban village landscape has not been softened using natural greenery.*

Applicant: *Incorrect the streets are tree lined consistent with the Auburn Council's street improvement programme that define the edges of the Village Square, however it is extensively an urban space with a fountain and appropriate finishes and fixtures in the form of lanterns and screens.*

Council: As noted, the village square has not been softened with natural greenery.

4.23 *Areas of public seating, including seats with armrests and companion spaces for wheelchairs beside seats, has not been provided.*

Applicant: *All seating will be outdoor dining provided by the restaurants.*

Council: Public seating, in addition to that provided for outdoor dining, is required within the village square.

4.24 *Adequate detail has not been provided to determine if wind turbulence will be an issue in transporting water spray across the plaza area from the water feature.*

Applicant: *The wind environment of the Village Square has been addressed in the Wind Effects Report and the screens and lanterns, together with the very sheltering shape of the Village Square serve to protect the area while allowing solar access.*

Council: As noted, it is unclear if transportation of water from wind turbulence will occur from the water feature.

4.25 *The featured ‘Lantern’ elements highlight the retail mall entry rather than improve the visual amenity of the open space in the Auburn Town Centre.*

Applicant: *Incorrect they define the very cultural narrative of the Village Square that will enliven this space both during the day and night.*

Council: As noted, the lantern elements are a distinctive marker for the commercial entry to the development, rather than the village square.

The lighting design does not address the streetscape along Auburn Road.

Applicant: *The lantern design is a specific focus for the Village Square however they will be visible from Auburn Road.*

Council: As noted, the lighting design does not address Auburn Road.

4.26 *Pedestrian through-site links shall be provided to improve circulation and access to the town centre. Where possible, these linkages shall align to existing or proposed crossing points.*

Applicant: *Through site linkages have been designed to link Harrow Road, Queen Street, Auburn Road and Mary Street with the Village Square linking through to Auburn Central Plaza.*

Council: Refer to commentary below which addresses the point raised.

The proposal does not include any through-site links nor does it make provisions for the creation of through-site links in the future when the whole block is redeveloped.

Applicant: *Incorrect please see above and refer to the plans there is a comprehensive network of laneways connecting to each street frontage.*

Council: Refer to commentary below which addresses the point raised.

Note: *The proposed design includes pedestrian connections from Mary Street to Queen Street. However, there are no established clear sightlines or legibility, and persons are required to travel between levels to get from one point to the next. No connections are proposed linking Auburn Road and Harrow Road.*

Applicant: *Incorrect due to the 5.5m slope in Queens Street the laneways are on two levels in order to link Auburn and Harrow Roads.*

Please refer to the Lower Ground and Ground Floor Plans, DA-3104-3106.

Council: The Auburn DCP 2010 has recommended two through site links, which include:

- Linking Harrow Road to Auburn Road; and
- Mary Street to Queen Street (exit approximately opposite Vales Lane).

The above links are strategically located midblock to enhance pedestrian convenience and connectivity. The Auburn DCP 2010 recommended links align to existing / proposed crossings and lanes. The proposal incorporates a pedestrian link between Queen Street and Harrow Road in proximity (around 35m) to the corner of Queen Street / Harrow Road. This although a link, does not enhance connectivity / convenience given its location.

The second pedestrian access proposed (arcade / walkway) connects Mary Street to Queen Street at the square, which is a block away from Vales Lane. From the square, this arcade continues parallel to Queen Street and links the second entry to the development in proximity to the corner of Queen Street / Harrow Road. Drawing DA-3105 has identified this walkway, which is parallel to Queen Street as an “open lane way” which is misleading, as it only has a 2 storey height. In addition, unlike the general expected character of through-site links, this link is not direct. The level difference between the streets is acknowledged, however, it is still possible to provide a direct link.

4.27 Outdoor dining shall be encouraged within the Five Ways open space and along Auburn Road and Queen Street. Due to the limited area proposed to the public open space, as compared to the requirements, the opportunity for outdoor dining is limited.

Applicant: *Incorrect each street frontage except for the existing pub is setback from the street to widen the footpath and provide opportunities for street dining on each street frontage and within the Village Square.*

Council: As noted above, due to the limited area proposed to village square, the opportunity for outdoor dining is limited.

4.28 For residential uses, the maximum building dimensions, inclusive of balconies and building articulation but excluding architectural features, is 24m x 60m. The building length for Residential Tower 1 is 67.402m, which is unacceptable, as the development does not maintain an appropriate level of visual privacy, due in a large part to the building footprint proposed.

Applicant: *The building length consists of two cores with a varied façade that is an architectural horizontal counterpoint to the building B3 tower adjacent to the Village Square.*

This architectural expression is setback on the retail podium and bridges between the Harrow road and Queen Street frontages, culminating in the Village Plaza.

Council: As noted, the building length of Residential Tower 1 is in excess of the requirements as noted under the Auburn DCP 2010, which is unacceptable, as due to the extent of building footprint proposed, visual privacy has not been maintained to adjoining sites and within the development.

5. *Failure to submit documentation demonstrating compliance with Auburn Development Control Plan (DCP) 2010, 'Part 15 – Parking and Loading' (pursuant to Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979), with regard to the following:-*

Applicant: *Incorrect.*

Please refer to the submitted Traffic Report, The Design Principles and the SEPP 65 Apartment Design Guide checklist particularly Part 3G, 3H and 3J.

Council: As specified, documentation demonstrating compliance with Auburn DCP 2010 has not been submitted.

Clause 3.2 – Access Driveway and Circulation Roadway Design

5.1 *An additional 300mm clear has not been provided for parking spaces where one side is confined by an obstruction.*

Applicant: *Columns are setback as required from the front of car spaces.*

We can audit each car space to identify any areas where this may be applicable.

Council: As noted, an additional 300mm clearance has not been provided for parking spaces with an obstruction to one side.

5.2 *A width of 5.8 metres has not been provided for the circulation aisles with 90 degree angle parking.*

Applicant: *All two way circulation has a minimum of 5.8m clearance.*

Council: A minimum aisle width of 5.8 metres has not been provided for the one-way aisles with 90 degree angle parking spaces in accordance with AS 2890.1 – 2004.

5.3 *The aisle width next to the 90 degree angle parking spaces have not been widened by 300mm where the aisle is confined by a wall or other obstruction.*

Applicant: *An audit of each car space will be undertaken to identify any areas where this may be Applicable.*

Council: The Applicant's commitment to audit each car space is noted.

5.4 *A detailed swept path analysis has not been provided, which demonstrates cars passing on another along circulation aisles.*

Applicant: *A detailed swept analysis has never been requested however it can be submitted.*

Council: The Applicant's commitment to provide a detailed swept path analysis is noted.

5.5 Adequate manoeuvring space is not available for parking spaces 100 and 135.

Applicant: *A detailed swept analysis has never been requested however it can be submitted.*

Council: The Applicant's commitment to provide a detailed swept path analysis is noted.

5.6 Adequate sight distance is not available for parking space 99.

Applicant: *A detailed swept analysis has never been requested however it can be submitted.*

Council: The Applicant's statement does not reflect the concern noted.

5.7 Turn areas have not been provided at the blind aisle near parking space 101.

Applicant: *A detailed swept analysis has never been requested however it can be submitted.*

Council: The Applicant's commitment to provide a detailed swept path analysis is noted.

5.8 Adequate information has not been provided to determine if the minimum 2.2 metre clearance has been provided for the car park

Applicant: *Structural floor depths can be submitted to demonstrate the 2.2m clearance required.*

Council: The Applicant's commitment to provide structural floor depths is noted.

5.9 The commercial parking spaces are not provided with a width of 2.6 metres.

Applicant: *The loading dock spaces are 2.6m wide and 4m for the fixed axle truck parking bay.*

Council: The Applicant's statement does not reflect the concern noted.

5.10 The queuing area in front of the roller door to the residential basement parking levels is not adequate, and is not designed in accordance with AS 2890.1.

Applicant: *The queuing space of 8m was requested as part of the Pre-lodgement Traffic comments.*

Council: It is unclear as to why the Applicant has indicated this is a request of Council, as the Pre-lodgement Traffic comments make no such request.

5.11 *The proposed residential ramp width is not adequate to accommodate a proposed centre median and any access control devices.*

Applicant: *The residential ramp is to the required widths and is for residents only which will be operated by remote controls, only in the shared retail parking areas are access control gates shown.*

Council: The Applicant's comments are noted, and the matter could be conditioned.

Clause 3.1 – Bicycle Parking

5.12 *Bicycle racks shall be provided in safe and convenient locations, providing 1 bicycle storage area for every 5 residential units as part of mixed use development.*

Applicant: *Refer to the SEPP 65 Apartment Design Guide checklist Section 3J as all residents will have storage spaces sufficient to house bicycles.*

Refer Section 4G for the storage provisions for the distribution.

Council: Refer to commentary below which addresses the point raised.

In total, 245 residential units are proposed, requiring 49 bicycle parking spaces. Bicycle storage areas have been provided within the development; however, it is unclear how many bicycles can be stored within these areas, which is unacceptable, as it is unclear if the proposed development encourages the use of bicycles as a sustainable mode of transport.

Applicant: *Refer to the SEPP 65 Apartment Design Guide checklist Section 3J as all residents will have storage spaces sufficient to house bicycles.*

Refer Section 4G for the storage provisions for the distribution.

Council: As noted, adequate information has not been submitted to demonstrate the required number of bicycle parking spaces to service the development.

Clause 5.1.5 – Number of Car Parking Spaces

5.13 *Development in the B4 Mixed Use Zones within 1000 metres of a railway station in Town Centres (Auburn and Lidcombe) shall provide a minimum of 1 space per 60m² of commercial, and a maximum of 4 spaces per 40m² of commercial.*

In total, 7,599m² of commercial is proposed, requiring 127 car parking spaces. 109 spaces have been provided within the commercial and residential car parking level on Basement Level 1, which is unacceptable, as adequate parking has not been provided to service the development.

Applicant: *Please refer to the Traffic Report for the design strategy.*

The basement B1 houses 109 spaces which are for commercial, retail and residential visitor parking.

Council: As noted, the required number of commercial parking spaces to service the development has not been provided, which is not acceptable.

Note: *As the car parking within Basement Level 1 is a combination of commercial and residential visitor parking spaces, adequate information has not been provided to determine the extent of parking provided to service the commercial area.*

Applicant: *Commercial car spaces we can designated if required.*

Council: The Applicant's commitment to designate commercial parking spaces is noted.

Clause 7.0 – Loading Requirements

5.14 *Loading/unloading facilities shall be positioned so as to not interfere with visitor/employee or resident designated parking spaces. A conflict exists between the commercial parking area and the loading bay, specifically, when vehicles are maneuvering.*

Applicant: *Please refer to the Traffic Report for the design strategy.*

The main servicing cycle for the development will be outside the normal operating hours of the development and centre management controlled.

Council: The proposal to control deliveries outside normal business hours by centre management is not supported, as it is not practical, and hard to implement / monitor.

5.15 *Ten loading bays for trucks and commercial vehicles shall be provided to service the development. Only 1 medium rigid loading dock and 2 service vehicle docks have been provided to service the development.*

Applicant: *Please refer to the Traffic Report for the design strategy.*

Additional servicing car spaces could be investigated in basement B1 adjacent to the lift cores.

Council: The loading bay requirements shall meet the requirements as noted in the Auburn DCP 2010.

5.16 *The waste collection and commercial loading areas have not been separated.*

Applicant: *Incorrect the retail/commercial and residential are clearly shown as separated on the basement B1 plan DA-3103.*

Council: The Applicant's statement does not reflect the concern noted.

5.17 A 4.5 metre headroom height has not been provided for the loading area.

Applicant: *Incorrect currently there is a 5m floor to floor height.*

Council: Detailed longitudinal sections have not been provided.

5.18 The loading area does not accommodate a heavy rigid vehicle, required to service the development.

Applicant: *Incorrect one rigid axle vehicle space has been provided for removal vans or garbage trucks.*

Please refer to the Traffic Report.

Council: The Traffic Report states the loading dock is suitable for vans, medium rigid vehicles are garbage trucks only.

5.19 Deliveries from the loading docks are transported through the public lifts, which is not appropriate.

Applicant: *The integration of the vehicle retail and servicing entrances from Harrow Road reduces the impact of the vehicle entrances on the streetscape and simplifies circulation.*

Council: As noted, deliveries are transported through public lifts, which is not appropriate.

6. Failure to submit documentation demonstrating compliance with Auburn Development Control Plan (DCP) 2010, 'Part 17 – Access and Mobility' (pursuant to Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

Applicant: *Incorrect please refer to the Accessibility Report.*

Council: Refer to commentary below which addresses the points raised by Council.

Clause 2.0 – Design Guidelines for Access

6.1 Access to persons with a disability has not been afforded from the commercial parking area to the Village Tavern, which is unacceptable, as equal access opportunities has not been afforded to all persons.

Applicant: *Incorrect, there is lift access at all levels opening into the existing pub and the additional areas, as well as directly from all street frontages, with an inclinor on the internal stairs.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

7. Failure to submit documentation demonstrating compliance with Auburn Development Control Plan (DCP) 2010, 'Part 17 – Stormwater and

Drainage' (pursuant to Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

Applicant: *Please refer to the OSD Report by Beca which formed part of the submission.*

Council: Refer to commentary below which addresses the points raised by Council.

Clause 4.1 – Easements to Drain Water

7.1 ***A Right of Drainage, 1.525 metres wide, is present along the southern boundary (interface with 1, 3 & 5 – 7 Mary Street, Auburn); however, the easement is encroached upon by the proposed development.***

Applicant: *Incorrect the easement is clearly shown on the plans DA-3101-3107.*

Council: As noted, the Right of Drainage is encroached upon by the proposed development.

Clause 5.0 – On-Site Detention

7.2 ***A detailed On-site Stormwater Detention (OSD) calculation sheet has not been submitted.***

Applicant: *Please refer to the OSD report by Beca and the attached drawing that formed part of the submission.*

Council: As noted, the OSD calculation sheet has not been provided.

7.3 ***The OSD tank and rainwater tank have not been separated.***

Applicant: *They are within the same structural envelope but divided with concrete walls.*

Council: The OSD tank and rainwater tank are not separated. It is not appropriate to provide rainwater tank storage below the OSD tank.

7.4 ***The OSD tank has not been located outside the commercial floor areas.***

Applicant: *The location of the OSD tank has been determined by the street connection levels and the location of the existing pub.*

Council: As noted, the OSD tanks have not been located outside the commercial floor areas, which is not acceptable.

7.5 ***Details of stormwater disposal to Council's drainage system have not been clearly annotated on the submitted plans.***

Applicant: *This information can be provided as it is only a DA submission rather than a CC level of documentation.*

Council: The information is required to be submitted with the Development Application, as it is a matter for consideration under the Auburn DCP 2010.

7.6 *A grated drain has not been provided behind the flap valve. The OSD tank configuration does not comply with Council's standard drawing.*

Applicant: *This information can be provided however the level of detail is not consistent with the DA submission requirements and is more relevant to a CC level of documentation.*

Council: The Applicant's commitment to provide detail related to a grated drain behind the flap valve is noted.

7.7 *The spacing between the OSD tank access grates exceeds 5 metres.*

Applicant: *This information can be provided and the tank is designed to integrate with the development planning while still providing access.*

Council: The Applicant's commitment to provide spacing between OSD tank access grates in excess of 5 metres is noted.

7.8 *A detailed Survey showing all existing footpaths, kerb and gutter and other surface levels has not been provided.*

Applicant: *A survey has been provided with details.*

Council: Council has located a Survey Plan within the Hyder Engineering report, which addresses this matter. This item has been updated within the Draft Notice of Determination.

8. *Failure to submit documentation demonstrating compliance with Auburn Development Control Plan (DCP) 2010, 'Part 18 – Waste' (pursuant to Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979), with regard to the following:-*

8.1 *The waste service requirements for the proposed development are as follows:-*

- ***Residential Garbage: 10 x 1100L mgb's collected three times a week.***
- ***Residential Recycling: 6 x 1100L mgb's collected three times a week.***

It is unclear from the submitted plans if the bin storage rooms have the capacity to accommodate the bin arrangement listed above.

Applicant: *Please refer to the Waste Management Report, a detailed bin layout can be provided and has been indicated on the plans diagrammatically.*

Council: The Applicant has not demonstrated if the bin storage rooms have the capacity to accommodate the required bin arrangement.

8.2 The Applicant has not demonstrated how garbage and recycling bins will be transported from the bin storage room to the loading bay for servicing, and whether there is sufficient space for the required number of bins.

Applicant: *Please refer to the Waste Management Report.*

The project has been designed to be able to be serviced by the Council or private contractor's, with direct collection from holding areas at basement B1 with low clearance trucks or collection by larger vehicles at the Lower Ground Floor Loading, which would be managed by the Centre Management.

Council: The applicant has not demonstrated how the bins from Residential Tower 2 will be transported to the loading bay for servicing, and if the servicing area (loading bay) has sufficient space, as a total of 16 x 1100L bins will be collected on each service day.

8.3 The Applicant has not demonstrated the location of residential waste holding room noted within the Architectural Plans can accommodate the recommended bin arrangement above.

Applicant: *The collection rooms have been designed in accordance with the provisions of the Waste management Report and information can be provided to illustrate the detailed bin layout.*

Council: The applicant has not demonstrated the temporary residential waste holding room near the servicing area (loading bay) can accommodate the required bin arrangement.

8.4 The Applicant has not demonstrated that a swept path for a 10.5 metre heavy rigid vehicle can manoeuvre to the loading bay on-site, and undertake collection of garbage and recycling.

Applicant: *A detailed swept analysis has never been requested however it can be submitted.*

Council: Cumberland Council will provide residential waste services at the proposed development using a 10.5metre Heavy Rigid Vehicle (HRV) with a head clearance of 4.5metres. The applicant has not provided a swept path analysis for a 10.5 HRV within the architectural plans, Waste Management Plan or within the Traffic Report.

8.5 The Applicant has indicated a private garbage and recycling collection service will be used, which will incur a waste availability charge. The Applicant has not considered Council providing the service.

Applicant: *Incorrect.*

Please refer to the Waste Management Report.

The project has been designed to be able to be serviced by the Council or private contractor's, with direct collection from holding areas at basement B1 with low clearance trucks or collection by larger vehicles at

the Lower Ground Floor Loading, which would be managed by the Centre Management.

Council: Page 15 of the Waste Management Plan (WMP), under section "Collection of Waste" outlines *"all garbage and recycling generated within this development will be collected by a private contractor"*.

Cumberland Council will provide residential waste services at the proposed development using 1100L bins and a 10.5metre HRV.

8.6 A caged area for bulky items discarded by residents awaiting Council's collection has not been provided.

Applicant: *Three holding rooms have been shown in the loading dock that could be used for this purpose, refer DA-3104.*

Council: The applicant has not demonstrated the location of a bulky waste storage room within the Architectural plans or Waste Management Plan.

9. Failure to submit documentation demonstrating the proposal has considered the provisions of the Environmental Planning and Assessment Regulation 2000 (pursuant to Section 79C (1)(a)(iv) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

Schedule 1 - Forms

9.1 The submitted Statement of Environmental Effects notes the proposal includes 'upgrades to an existing hotel, including alterations and additions'.

No further information on this aspect of the development is given, and, an assessment of the plans submitted reveals the area in question is more appropriately defined as a Food and drink premises, either being a Pub or a Small Bar, as opposed to Hotel or Motel Accommodation, as no rooms or self-contained suites are proposed.

Applicant: *It is not proposed to house any accommodation, the proposed alterations and additions are an expansion of the existing pub with a gaming room.*

Council: As noted, the information submitted with the application identifies the proposal involves *'upgrades to an existing hotel'*, to which it is not, as the area in question is a Food and drink premises, either being a Pub or a Small Bar.

9.2 The submitted Clause 4.6 – Exceptions to Development Standards Statement does not document the full extent of exceedances proposed beyond the Height of Building standard applicable to the site.

Applicant: *As previously outlined the height planes have been shown on the sections with stated levels.*

Council: Refer to commentary below which addresses the point raised.

Note: *The Elevations and Section plans submitted with the Development Application reveals a number of protruding blade / fin walls, as well as elements of the 14 storey residential tower extending beyond the 49 metre height of building standard applicable to the site, which have not been documented within the submitted Clause 4.6 – Exceptions to Development Standards Statement.*

Applicant: *Projecting blades and fins above the parapet line do not impact on the overall bulk of the height of the building and are an architectural expression to visually vary the skyline.*

Council: As noted, a number of elements exceed the 49 metre height standard applicable to site, which have not been documented within the submitted Clause 4.6 Variation Statement.

9.3 *The Survey Plan submitted with the Development Application does not denote the area of the site, or any existing easements and rights of way.*

Applicant: *The area of the site is denoted as 5,800sm on the survey plan.*

Council: As noted, the area of the site, existing easements and rights of way have not been indicated on the Survey Plan submitted with the Development Application.

9.4 *A copy of the DRAINS model has not been submitted.*

Applicant: *This information has never been requested however it can be submitted.*

Council: The Applicant's commitment to submit the DRAINS model is noted.

9.5 *The Traffic model has not addressed the following:*

Applicant: *Please refer to the Traffic Report as the design strategies have been addressed in relation to the following items consistent with the currently available traffic surveys.*

Council: Refer to commentary below which addresses the points raised by Council.

- ***Intersection counts undertaken at the intersection of Auburn Road, Civic Road and Queen Street do not include pedestrian movement counts.***

Applicant: *Pedestrian counts for this area has never been requested.*

Council: As noted, the traffic model does not include pedestrian movement counts.

- ***The SIDRA intersection modelling undertaken has not used actual signal phasings and green times signals operating during peak periods. Hence, base modelling results do not reflect the actual level of service and degree of saturation the traffic control signals operate.***

Applicant: *Please refer to the Traffic Report and we will seek confirmation.*

Council: Reference is made to the Traffic Report, and confirmation of the matter by the Applicant is noted.

9.6 *A Phase 1 Contamination Assessment was prepared by Douglas Partners Pty Ltd, Project Number 43789, dated March 2006. Whilst the Phase 1 Contamination Assessment appears to be prepared in accordance with the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites, the report was prepared in 2006, and is therefore over 10 years old.*

Applicant: *The site is totally sealed with no access to the subsoil areas hence the initial report is still valid.*

Council: As noted, as the Phase 1 Contamination Assessment is over 10 years old, the Application does not satisfy the requirements of SEPP 55 – Remediation of Land.

9.7 *A standard unit layout has not been provided for Unit 2.01A.*

Applicant: *Correct this unit has been deleted.*

Council: The deletion of the unit is not reflected in the plans submitted with the Development Application.

9.8 *Adequate information has not been provided regarding the proposed numbers and location of plants.*

Applicant: *Please refer to the Landscape drawings, as a detailed plant schedule is normally part of the CC documentation.*

Council: The plant schedule is required to be submitted with the Development Application, in particular, noting the specific recommendations of the Wind Effects Report.

9.9 *The material schedule submitted with the Development Application does not include the material for paving.*

Applicant: *Please refer to the generic finishes shown on the Landscape Plans. Detailed information will be submitted as part of the CC documentation.*

Council: A complete schedule of material finishes is required to be submitted with the Development Application.

9.10 *Adequate information has not been provided to show how the basement associated with the Village Tavern, within Basement Level 1, is accessed.*

Applicant: *The stair enclosure is shown put the graphic for the stair has dropped out and will be amended to show the existing stair, as no changes are proposed for the pub basement.*

Council: The Applicant comments are noted.

9.11 Adequate information has not been provided to determine:-

- ***The access arrangement to the private terrace to the east of Unit 2.2.08 on Level 2, Residential Tower 2.***

Applicant: *No access just a landscaped strip below the windows.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The access arrangement to the balcony area to the west of Unit 3.2.17.2 on Level 3, Residential Tower 2.***

Applicant: *Access to both balconies off bedroom 1.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***The access arrangement to the balcony area to the east of Unit 3.2.17.1 on Level 3, Residential Tower 2.***

Applicant: *Bedroom access.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***Which unit the terrace area to the South/West of Unit 8.1.08A on Level 8, within Residential Tower 1, is allocated, and how it is accessed.***

Applicant: *Access from unit 8.01.8 with a courtyard screen.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

- ***Which unit the terrace area to the South of Unit 3.2.18 on Level 3, within Residential Tower 1, is allocated, and how it is accessed.***

Applicant: *Access from unit 3.2.18.*

Council: The design as reflected in the Applicant's statement is not reflected in the plans submitted with the Development Application.

4 Conclusion

- 4.1 The Application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy No. 55 (Remediation of Land), State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, Auburn Local Environmental Plan (LEP) 2010, and Auburn Development Control Plan (DCP) 2010.

- 4.2 Following a review of the submission received from the Applicant, the recommended for **Refusal** standards, noting the concerns raised within this report.

5 Recommendation

- 5.1 The Development Application be Refused by the Sydney West Central Planning Panel, subject to the Refusal Notice provided at **Attachment 1**.
- 5.2 The applicant and objectors be advised of the Sydney West Central Planning Panel's decision.