

# Assessment Report and Recommendation

## SUMMARY

<b>Applicant</b>	Zhinar Architect
<b>Owner</b>	Apartments on Mark Pty Ltd
<b>Application No.</b>	DA-363/2017
<b>Description of Land</b>	Lot 1 Sec 3 DP 846, Lot 2 Sec 3 DP 846, Lot 3 Sec 3 DP 846, Lot 4 Sec 3 DP 846, Lot 5 Sec 3 DP 846, Lot 6 Sec 3 DP 846, 4-14 Mark Street, LIDCOMBE
<b>Proposed Development</b>	Demolition of existing dwellings & associated structures and construction of a ten storey mixed-use development consisting of 6 commercial tenancies and 171 residential units over five levels of basement parking
<b>Site Area</b>	3,149m <sup>2</sup>
<b>Zoning</b>	Zone B4 - Mixed Use
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Issues</b>	<ul style="list-style-type: none"><li>- Non-compliance with ALEP - Height</li><li>- Minor Non-compliances with SEPP 65 and Auburn DCP 2010</li><li>- Submissions</li></ul>

### 1. Recommendation

*That Development Application No. DA-363/2017 for Demolition of existing structures, construction of a 10 storey mixed use development with 171 apartments, six commercial tenancies and 5 levels of basement car parking at 4-14 Mark Street, Lidcombe, be approved via deferred commencement subject to the conditions of consent as described in the schedule.*

### 2. Background

#### PL-24/2017

A pre- application meeting was held on the 15 June 2017 between the applicant and Council Officers to discuss the development proposal. In summary, the development proposal raised a number of issues and matters that required significant amendments and alternate design options explored.

Issues included:

- Site isolation for the two remaining lots in the block to the south of the subject site.
- Building over height.
- SEPP 65 non compliances in the presented scheme.
- Shared access for commercial and residential foyer.
- Lack of waste facilities at each level.
- Further articulation of the building was required.

In addition, the applicant was also advised of various documents required for lodgement.

### 3. Detailed Description of the Development

Council is in receipt of a development application for the demolition of existing dwellings & associated structures and construction of a ten storey mixed-use development consisting of 6 commercial tenancies and 171 residential units over five levels of basement parking.

The application has the following components:

- Demolition of all structures across all six sites.
- Construction of a 10 storey mixed use development with a maximum building height of 35m and a maximum floor space ratio of 4.7:1.  
*(Note: The development exceeds the height limit by 3m. A clause 4.6 variation to the development standard to height has been provided to support the variance and is discussed in further detail under section 7(g) of the report below.)*
- 5 levels of basement parking containing 434 car spaces inclusive of accessible, commercial and visitor spaces along with associated lift/stair access, storage and service rooms.
- Ground level commercial units with a combined GFA of 1181.85m<sup>2</sup> and waste rooms for commercial and residential including associated loading/unloading areas, plant rooms, and toilets. There is also an internal substation and 2 residential foyers.
- 171 residential apartment units at Level 1 to Level 9 comprising of 36 x 1 BR units, 126 x 2 BR units and 9 x 3 BR units.
- Site infrastructure works including earthworks, stormwater drainage and ancillary landscaping works.

#### **4. Site & Locality Description**

The proposed redevelopment of the subject site comprises of six (6) allotments and is legally described as Lot 1 Sec 3 DP 846, Lot 2 Sec 3 DP 846, Lot 3 Sec 3 DP 846, Lot 4 Sec 3 DP 846, Lot 5 Sec 3 DP 846, Lot 6 Sec 3 DP 846, and is known as 4-14 Mark Street, LIDCOMBE.

The site is zoned B4 mixed use development and is situated on the eastern side of Mark Street, south of Marsden Street.

The land is regular in shape with a combined frontage width of 76.665m to Mark Street and 41.205m to Marsden Street, creating a total combined land area of 3149m<sup>2</sup>. The land has a moderate slope with a fall across the site of approximately 4m from the north-western corner to the south-eastern corner of the site.

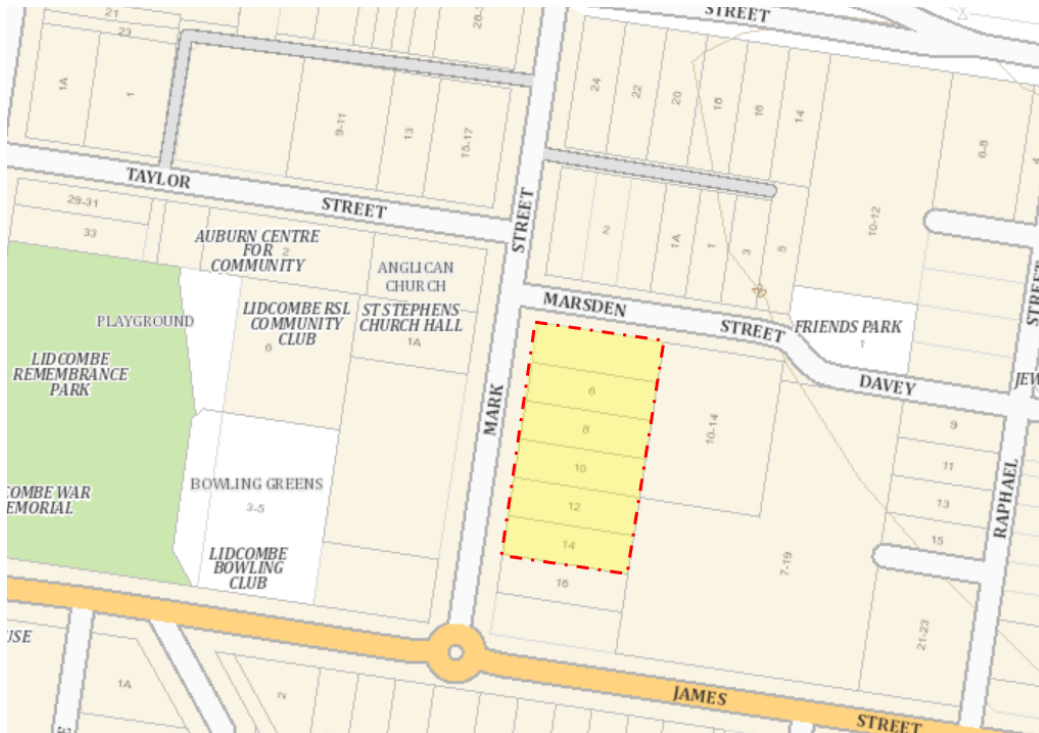
The subject site is located within the 'Lidcombe Town Centre' in one of the key sites being Precinct 7 – Marsden Street as identified in section 15.0 of the Local Centres chapter of the Auburn Development Control Plan (ADCP) 2010.

All six allotments are currently occupied by 1 storey dwelling houses. A number of trees exist across the six lots. The arborist report submitted with the application nominates 7 trees worthy of retention predominantly to the eastern boundary of the site and one to the north (refer Appendix E and F of Redgum Horticultural 22 March 2017). The design of the building and subsequent landscape plan incorporates retention of the worthy trees and Council's landscape designer has prepared appropriate conditions to ensure appropriate protection of those to be retained and replacement for any to be removed.

Surrounding developments in the immediate vicinity are currently characterised by a mix commercial/retail land uses and high density residential and mixed use developments of various size and scale. It is evident that once the area completes transition, the area will be characterised predominantly by commercial and mixed use developments given the context and current zoning of the locality.

Adjoining developments consist of a two storey factory building to the north of the subject site opposite Marsden Street, to the west and south-west 3 and 4 storey Residential Flat Buildings, and to the south a remaining 1 storey dwelling houses. Opposite the site to the east is a 7 storey residential apartment building containing 85 units at 1-9 Mark Street.

Locality plan of the subject site:



Subject site



Aerial view



View of subject site looking south-east from the intersection of Marsden Street and Mark Street



View of subject site looking north-east from Mark Street





View of subject site looking east (4 internal lots visible)



View of subject site looking south-west from Marsden Street

## 5. Referrals

### (a) Internal Referrals

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

- Engineering

Council's Engineer has reviewed the application and has recommended deferred commencement conditions be imposed. These conditions include amended stormwater and architectural plans.

- Health

Council's Environmental Health Officer has reviewed the application and no major issues were raised that could not be resolved via conditions. Therefore, no objections to the proposal were raised by Council's Health Officer subject to the imposition of conditions on any development consent.

- Landscape

Council's Landscape Architect has reviewed the application and has raised no objections to the proposed landscape concept plan subject to recommended conditions of consent.

#### **(b) External Referrals**

The development application was required to be referred to the following external bodies or approval agencies for comment:

- NSW Police

Correspondence received from NSW Police recommended standard conditions for crime prevention to be imposed as part of any consent issued.

- Roads and Maritime Services (RMS)

The Development Application was referred to the RMS under Clause 104 – Traffic-generating development of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) on 23 February 2018. Council has not received any correspondence within 21 days of the referral from the RMS as per Clause 104(3)(b)(i) of the ISEPP.

#### **6. Planning Agreements – provisions of section 93F (EP&A Act s79C(1)(iia))**

The development proposal was not subject to any planning agreements.

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

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

The requirement at clause 7 of SEPP No. 55 has been considered in the assessment of the development application.

A preliminary site investigation carried out by STS GeoEnvironmental, report reference 17/0491 dated March 2017 has been submitted to accompany the development application. The report concludes that the site has historically been used for residential dwellings since the 1920's and there is no evidence of activities to cause contamination on the site. The site can be made suitable to accommodate the proposed development subject to the recommendations for hazardous material management and groundwater management as detailed in the report.

Council's Environment and Health department have reviewed the above report and is satisfied that the site is suitable to accommodate the proposed development and appropriate conditions have been recommended to be imposed as part of any consent issued. Council Officers are therefore satisfied that the development application can proceed in this instance as the application is considered to be satisfactory with respect to clause 7 of SEPP 55.

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

SEPP 65 applies to the development as the building is 3 storeys or more, and contains more than 4 dwellings. A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted. The statement addresses each of the 9 principles and an assessment of this is made below. The assessing officer's comments in relation to the submission is outlined below.

Requirement	Yes	No	N/A	Comment
<b>Clause 2 Aims, objectives etc.</b>				The proposal is generally considered to satisfy the aims and objectives of SEPP 65. Some aspects of non-compliance are identified with this policy, and these are discussed in greater detail below.
(3) Improving the design quality of residential flat development aims:				
(a) To ensure that it contributes to the sustainable development of NSW:				
(i) by providing sustainable housing in social and environmental terms;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(ii) By being a long-term asset to its neighbourhood;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(iii) By achieving the urban planning policies for its regional and local contexts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(b) To achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(c) To better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(d) To maximise amenity, safety and security for the benefit of its occupants and the wider community.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(e) To minimise the consumption of energy from non-renewable resources to conserve the environment and to reduce greenhouse gas emissions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(f) to contribute to the provision of a variety of dwelling types to meet population growth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(g) to support housing affordability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Part 2 Design quality principles</b>				
<b>Principle 1: Context</b>				The site is bound by Mark Street to the west and Marsden Street to the north.  The area is in transition in which the current urban form is being replaced with
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
<p>includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>				<p>residential and mixed use developments are likely to continue for the foreseeable future.</p> <p>The proposal presents a satisfactory concept for continuation of development on the remaining two lots to the south over time.</p> <p>The amended proposal presents commercial development to the ground floor at a 4 metre setback to the boundary. While the ADCP for the Lidcombe town centre does not identify the site for active frontages the proposal will compliment the recent development opposite on Mark Street which is residential in nature.</p>
<p><b>Principle 2: Built Form and Scale</b></p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>10 storey mixed use development with a maximum building height of 35m over five levels of basement car parking.</p> <p>The building will present a strong façade to Mark and Marsden Streets.</p> <p>Similar floor plates are used for each residential floor that creates an external rhythm to the building and achieves appropriate solar access for the majority of apartments. The ground level contains 6 commercial tenancies which will activate the street level.</p> <p>The vertical and horizontal rhythm of the built form, are complemented by paved pedestrian entries, raised planters and a pattern of street trees. All these elements will contribute positively to the public domain.</p>
<p><b>Principle 3: Density</b></p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The site is zoned for mixed use development and is located in the Lidcombe Town Centre and the maximum allowable density on site is 5:1.</p> <p>The proposed development has an FSR of 4.7:1 and complies with the maximum FSR for the site. The proposed development is, therefore, of an appropriate density.</p>
<p><b>Principle 4: Sustainability</b></p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>A BASIX Certificate and relevant reports have been submitted with the development application.</p> <p>The certificates require sustainable development features to be installed into the development.</p> <p>The proposal will incorporate features relating to ESD in the design and construction of the development inclusive of water efficient fixtures and energy saving devices.</p>



Requirement	Yes	No	N/A	Comment
groundwater recharge and vegetation.				The development achieves a good level of cross ventilation throughout the development with a majority of the proposed units having dual aspects or diagonal cross ventilation.
<b>Principle 5: Landscape</b> Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.  Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.  Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Given that the subject site is located in a town centre, deep soil zones are not considered to be practical due to requirements for basement parking and desired built forms requiring nil street setbacks to create a defined street edge.  A total of 1093.67m <sup>2</sup> of communal open space is provided and is located on the Ground floor (for the commercial units) and rooftop terrace (for residents).  An additional a communal landscape strip is integrated into the building design along the Mark Street frontage to soften the building design on the ground level.
<b>Principle 6: Amenity</b> Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.  Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal will deliver sufficient amenity to residents of the building. The proposal achieves compliance with the ADG in this regard which contains many amenity controls.  The building design incorporates access and circulation, apartment layouts, floor area, ceiling height, private open space, common open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities. The proposal is considered to comply with the ADG and ADCP 2010 which contains numerous amenity controls.  Suitable access is provided to all parts of the building, through the efficient use of lift to access all levels.  The development is considered to provide an appropriate level of amenity for future residents.
<b>Principal 7: Safety</b> Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.  A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Passive surveillance of public space is maximised through orientation of units and the commercial tenancies with glazed frontages to the street level.  The position and orientation of the various building elements allow balconies and habitable rooms of apartments to overlook the street and communal open space on the ground level.  The two main residential pedestrian entrances are separated from commercial entries and are visible from the street.

Requirement	Yes	No	N/A	Comment
				<p>Safety is achieved by separating the pedestrian paths from the vehicular driveway.</p> <p>All access paths shall be suitably illuminated at night.</p> <p>Lighting shall be provided to all common areas including the car parking areas as well as the stairs and access areas to external areas.</p> <p>Dark unlit areas and entrapment areas within the basement have been avoided or minimised.</p>
<p><b>Principal 8: Housing Diversity and Social Interaction</b></p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The apartment mix is considered to be satisfactory. The specifics of the building are:-</p> <ul style="list-style-type: none"> <li>- 36 x 1 bedroom apartments.</li> <li>- 126 x 2 bedroom apartments.</li> <li>- 9 x 3 bedroom apartments.</li> </ul> <p>Of those there are 18 adaptable apartments out of a total of 171 apartments all of which are 1 bedroom units.</p> <p>Communal open spaces on the Level 1 podium and rooftop terrace will allow for opportunities for social interaction among residents.</p> <p>The site is within the Lidcombe Town Centre and close to associated services. Services are readily available close by such as shopping facilities, public transport, schools, healthcare and religious activities.</p> <p>The mix of apartments is satisfactory.</p>
<p><b>Principle 9: Aesthetics</b></p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The mixed use building has an attractive contemporary appearance and utilises building elements that provide individuality to the development without compromising the streetscape or detracting from the appearance of existing surrounding development.</p> <p>The building responds well in this regard with its provision of good aesthetics through the use of high quality materials, attention to detail in its internal spaces and how it addresses the street frontages.</p> <p>The building provides an appropriate response to the existing and likely future character of the locality.</p>
<p><b>Clause 28 Determination of DAs</b></p> <p>(1) After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Cumberland Council does not employ a formal design review panel.</p> <p>The design quality principles are considered above and the ADG is considered in the assessment table immediately below.</p>

Requirement	Yes	No	N/A	Comment
<p>to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development.</p> <p>(2) 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):</p> <p>(a) the advice (if any) obtained from the design review panel, and</p> <p>(b) the design quality of the development when evaluated in accordance with the design quality principles, and</p> <p>(c) the Apartment Design Guide.</p>				

Integral to SEPP 65 is the Apartment Design Guide (ADG), which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development.

The provisions and design quality principles of the SEPP and ADG have been considered in the assessment of the application. In general, the proposed development is considered to perform satisfactorily having regard to the SEPP and design principles as well as the ADG.

A detailed and comprehensive assessment of the development against the ADG is found at **Appendix A** of this report and a summary of the proposed development's compliance with the ADG is assessed and the non-compliances are highlighted and discussed below.

Part 3E1 - Deep soil zones																				
<b>3E-1 Design criteria</b> Deep soil zones are to meet the following minimum requirements:		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Given the location of the site within the Lidcombe Town Centre, it is difficult to achieve the required deep soil area.</p> <p>The proposal provides 184.56m<sup>2</sup> (5.86%) of deep soil area within natural deep soil and deep planter boxes. This is considered to be acceptable due to the proposed basement car park and site constraints. However, soft landscape is proposed within the communal open spaces.</p> <p>Sufficient soil depth is proposed in these areas to support the variety of planters in the area including large trees up to 25L pot size, medium trees, shrubs, ground cover and turf.</p>															
<table><tr><th>Site Area</th><th>Dimensions</th><th>Deep Soil</th></tr><tr><td>&lt; 650m<sup>2</sup></td><td></td><td>7%</td></tr><tr><td>650m<sup>2</sup> to 1,500m<sup>2</sup></td><td>3m</td><td>7%</td></tr><tr><td>&gt; 1,500m<sup>2</sup></td><td>6m</td><td>7%</td></tr><tr><td>&gt; 1,500m<sup>2</sup> with significant existing tree</td><td>6m</td><td>7%</td></tr></table>		Site Area	Dimensions	Deep Soil	< 650m <sup>2</sup>		7%	650m <sup>2</sup> to 1,500m <sup>2</sup>	3m	7%	> 1,500m <sup>2</sup>	6m	7%	> 1,500m <sup>2</sup> with significant existing tree	6m	7%				
Site Area	Dimensions	Deep Soil																		
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Part 3F - Visual privacy											
<b>3F-1 Design criteria</b> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposal does not provide the required building separation from the eastern rear and southern side boundary.</p> <p><u>Eastern Rear Boundary:</u> The development proposes a 10m setback from the eastern side boundary, with a smaller portion being 3m from the boundary. The portion which presents a 3m setback is designed with blank walls.</p>						
<table><tr><th>Building height</th><th>Habitable rooms &amp; balconies</th><th>Non habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr></table>		Building height	Habitable rooms & balconies	Non habitable rooms	Up to 12m (4 storeys)	6m	3m				
Building height	Habitable rooms & balconies	Non habitable rooms									
Up to 12m (4 storeys)	6m	3m									

Up to 25m (5-8 storeys)	9m	4.5m				The development generally achieves 14.75m of separation from the apartment building to the east.
Over 25m (9 + storeys)	12m	6m				
Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2).						These setbacks are considered acceptable in the current and future context of the site as they will not result in unsatisfactory solar and privacy amenity for either property or for the streetscape.
Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.						<u>Southern Side Boundary:</u> The development proposes a nil ground floor side setback on the southern side boundary. This is maintained up to Level 9 with blank walls.  This is considered to be acceptable with the amended plans demonstrating a future floorplate layout for the southern adjoining sites which provides a nil setback to the subject site.
<b>Part 4A – Solar and daylight access</b>						
<b>4B-3 Design Criteria</b> Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The maximum overall depth of the cross-over or cross-through units is 19m for centrally located cross over units when measured from glass line to glass line. This is considered acceptable given it is a minor non-compliance and service / utility rooms are located central to the unit and these units have three aspects.
<b>Part 4D – Apartment Size and Layout</b>						
<b>4D-2 Design Criteria</b> All living areas and bedrooms should be located on the external face of the building. Where possible: <ul style="list-style-type: none"><li>bathrooms and laundries should have an external openable window</li><li>main living spaces should be oriented toward the primary outlook and aspect and away from noise sources.</li></ul>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bathrooms and laundries do not have windows and are located internally. Due to the size of the building, some internal rooms are expected and non-habitable rooms are considered acceptable.
<b>4D-3 Design Criteria</b> The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cross through apartments have a width <4m , however the narrow sections support utility rooms and this is considered satisfactory.
<b>Part 4F - Common circulation and spaces</b>						
<b>4F-1 Design criteria</b> 1. The maximum number of apartments off a circulation core on a single level is eight.  2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Four lifts are provided within the development with each servicing an average of 11 apartments on each level.  Four lifts are provided to service the building with 171 residential units. This equates to 42.75 apartments sharing a single lift. This is considered acceptable.
Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include: <ul style="list-style-type: none"><li>a series of foyer areas with windows and spaces for seating.</li></ul>			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The corridor at the northern core is a T junction corridor with each corridor length approximately 12m. The width of the corridor varies and apartment entries are well spaced.

<ul style="list-style-type: none"><li>wider areas at apartment entry doors and varied ceiling heights.</li></ul>														
4F-2 Design Guidance Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Achieved.										
4G – Storage														
4G-1 Design Criteria In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling type</th><th>Storage</th></tr><tr><td>Studio apartments</td><td>4m<sup>3</sup></td></tr><tr><td>1 bedroom apartments</td><td>6m<sup>3</sup></td></tr><tr><td>2 bedroom apartments</td><td>8m<sup>3</sup></td></tr><tr><td>3 plus bedroom apartments</td><td>10m<sup>3</sup></td></tr></table> At least 50% of the required storage is to be located within the apartment.	Dwelling type	Storage	Studio apartments	4m <sup>3</sup>	1 bedroom apartments	6m <sup>3</sup>	2 bedroom apartments	8m <sup>3</sup>	3 plus bedroom apartments	10m <sup>3</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Most apartments are not provided with sufficient internal storage space, with the internal storage being less than 50% of the required space.  Storage is provided within the basement levels but it is not allocated to units.  Appropriate conditions to be added to consent to ensure adequate storage is provided within the building to cater for apartments proposed.
Dwelling type	Storage													
Studio apartments	4m <sup>3</sup>													
1 bedroom apartments	6m <sup>3</sup>													
2 bedroom apartments	8m <sup>3</sup>													
3 plus bedroom apartments	10m <sup>3</sup>													
4G-1 Design Guidance Storage is accessible from either circulation or living areas.  Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.  Left over space such as under stairs is used for storage.	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>  <input checked="" type="checkbox"/>	Storage is provided within each unit in the form of dedicated separate storage cupboards within each unit.  Additional storage is provided in the form of storage compartments located within the basement parking levels that is not allocated to each unit.  Allocation of sufficient storage space is to be conditioned.										
4G-2 Design Guidance Storage not located in apartments is secure and clearly allocated to specific apartments.  Storage is provided for larger and less frequently accessed items.  Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible.  If communal storage rooms are provided they should be accessible from common circulation areas of the building.  Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain.	<input type="checkbox"/>  <input checked="" type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	<input checked="" type="checkbox"/>  <input type="checkbox"/>  <input checked="" type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	Storage cages are provided within the basement car park but is not clearly allocated to specific apartments.  Basement storage areas are not provided at the rear or side of car spaces and will be conditioned										
Part 4H - Acoustic Privacy														
4H-1 Design Guidance Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy). Window and door openings are generally orientated away from noise sources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suitable building separation is provided to allow private open space areas to be located away from each other. The matter of building separation has been addressed earlier in the report.										



<b>4Q - Universal design</b>				
<b>4Q-1 Design Guidance</b> Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are 171 units in the development. Of that figure, at least 18 or 10.5% are to be designated as "adaptable units".  However, all the apartments are capable of being redesigned to meet the requirements of universal design apartments and a condition will be imposed for 20% of units i.e. 35 units to be designated as "adaptable units"

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

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

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

State Environmental Planning Policy (State and Regional Development) 2011 pursuant to clauses 20 and 21 of the SEPP and schedule 4A of the Environmental Planning and Assessment Act 1979, indicates that where the proposed development is in excess of a Capital Investment Value (CIV) of \$20 million and exceeds the CIV threshold for Council to determine the application, the development will need to be referred to the Panel for determination. A cost estimate is provided with the application.

**(e) State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)**

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

The Development Application was referred to the RMS under Clause 104 – Traffic-generating development of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) on 23 February 2018. Council has not received any correspondence within 21 days of the referral from the RMS as per Clause 104(3)(b)(i) of the ISEPP.

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

The subject site is identified as being located within the area affected by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development raises no issues as no impact on the catchment is envisaged.

(Note: - the subject site is not identified in the relevant map as 'land within the 'Foreshores and Waterways Area' or 'Wetland Protection zone', is not a 'Strategic Foreshore Site' and does not contain any heritage items. Hence the majority of the SREP is not directly relevant to the proposed development).

**(g) Auburn Local Environmental Plan (LEP) 2010**

The provision of the Auburn Local Environmental Plan (ALEP 2010) is applicable to the development proposal.

## Zone objectives:

"The objectives of the B4 Mixed use zone include:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage high density residential development.*
- *To encourage appropriate businesses that contribute to economic growth.*
- *To achieve an accessible, attractive and safe public domain."*

The proposed development is considered to be generally consistent with the objectives of the ALEP 2010 and the objectives of the B4 Mixed use development zone applying to the land. The proposed development is located within the Lidcombe Town Centre and is considered to be appropriate and compatible with the changing urban context of the site and locality as envisioned by the relevant planning controls. The proposed development will also provide for the housing needs of the community close to major transport nodes.

The relevant matters to be considered under Auburn Local Environmental Plan 2010 for the proposed development have been considered in the assessment with a compliance table attached to the end of this report in **Appendix B**. A summary of proposed variations to development standards within the LEP is detailed below:

- Exceptions to Development Standards within LEP 2010

### Part 4, Clause 4.3 – Height of Buildings

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

As shown on the architectural plans (as amended), the proposal seeks approval to construct a new 10 storey mixed use building over 5 levels of basement car park with a maximum height of 35m at its highest point being the lift overruns when measured from the natural ground level. This represents a 3m non-compliance with the height control being a variation of 9.375%.

A sufficient 4.6 variation has been submitted with this application justifying and addressing the minor non-compliance with the height control. The non-compliance is considered reasonable as the elements that protrude beyond the height plane are only offering amenity to residents being a communal rooftop terrace and lift overruns – these areas are internal to the floor plate and would not be visible from the street. The proposed communal open space would not impact upon the amenity of surrounding residential properties with regard to overlooking and solar access.

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

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

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

### **(a) Auburn Development Control Plan 2010**

The relevant design requirements and objectives of the Auburn Development Control Plan 2010 have been considered in the assessment of the development application. The proposal is considered to perform satisfactorily with regard to the ADCP 2010 with some minor non-

compliances noted primarily relating to site coverage and floorplate size, offsite solar impacts to the south (will be mitigated by future development), provision of appropriate storage both inside apartments and basement, numbers of bike and motorbike parking.

The table provided at the end of this report under **Appendix C** is a comprehensive summary of compliance to demonstrate the overall design of the development proposal's consistency with the relevant planning controls that are applicable to the site with respect to the ADCP 2010. Suitable justification has been provided for the proposed variations and as such are considered acceptable. The non-compliances are discussed below:

## (II) Residential Flat Buildings

Requirement	Yes	No	N/A	Comments
2.0 Built Form				
2.2 Site coverage				
Performance criteria				
P1 Ensure that new development and alterations and additions to existing development result in site coverage which allows adequate provision to be made on site for infiltration of stormwater, deep soil tree planting, landscaping, footpaths, driveway areas and areas for outdoor recreation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As per the ADG and Local Centres part of the ADCP 2010, the proposed development is considered satisfactory given its town centre location.  As previously noted, the subject site is within Lidcombe Town Centre and the proposed design will accentuate the streetscape and place an emphasis on ensuring privacy within the adjoining residential uses.
P2 Minimise impacts in relation to overshadowing, privacy and view loss.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P3 Ensure through-site links for pedestrians are incorporated where applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No site through link proposed.
Development controls				
D1 The built upon area shall not exceed 50% of the total site area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any areas that are not built upon are suitably landscaped.  The built upon area exceeds 50% of the total site area. It is not feasible to achieve compliance with the stated provision due to the zoning, location of the site within the Lidcombe Town Centre, and the applicable planning controls that allows a high floor space ratio. It is considered appropriate to permit a variation to the stated provision in this instance.
D2 The non-built upon area shall be landscaped and consolidated into one communal open space and a series of courtyards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.3 Building envelope				
Performance criteria				
P1 The height, bulk and scale of a residential flat building development is compatible with neighbouring development and the locality. Residential flat buildings: <ul style="list-style-type: none"><li>addresses both streets on corner sites;</li><li>align with the existing street frontages and/or proposed new streets; and</li><li>form an L shape or a T shape where there is a wing at the rear.</li></ul> Note: The development control diagrams in section 10.0 illustrate building envelope controls.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	The proposal is consistent with the objectives of the zone and compatible with the desired future character of the area in accordance with the zone objectives.  The proposed development has a strong presentation to the intersection of Mark Street and Marsden Street.  The development generally incorporates a rectangular built form with encroachment to the street front to accentuate the street.
Development controls				
D1 Council may consider a site specific building envelope for certain sites, including: <ul style="list-style-type: none"><li>double frontage sites;</li></ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<ul style="list-style-type: none"> <li>• sites facing parks;</li> <li>• sites adjoining higher density zones; and</li> <li>• isolated sites.</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
<p><b>D2</b> The maximum building footprint dimensions, inclusive of balconies and building articulation but excluding architectural features, is 24m x 45m for sites up to 3,000m<sup>2</sup></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development has a maximum building footprint of 74.1m x 41.2 m which occupies an area of 3,052m<sup>2</sup>. Some podium landscape beds at ground level are incorporated into this figure.</p>
<p><b>D1</b> The tower component of any building above the podium or street wall height is to have a maximum floor plate of 850m<sup>2</sup>.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The tower component includes a floorplate of 2363 m.</p> <p>The proposed development however is considered acceptable given the location within the Lidcombe centre.</p>
<p><b>2.4 Setbacks</b></p>				
<p><b>Performance criteria</b></p>				
<p><b>P1</b> Impact on the streetscape is minimised by creating a sense of openness, providing opportunities for landscaping and semi-private areas, and providing visual continuity and building pattern.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The setbacks are considered to be appropriate for commercial tenancies at ground level that activate the streetscape along with legible residential core entries. These are appropriate to satisfy the performance criteria in this instance.</p>
<p><b>P2</b> Integrate new development with the established setback character of the street.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposal integrates with the emerging character of the street</p>
<p><b>P3</b> Ensure adequate separation between buildings, consistent with the established character and rhythm of built elements in the street.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><b>P4</b> Ensure adequate separation between buildings for visual and acoustic privacy.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><b>P5</b> Maintain a reasonable level of amenity for neighbours with adequate access to sunlight.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><b>Development controls</b></p>				
<p><b>2.4.1 Front setback</b></p>				
<p><b>D1</b> The minimum front setback shall be between 4 to 6m (except for residential flat development in the B1 and B2 zones) to provide a buffer zone from the street where residential use occupies the ground level.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><u>Front setback</u> The subject site is located within the B4- Mixed Use zone.</p> <p>The proposal complies with the setback control.</p>
<p><b>D2</b> Where a site has frontage to a lane, the minimum setback shall be 2m, however, this will vary depending on the width of the lane.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The site does not have a frontage to a laneway.</p>
<p><b>D3</b> Where a new building is located on a corner, the main frontage shall be determined on the existing streetscape patterns. Where the elevation is determined as the 'secondary' frontage, the setback may be reduced to 3m except where it relates to a primary frontage on that street.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposal has 4m setbacks to both street frontages.</p>
<p><b>D4</b> Front setbacks shall ensure that the distance between the front of a new building</p>				

to the front of the building on the opposite side of the street is a minimum of 10m for buildings up to 3 storeys high. For example, a 2m front setback is required where a 6m wide laneway is a shareway between the front of 2 buildings. Where a footpath is to be incorporated a greater setback shall be required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Separation from development opposite the street is achieved.
<b>D5</b> All building facades shall be articulated by bay windows, verandahs, balconies and/or blade walls. Such articulation elements may be forward of the required building line up to 1m.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Achieved.
<b>D6</b> In all residential zones, levels above 4 storeys are to be setback for mid-block sites.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is not situated within a residential zone.
<b>2.4.2 Side setback</b>				
<b>D1</b> In all residential zones, buildings shall have a side setback of at least 3m.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Side setbacks</u> The proposal has a nil side setback to the southern boundary. However, given the sites orientation, location within Lidcombe Town Centre and that the building's side elevations propose blank walls for these levels, strict compliance with this control is considered unnecessary, with the likely future development of the southern adjoining sites being demonstrated in the amended plans.
<b>D2</b> Eaves may extend a distance of 700mm from the wall.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>2.5.3 Rear setback</b>				
<b>D1</b> Rear setbacks shall be a minimum of 10m.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Rear setback</u> Basement to Ground Floor – 0m to 3m Level 1 to Level 9 – 3m to 10m The north-eastern portion of this elevation does not comply with the rear setback requirement but has been designed with blank walls. This is considered satisfactory given the second street frontage in this location and provides a continuity of built form to the street.  Whilst the side and rear setbacks nominated are not complied with, the setbacks are more appropriate to a residential area rather than a town centre location. As such, the nominated setbacks should not apply to the development given its location within the B4 Mixed Use zone.
<b>D2</b> Where there is a frontage to a street and a rear laneway the setback to the rear laneway shall be a minimum of 2m.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>D3</b> Where a building is an L or T shape with the windows facing side courtyards the rear setback shall be a minimum of 2m.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>2.6 Building depth</b>				
<b>Performance criteria</b>				
<b>P1</b> A high level of amenity is provided for residents including solar and daylight access.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal is considered to deliver an appropriate level of amenity to the residents of the building.  The development proposes a maximum depth of 27.2 m. Whilst this is a noteworthy variation, the additional depth occurs to allow a central north – south core with apartments running off each side. This is considered reasonable as it
<b>Development controls</b>				
<b>D1</b> The maximum depth of a residential flat building shall be 24m (inclusive of balconies and building articulation but excluding architectural features).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



[illegible]

<b>P1</b>	Buildings are sited and designed to ensure daylight to living rooms in adjacent dwellings and neighbouring open space is not significantly decreased.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	considered that these lots will likely be developed in a similar fashion to the subject site with a nil setback to the shared boundary and therefore solar impacts will be temporary.
<b>P2</b>	Buildings and private open space allow for the penetration of winter sun to ensure reasonable access to sunlight or daylight for living spaces within buildings and open space around buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Apartment layouts are generally considered satisfactory in terms of orientating living areas and private open spaces to optimise solar access where possible.
<b>Development controls</b>					
<b>D1</b>	Solar collectors proposed as part of a new development shall have unimpeded solar access between 9:00am to 3:00pm on June 21.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no solar panels situated on the roofs of nearby buildings especially to the south.
	Solar collectors existing on the adjoining properties shall not have their solar access impeded between 9:00am to 3:00pm on June 21.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Where adjoining properties do not have any solar collectors, a minimum of 3m <sup>2</sup> of north facing roof space of the adjoining dwelling shall retain unimpeded solar access between 9:00am to 3:00pm on June 21.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Note: Where the proposed development is located on an adjacent northern boundary this may not be possible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D2</b>	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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The shadow diagrams provided show the southern adjoining residential properties will not receive at least 3 hours sunlight during winter solstice. Refer to justification above and D6 below.
<b>D3</b>	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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>D4</b>	Habitable living room windows shall be located to face an outdoor space.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Refer to justification above and D6 below.
<b>D5</b>	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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal incorporates an open plan living/dining areas which have access to an outdoor space in the form of a balcony. Refer to justification above.
<b>D6</b>	Where the proposed residential flat building is on an adjacent northern boundary or located within an area undergoing transition, compliance with D1, D2, D3 and D4 development controls may not be achievable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal is north of the affected adjoining properties and is in an area undergoing transition to higher density mixed use developments.
<b>D7</b>	Internal living areas and external recreation areas shall have a north orientation for the majority of units in the development, where possible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D8</b>	The western walls of the residential flat				

building shall be appropriately shaded.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>7.0 Ancillary site facilities</b>				
<b>7.1 Storage</b>				
<b>Performance criteria</b>				
<b>P1</b> Dwellings are provided with adequate storage areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Residential units are designed to provide storage areas within the apartment in the form of dedicated separate storage cupboards. The proposal does not meet the storage requirements of the ADG as detailed earlier. An appropriate condition will be imposed to ensure all units will provide sufficient storage as required.
<b>Development controls</b>				
<b>D1</b> Storage space of 8m <sup>3</sup> per dwelling shall be provided. This space may form part of a garage or be a lockable unit at the side of the garage.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>D2</b> Storage space shall not impinge on the minimum area to be provided for parking spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Store rooms are located within the basement level for additional storage areas.

## (b) Section 94 Contributions Plan

### Section 94 Contribution towards provision or improvement of amenities or services

This part of the Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- (1) *If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) *the dedication of land free of cost, or*
  - (b) *the payment of a monetary contribution, or both.*
- (2) *A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.'*

#### Comments:

The development would require the payment of contributions in accordance with Council Section 94 Contributions Plans. It is recommended that conditions be imposed on any consent requiring the payment of these contributions prior to the issue of any construction certificate for the development.

The Section 94 Contributions are calculated based upon the following criteria:-

#### ***Residential:***

- 36 x 1 BR units,
- 126 x 2 BR units, and
- 9 x 3 BR units.

Total: **171 units**

#### ***Commercial:***

Total proposed: 1181.85 m<sup>2</sup> of commercial GFA

The s94 contribution amount is **\$ 913,904.85 for the residential component + \$ 4914 for the commercial component = \$ 918,818.85.** *The specified amounts are subjected to the CPI adjustments.* Appropriate s94 conditions will be included as part of any consent issued.

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

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

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

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

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

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

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

Advertised (newspaper) ☒  
Required ☐

Mail ☒

Sign ☒

Not

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited for a minimum period of 14 days between 12 September 2017 and 26 September 2017. The amended plans were publicly exhibited for a minimum period of 14 days between 6 March 2018 and 20 March 2018.

Council received three (3) submissions including one petition as a result of the public exhibition of the development proposal during the initial notification period. One submission was received as a result of the subsequent re-notification of the amended plans.

The issues raised in the original submissions are summarised and discussed below:

**Submission 1** from Department of Family and Community Services – Land and Housing Corporation – owner of 16 Mark Street, Lidcombe

**Issue:** *Site isolation of 16 Mark Street, Lidcombe.*

**Comment:** Since the submission the applicant has purchased this lot and it is understood negotiations are occurring for the purchase of 18 Mark Street, Lidcombe as well.

**Submission 2** from strata management secretary for owners 1- 9 Mark Street Lidcombe – 8 storey apartment building recently constructed.

**Issues:** *No Sunlight as these east facing apartments rely on morning sun, blocked view, lack of privacy, traffic congestion, parking spaces, crowded public transport, reduced property values.*

**Comments:**

The objectors building is located to the west of the proposed site and both sites enjoy the same planning controls for height and FSR. The separation between buildings taking account of street

carriageway and setbacks is approximately 28 metres which exceeds SEPP 65 building separation requirements. Mid-winter solar access will be impacted by the proposal but this is to be expected within the Lidcombe town centre precinct. Notwithstanding, solar impacts will reduce and negate in solstice and summer periods.

Some view loss is also to be expected with the emerging mixed use multi storey character of the precinct.

A SIDRA analysis has measured the capacity of Mark Street and James Street intersection and notes that the proposal will not reduce the service level (A) of the intersection. The proposal achieves and exceeds requirements for car and bicycle parking requirements.

The site is well located to access public transport, however the adequacy of the capacity of public transport is outside of the realm of local government planning controls and consideration.

Ensuring the resulting development meets minimum standards where possible and reduces impacts is in the public interest and will assist with the maintenance of property values.

**Submission 3** from David Bragg 21 / 10 – 14 Marsden Street Lidcombe.

***Issues:** General - There are too many high rise approvals - examples of development that are still available for lease or being sold.*

*Developments creating shadow impacts on adjoining properties, incompatible with the character of the neighbourhood and surrounding properties.*

*Concern that the foreign demographic of the area will not make a complaint.*

*Specific - The proposal does not comply with relevant planning instruments and policies. It will cause traffic, pollution problems, overcrowding and further congestion on railway that is already at capacity. It will impact the rich heritage of the area. It is not in the public interest.*

**Comments:** The site is located within the Lidcombe Town Centre and specifically nominated as part of the Key site #7 Marsden Street in the Auburn DCP. These sites have been specifically targeted for intensification and earmarked for urban transformation. The planning controls which allow high density housing have been in place for over 7 years and the resulting built form is emerging and changing the character of the area. These changes in density are taking place to address housing targets set by the state government to combat housing supply imbalance and housing affordability. The locations around transport hubs are chosen to attempt to reduce reliance on cars and promote public transport. The standard and delivery of adequate rail service is outside of Councils planning control.

Some community facilities inclusive of open space are embellished and upgraded by funding through section 94 contributions made by developers.

Some solar impacts are to be expected in a higher density urban setting, however, the proposal having its long axis north south on balance will result in acceptable impacts off site.

Traffic analysis considered intersection function will continue at service “A” level.

Following receipt of amended plans that were sought to address issues raised in the preliminary assessment phase the proposal was re-exhibited between 6 March 2018 and 20 March 2018 – one further submission was received.



#### Submission 4 from Heather

**Issues:** *Too much development, not in the public interest. Narrow Lidcombe roads cannot cope with traffic, Inadequate buses servicing stations forcing car congestion as commuters are dropped to station. Safety of children on balconies and all people on roof terrace. Safety of bikes negotiating the busy area. The development should not be permitted over height and should have one less storey and fewer units to bring it under height. Questioning commercial spaces and where customers will park, unviable commercial spaces. Access to schools is on the other side of Lidcombe.*

**Comments:** In relation to over development, traffic, public transport issues, response is the same as for Mr. Bragg. Safety – building will comply with Australian Standards and the Building Code which addresses safety.

The planning controls for mixed use zones call for the ground level to have ceiling heights that can cater for either commercial or residential spaces so that the building can adapt to change if required. While this part of the precinct has not been specifically earmarked for active (commercial) frontages, they offer passive surveillance of the street, potential for nearby services and facilities for residents and visitors to the area. The commercial floor plates are catered for car parking including some customer spaces.

The proposal was supported by a traffic report that concluded the development was satisfactory for this location from a transport, traffic, parking perspective.

The additional height occurs due to lift overruns and other built elements that service the rooftop terrace which is provided for resident amenity. The proposal is under the maximum floor space permitted and on balance the additional height does not impact the neighbouring amenity by way of visual intrusion or shadows.

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

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

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#### 15. Operational Plan / Delivery Program

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

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#### 16. Conclusion

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

The proposed development is appropriately located within a locality zoned for high-density mixed use redevelopment in accordance with the planning framework for Lidcombe, however some variations (as detailed above) in relation to State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development and Auburn Local Environmental Plan 2010 are sought.

Having regard to the assessment of the proposal from a merit perspective, Council may be satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

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