Assessment Report and Recommendation

SUMMARY

Applicant	Zhinar Architects.
Owner	Marque Eight Pty Ltd.
Application No.	DA-503/2017.
Description of Land	Lots 7-12 Section 2 DP 846, 2 Mark Street & 1A, 1 and 3 Marsden Street, Lidcombe.
Proposed Development	Demolition of existing structures, tree removal and construction of a ten storey mixed use development comprising a ground floor commercial tenancy and 153 residential units over four levels of basement car parking.
Site Area	2,441 Square metres.
Zoning	Zone B4 - Mixed Use.
Disclosure of political donations and gifts	Nil disclosure.
Issues	- Height of the building. - Overshadowing to existing and recently approved buildings to the south on Marsden Street . - Non-compliances with SEPP 65 and Auburn DCP 2010. - Isolated lot to the immediate east.

1. Recommendation

That Development Application No. DA-503/2017 for Demolition of existing structures, tree removal and construction of a ten storey mixed use development comprising three ground floor commercial tenancies and 149 residential units over four levels of basement car parking *at 2 Mark Street & 1A, 1 and 3 Marsden Street Lidcombe be approved via deferred commencement:*

PL-29/2017

A pre- application meeting was held on the 15 June 2017 between the applicant and Council Officers to discuss the development proposal which at that time related to 132 apartments over ten storeys. 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 one remaining lot in the block to the east of the subject site.
- Excessive building height.
- SEPP 65 non compliances in the presented scheme.
- Entry façade treatment,
- Communal open space, deep soil and landscape plan requirements.
- Building separation.
- Lack of waste facilities at each level.

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

The development application was lodged on November 29, 2017 for determination.

13 April 2018

Following discussions with Council regarding basement issues the applicant submitted issue B amended plans that dealt with the following:

- Basement extension and deep soil deletion.
- Waste and service truck loading area & driveway ramps (traffic issues were discussed and addressed together with Council's engineers.
- Commercial areas combined into one and removal of a commercial corridor.
- Addition of glazing/windows to the corner units at southern side.

However, the plans were later superseded.

7 May 2018

Council issued a request for additional information letter to the applicant raising the following issues with the proposal:

- **Site isolation:** Council requested that plans demonstrating how the adjoining residual lot could be incorporated into the subject development.
- **Solar Access / Ventilation diagrams** to be provided.
- **Amended plans:** Plan amendments requested to redesign apartments to the eastern boundary as they were long and narrow and offered unacceptable amenity.
- **Engineering matters:** Council detailed a number of requirements relating to the discharge of stormwater within the development , traffic /parking / loading and waste management within the subject site.

28 / 29 May 2018

The applicant submitted amended plans and additional information to Council, including:

- Amended Architectural Plans and Shadow Diagrams.
- Stormwater plans.
- Planning Response to Additional Information Request by letter.
- Response to Council's Acoustic issues raised.

Site isolation - The applicant justifies the site isolation issue with the following satisfactory response.

It has been agreed that site isolation is not an issue for No. 5 Marsden Street as a result of the proposed development. No.5 Marsden Street is currently used as a car park in association with the existing business located at 14 Railway Street. The proposed development does not result in the isolation of No. 5 Marsden Street for the following reasons:-

- *No. 5 Marsden Street is used in conjunction with No.14 Railway Street and would require both sites to be purchased which from a financial and design perspective, is unreasonable.*

- *If No.5 Marsden Street and No.14 Railway Street were included as a part of the application, it would further isolate No.16 Railway Street (as 18-24 Railway Street is approved as a residential flat building under DA-423/2016);*

• If No.5 Marsden Street and No.14 Railway Street were included as part of this application, the shape and orientation of the resulting lot will not be suitable for development in conjunction with the current design for 2 Mark Street & 1-3 Marsden Street.

Furthermore, contact has been made to the owners of No. 5 Marsden Street and 14 Railway Street and they have expressed that they have no intention to sell the property. For the above reasons a concept plan for No. 5 Marsden Street has not been provided as it is not deemed necessary in this instance.

14 June 2018

A report recommending deferred commencement approval was placed before the Sydney City Central Planning panel however, the matter was deferred by for the following reasons:

1. Sepp 55 - Remediation of Land had not been properly addressed, further site testing / investigation was required.
2. The presented proposal was not satisfactory for overshadowing of the development and 10 – 14 Marsden Street or the recently approved development at 4 – 14 Mark Street. The building should be redesigned to comply with Auburn DCP 2010 requirements for solar access and maximum height allowed under the Auburn LEP 2010.
3. Lack of deep soil planting as required by the Apartment Design Guide.
4. Further detail required regarding the roof top communal terrace to show seating and BBQ areas.
5. Tree number 2 and 7 are required to be shown in the landscape plan as being retained / protected in accordance with the arborist recommendation.

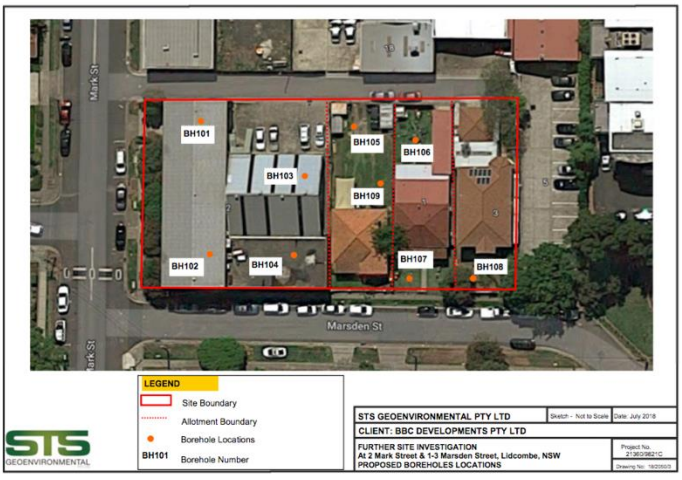
The applicant submitted amended architectural plans and landscape plans on 28 June 2018 along with a planning letter. The information and plans were deficient in that they did not provide any response to the impacts on the development at 4 - 14 Mark Street. There were also questions in relation to the percentage of apartments able to achieve sufficient solar access for a future development scenario and further information was requested.

Further amended plans were received 23 July 2018 and the report on further contamination tests was submitted 24 July 2018.

The following summarises how the five points for deferral were addressed by the applicant:

1. Further site testing included the following regime:

- *Six boreholes were advanced at the site using a track mounted drilling rig and the another three were auger drilled. Borehole locations were sited at target locations across the site.*
- *Selected soil samples were analysed for both inorganic and organic contaminants.*
- *Borehole locations below:*



Site testing results concluded the following:

- *The PCoC detected in the selected soil samples in the areas investigated are low and at levels that would not present an unacceptable risk to human-health. Based on this information, the site is considered suitable for the proposed development.*

Actions required:

- *Based on the findings of this FSI, a Remediation Action Plan (RAP) will not be required for the proposed development. However, the waste soil to be generated from the proposed bulk excavation will need to be classified appropriately for off- site disposal at a licensed landfill.*
- An Unexpected Finds Protocol (UFP) be established as part of the Construction Management Plan for the site.

2. The amended plans did not reduce the height of the building from the original proposal. Instead the applicant presented a planning letter and updated plans - inclusive of solar studies that considered the following:

I. The proposals impact on the existing development at 10- 14 Marsden Street.
II. The proposals impact on development concept for 10- 14 Marsden Street where it is developed to its full potential.
III. The proposals impact on recently approved but unbuilt development at 4 - 14 Mark Street
IV. A conceptualized built form and FSR yield for the proposed site where 70% solar access would be maintained to 4-14 Mark Street.

A summary of findings relating to each item presented follow:

I. At present, whilst the six north facing units at No's 10-14 Marsden Street receive 6 hours of solar access (9am-3pm mid-winter), the total development does not meet the 70% requirement as specified by the ADG. In total, the existing development has 57.15% of units that meet the required 2 hours between 9am-3pm mid-winter (refer to Sheet D:25C for a breakdown of this analysis). The proposed development impacts the north facing units at No's 10-14 Marsden Street and reduces solar access to 3 of those units (identified as Units 7, 14 & 21 on Sheet D:25C) to less than 2 hours. This results in a reduction of solar access of 14.3% to this development. Sufficient solar access will be reduced to 42.8 %. It is noted that the reduction of solar access is less than 20% which is the maximum tolerated by Objective 3 B-2 where an adjoining property does not already receive the required solar access.

II. Under a redevelopment of 10-14 Marsden Street, the submitted documentation for the proposal demonstrates that the redevelopment of No's 10-14 Marsden Street is capable of meeting the 70% requirement for units receiving at least 2 hours solar access between 9am-3pm mid-winter (based on an envisaged 84 units, a total of 62 receive the required 2 hours as shown on Drawing No: 25E). Of those that don't receive the full 2 hours, no more than 15% receive no solar access.

III. The impact of the proposed development on No's 4 - 14 Mark Street during 9am-3pm mid-winter identifies a reduction in solar access to the approved development by 10.3% (which is 17 units in total). Therefore, the solar access to that development has been reduced to 60.6%.

IV. The applicant provided the following information in relation to the counter impact on their proposal if 70% solar access was maintained to 4 - 14 Mark Street.

- The total proposed floor area would need to be reduced to 8,553 square metres from 11,670.77 square metres. This this would result in the removal of 3,117 square metres from the development and result in the loss of 42 apartment and a reduction in FSR from 4.78:1 to 3.5:1.
- This does not allow the development to meet the objectives of Clause 4.3 Height of buildings and Clause 4.4 Floor Space Ratio under the Auburn LEP 2010.
- The reduction of solar access by 10.3% to No's 4-14 Mark street is the worst case scenario as detailed on the shadow diagram prepared for the summer solstice (refer to Drawing No.25P) which details that the proposed development will not impact No's. 4-14 Mark Street during summer solstice.

3. The amended plans have reduced the basement extent and reintroduced a deep soil area to the north-eastern corner of the site. Deep soil area is now 200 square metres or 8.2%.
4. An amended landscape plan has been prepared detailing planting, paving, seating and pergola areas to the roof top terrace. No BBQ facilities are depicted on the plans.
5. Tree 2 and 7 (both off site) are now shown on the landscape plan as being retained / protected as suggested by the arborist.

Consultant Planners Assessment of Additional Information

The following planning assessment is presented against the issues raised by the Panel:

1. Site Contamination has been addressed satisfactorily and the actions identified by the additional site testing shall form conditions of consent.
2. Further investigations and shadow studies prepared by the applicant demonstrate that the existing apartment building at 10 – 14 Marsden Street does not perform to current solar access levels (57%). The proposal will further reduce the performance of the building by 14% (43% solar performance). The applicant provides evidence that an ADG compliant building for setbacks including 70% for solar performance can be built on the site. It is considered that the poor performance of the current building along with the floor space / height incentives for redevelopment and the demonstrated ability to build a compliant scheme is adequate information to support approval of the current proposal. The additional information demonstrates a reduction of solar performance from 4 - 14 Mark Street by 10% reducing the buildings performance to 60%. There are 17 apartments are impacted. Conversely, 42 apartments would be required to be removed from the current proposal to maintain 70% performance. It is noted the building would not be impacted at the summer solstice.
Although the panel requested a redesign of the development to meet the height control, this was not undertaken. It is accepted that a reduction of a full level to part of the building as previously recommended will not significantly decrease the solar impact of the proposal. Full consideration of the 4.6 variation request submitted has occurred and the minor exceedance of height is supported.
Overall, the additional investigations and information submitted supports the argument that the FSR and height controls are mismatched and do not support building typologies that can be 100% responsive to their context without major impacts on yield. On balance, it is considered that the proposed solar impact is acceptable in this instance.
3. The reduced basement levels still support adequate / compliant car parking for the development and reintroduce an acceptable ADG compliant deep soil area of 8.2%.
4. The amended landscape plan proposes adequate roof terrace facilities. A BBQ can be conditioned in any consent that may be issued.
5. The amended landscape plan satisfactorily demonstrates retention / protection of the two trees (2 & 7) corresponding with the arborists recommendation.

3. Detailed Description of the Development

Council is in receipt of amended plans relating to a development application for the demolition of existing structures, tree removal and construction of a ten storey mixed use development comprising one (1) ground floor commercial tenancy and 149 residential apartment over four (4) levels of basement car 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 33 metres and a maximum floor space ratio of 4.8:1.

  (Note: The development exceeds the height limit by 1m. 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.).

- 4 levels of basement parking containing 218 car spaces inclusive of accessible (12), commercial (9) and visitor (13) spaces along with associated lift/stair access, storage (268 cages) and service rooms. 30 bicycle spaces are provided at basement level 1.
- Basement 1 contains a residential bin room, storage cages, commercial spaces, visitor spaces, bicycle parking, car wash bay, OSD tank area and pump room.
- Basements 2, 3 and 4 contain the residential parking and the remainder of the storage cages.
- 1 ground level commercial unit with a GFA of 540.23 square metres and 4 residential apartments comprising 1 x 1 bed apartments and 3 x 3 bed apartments each with private open space courtyards at ground level.
- Ground floor also accommodates 2 residential foyers with access from Marsden Street, a commercial foyer with amenities and waste collection room and separate storage.
- Basement vehicular access, commercial loading and standing access is via Marsden Street.
- 149 residential apartment at Level 1 to Level 9 comprising of 63 x 1 BR apartments, 74 x 2 BR apartments and 12 x 3 BR apartments.
- Communal open space on the roof occupying an area of 611.17 square metres.
- Site infrastructure works including electrical, stormwater, hard and soft landscaping and additional parking facilities for visitors.

4. Site & Locality Description

The proposed redevelopment of the subject site comprises of six (6) allotments and is legally described as Lot 7 Sec 2 DP 846, Lot 8 Sec 2 DP 846, Lot 9 Sec 2 DP 846, Lot 10 Sec 2 DP 846, Lot 11 Sec 2 DP 846, Lot 12 Sec 2 DP 846, and is known as 2 Mark Street & 1A, 1 & 3 Marsden Street Lidcombe.

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

The land is regular in shape with a combined frontage width of 35.355m to Mark Street and 69.035m to Marsden Street, with a rear frontage to Marsden Lane of 69.035m. The site has a total combined land area of 2,441 square metres. The land has a moderate slope with a fall across the site of approximately 3.5m from the north-eastern corner to the south-western corner.

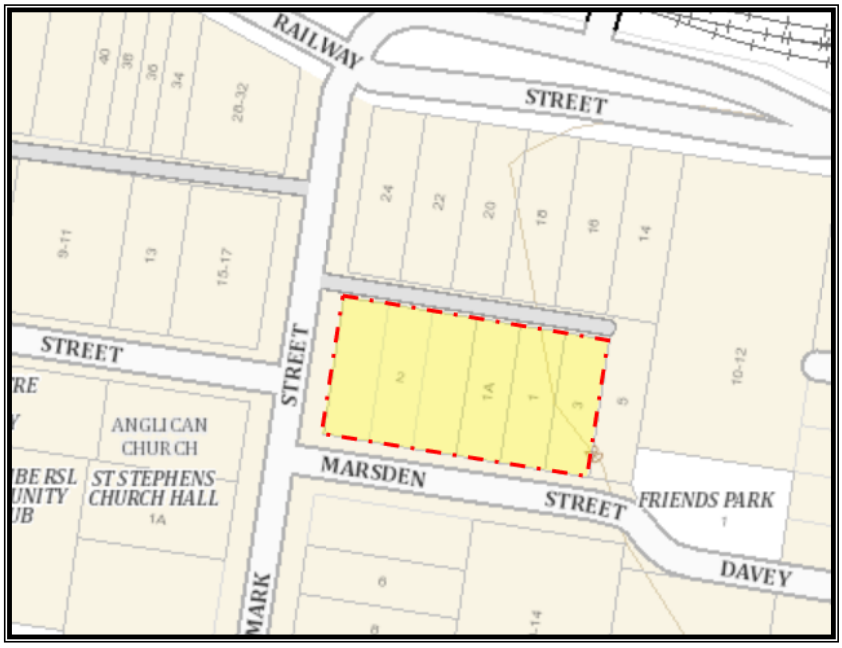
The subject site is located within the 'Lidcombe Town Centre' in one of the key sites being Precinct 7 – Marsden Street as identified in section 15.0 of the Local Centres chapter of the Auburn Development Control Plan (ADCP) 2010.

Three allotments are currently occupied by 1 and 2 storey dwelling houses, with 2 Mark Street containing a brick factory. A number of trees exist across the six lots. The arborist report submitted with the application nominates 2 trees worthy of retention (Tree 2 - Jacaranda and tree 7 - Weeping Fig on a neighbouring property) predominantly to the eastern boundary of the site (refer Appendix E and F of Redgum Horticultural 28 March 2017). The amended landscape plan now nominates tree 2 and 7 for retention.

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 single storey dwellings to the south of the subject site opposite Marsden Street, and to the east and north are commercial/factory buildings. Opposite the site to the east is the Lidcombe Anglican Church and Lidcombe Motor Inn. To the south-west a 7 storey residential apartment building containing 85 units at 1-9 Mark Street.

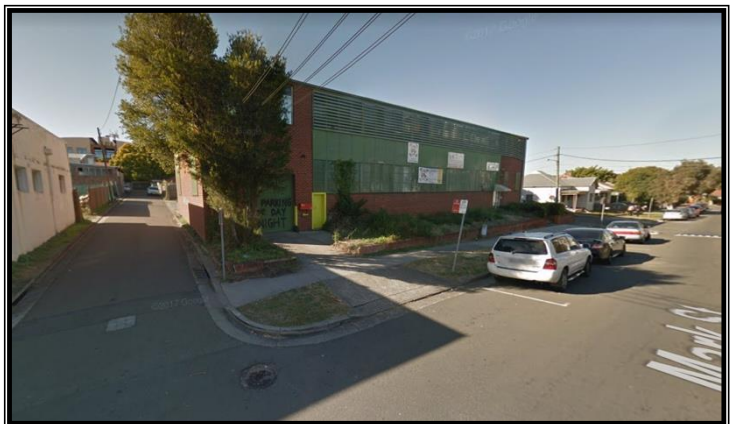
Locality plan of the subject site:



Subject site

Aerial view

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



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

View of subject site looking north-west from Marsden Street.

View of subject site looking north from Marsden Street (internal lots).

Picture of part 10 - 14 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 supported the development subject to conditions. It is recommended that deferred commencement consent be sought addressing outstanding engineering matters.

- Health

Council's Acting Manager Health & Environmental Protection has reviewed the application and requires that the noise impacts from demolition/construction noise be addressed as a deferral condition of consent, with further conditions relating to site contamination also recommended.

Deferral Condition

1. *Prior to the determination of the development application an acoustic report is to be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS). The report should also consider noise emissions from the development including but not limited to demolition/construction noise & vibration intrusion. The report should be prepared in accordance with the NSW Environment Protection Authority Industrial Noise Policy & NSW EPA Interim Construction Noise Guideline.*

Conditions

2. *Prior to the issuing of the Construction Certificate the following information is required to be submitted to Cumberland Council for assessment and comment: An acoustic report is to be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS). The report*

should also consider noise emissions from the development including but not limited to proposed mechanical plant (air conditioners, automatic roller doors, ventilation plant for the underground car park) and the individual mechanical ventilation systems for all habitable spaces along northern & western facades of the development. The report should be prepared in accordance with the NSW Environment Protection Authority Industrial Noise Policy & Australian Standard AS1668.2.

3. *During site excavations, all soils (subject to removal) are required to be validated prior to any off-site disposal in accordance with the NSW EPA Waste Classification Guidelines.*
4. *Any new information which comes to light during remediation, demolition or construction works, which has the potential to alter previous conclusion about site contamination, shall be notified to Cumberland Council immediately.*
5. *Prior to the issuing of the Construction Certificate a Construction Management Plan is required to be submitted to Cumberland Council for assessment and comment.*

More general conditions are provided addressing demolition, construction and land contamination. The conditions are attached to the recommendation.

- Landscape

Council's Senior Landscape Architect has reviewed the application and has provided a number of comments in relation to the proposed landscape concept plan. The landscaping on site is supported subject to conditions.

(b) External Referrals

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

- Roads and Maritime Services.

Correspondence received from RMS on the 17 January 2018 raised no objection to the application indicating that the proposed development will not have a significant impact on the classified road network subject to the following conditions of consent:

1. *The layout of the proposed car parking and loading areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage.*
2. *Sight distances from the proposed vehicular crossing to vehicles on Percival Road are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 - Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic.*
3. *All vehicles are to enter and exit the site in a forward direction.*
4. *All vehicles are to be wholly contained on site before being required to stop.*
5. *Bicycle parking associated with the subject development should be in accordance with AS 2890.3-2015 (Bicycle Parking Facilities).*
6. *A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.*

- NSW Police

Correspondence received from NSW Police on the 8 December 2017 recommended relevant conditions for crime prevention to be imposed as part of any consent issued.

6. Planning Agreements - provisions of section 93F (EP&A Act s4.15(1)(iiia))

There are no planning agreements that have been entered into.

7. The provisions of any Environmental Planning Instruments (EP& A Act s4.15(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 Geo Environmental, report reference 17/0492 dated March 2017 has been submitted to accompany the development application. 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.

Further site investigation and testing was carried out and reported July 2018 with no significant issues discovered.

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. Council's assessing officer's comments in relation to the submission is outlined below.

Requirement	Yes	No	N/A	Comment
Clause 2 Aims, objectives etc. (3) Improving the design quality of residential flat development aims: (a) To ensure that it contributes to the sustainable development of NSW: (i) by providing sustainable housing in social and environmental terms;	☒	☐	☐	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.
(ii) By being a long-term asset to its neighbourhood;	☒	☐	☐	
(iii) By achieving the urban planning policies for its regional and local contexts.	☒	☐	☐	
(b) To achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define.	☒	☐	☐	
(c) To better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities.	☒	☐	☐	
(d) To maximise amenity, safety and security for the benefit of its occupants and the wider community.	☒	☐	☐	

Requirement	Yes	No	N/A	Comment
(e) To minimise the consumption of energy from non-renewable resources to conserve the environment and to reduce greenhouse gas emissions.	☒	☐	☐	
(f) to contribute to the provision of a variety of dwelling types to meet population growth.	☒	☐	☐	
(g) to support housing affordability.	☒	☐	☐	
(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.	☒	☐	☐	
Part 2 Design quality principles				
Principle 1: Context 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 includes social, economic, health and environmental conditions. 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. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	☒	☐	☐	The site is bound by Mark Street to the west, Marsden Street to the south and Marsden Lane to the north. The area is in transition in which the current urban form is being replaced with residential and mixed use developments are likely to continue for the foreseeable future. The proposal presents a satisfactory concept for continuation of development on the surrounding lots to the east and north over time. The 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 complement the development opposite on Mark Street which is similar in nature.
Principle 2: Built Form and Scale Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. 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. 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.	☒	☐	☐	A 10 storey mixed use development with a maximum building height of 33m over four levels of basement car parking is proposed. The building will present a strong façade to Mark and Marsden Streets. 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 internally. 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. The elements of the proposal that exceed height discussed in further detail elsewhere in this report.
Principle 3: Density Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	☒	☐	☐	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. The proposed development has an FSR of 4.8:1 and complies with the maximum FSR for the site. The proposed development is, therefore, of an appropriate density.

Requirement	Yes	No	N/A	Comment
Principle 4: Sustainability Good design combines positive environmental, social and economic outcomes. 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 groundwater recharge and vegetation.	☒	☐	☐	A BASIX Certificate and relevant reports have been submitted with the development application. The certificates require sustainable development features to be installed into the development. 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. The development achieves a good level of cross ventilation with a majority of the proposed units having dual aspects or diagonal cross ventilation.
Principle 5: Landscape 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.	☒	☐	☐	The amended plans now include 8.2 % of the site as a deep soil zone. A total of 611.17 square metres of communal open space is provided at the rooftop terrace. Additional landscaping strips are integrated into the building design along the Mark and Marsden Street frontages to soften the building design on the ground level.
Principle 6: Amenity 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.	☒	☐	☐	The proposal will deliver sufficient amenity to residents of the building. The proposal achieves compliance with the ADG in this regard. As reported earlier, Level 9 is to be deleted from Foyer A to bring the building under height and reduce off site impacts. 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.
Principal 7: Safety 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	☒	☐	☐	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

Requirement	Yes	No	N/A	Comment
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.				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. All access paths shall be suitably illuminated at night. Lighting shall be provided to all common areas including the car parking areas as well as the stairs and access areas to external areas. Dark unlit areas and entrapment areas within the basement have been avoided or minimised.
Principal 8: Housing Diversity and Social Interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. 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.	☒	☐	☐	The apartment mix is considered to be satisfactory. The specifics of the building are:- - 63 x 1 bedroom apartments. - 74 x 2 bedroom apartments. - 12 x 3 bedroom apartments. Of those there are 15 adaptable apartments out of a total of 153 apartments. Communal open space on the rooftop terrace will allow for opportunities for social interaction among residents. 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. The mix of apartments is satisfactory.
Principle 9: Aesthetics 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. 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.	☒	☐	☐	The mixed use building has an attractive contemporary appearance and utilises building elements that provide individuality to the development without compromising the streetscape or detracting from the appearance of existing surrounding development. The building 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. The building provides an appropriate response to the existing and likely future character of the locality, subject to the deletion of Foyer A part level 9.
Clause 28 Determination of DAs (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 to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development. (2) In determining a development application for consent to carry out development to	☐	☐	☒	Cumberland Council does not employ a formal design review panel. The design quality principles are considered above and the ADG is considered in the assessment table immediately below.

Requirement	Yes	No	N/A	Comment
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): (a) the advice (if any) obtained from the design review panel, and (b) the design quality of the development when evaluated in accordance with the design quality principles, and (c) the Apartment Design Guide.				

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.

Apartment Design Guide

Requirement	Yes	No	NA	Comment
Part 3B - Orientation				
3B-1 Design Guidance Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1).	☒	☐	☐	The proposed development is consistent with the Orientation objectives as the building is appropriately located to maximise solar access to the proposed building but a reduction in height is required to minimise impacts and maintain solar access to adjoining buildings and the street.
Where the street frontage is to the east or west, rear buildings should be orientated to the north.	☒	☐	☐	
Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2).	☐	☒	☐	The site is a rectangular with street frontages to Mark Street to the west and Marsden Street to the South, Marsden Lane to the North and residue parking lot to the east which is adjacent to Friends Park. Refer to page 4 / 5 of this report were the existing and future shadow impacts are weighed up against the merits of the development. The built form will allow for the majority of residential units enjoying good cross ventilation and solar access throughout the day.
3B-2 Design Guidance Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.	☒	☐	☐	The proposed development is considered to be generally consistent with the Daylight Access objectives as the orientation of living areas allows for daylight infiltration. Overshadowing of the street is unavoidable in this instance given the sites orientation. The subject site has an east west orientation and as such generates shadowing which spreads across the street and impacts the 4 storey residential flat building at 10 - 14

				Marsden Street. Four of the six north facing units of this development will be reduced to having less than 2 hours of solar access between 9am and 3pm mid winter. The north facing Marsden Street façade of the recently approved 4- 14 Mark street is also affected to an unknown extent throughout the day during winter solstice. The over height component to the building contributes to the extent of the shadow cast and cannot be supported.
4B-3 Design Criteria At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	☒	☐	☐	At least 93 of 153 units (60.78%) will be naturally cross ventilated and have openings in two or more external walls of different orientation which achieves the minimum requirement specified at Part 4B-3.
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	☐	☒	☐	The maximum overall depth of the cross-over or cross-through units is 19m for cross over units when measured from glass line to glass line. This is considered acceptable given that it is a minor variation and service / utility rooms are located central to the unit and all habitable rooms have operable windows due to articulation of external wall.
4Q - Universal design				
4Q-1 Design Guidance Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features.	☒	☐	☐	There are 153 units in the development. Of that figure, at least 15 or 10% are to be designated as “adaptable units”. A further 10% can achieve the liveable silver level. This could be addressed as a condition attached to any consent issued.

(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 as follows:

- *Clause 85 /86 /87 – Adjacent and nearby to rail corridors*

Not Applicable

The proposed development is located approximately 85m from the railway track and is therefore is outside the 80 metre distance identified as zone A and zone B (DEVELOPMENT NEAR RAIL CORRIDORS AND BUSY ROADS 2008 DOP) where rail noise is considered to be the most adverse.

- *Clause 101 - Frontage to classified road*

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road.

(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 and will be improved with the reduction in height stipulated by the suggested condition of consent. 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 4 levels of basement car park with a maximum height of 33m at its highest point being the lift overruns when measured from the natural ground level. This represents a 1m variation with the height control being a variation of 1.03%.

The proposal has been assessed for solar impact on the existing residential flat building at 10 - 14 Marsden Street, a future development scheme at the same address as well as the recently approved building at 4 - 14 Mark Street. While impacts for existing and approved buildings ranged from 10 - 17 %, this is considered acceptable under the circumstances.

The variation is supported as the elements creating the over height component are delivering facilities to the residents. There is sufficient planning merit to attain full development potential on this site within the Lidcombe town centre being proximate to services and transport. Enforcing the height control will provide negligible reduction off-site impacts from the scheme and therefore the public interest is served by granting the variation.

8. The provisions of any proposed Environmental Planning Instruments (EP& A Act s4.15(1)(a)(ii))

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

9. The provisions of any Development Control Plans (EP& A Act s4.15(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 nil setback to the eastern boundary, site coverage, building footprint, building depth and adjacent neighbours solar access.

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 variations requested by the applicant are discussed below:

i) Local Centres

13.0 Residential Interface				
Development controls				
D1 Buildings adjoining residential zones and/or open space shall be setback a minimum of 3 metres from that property boundary.	☐	☒	☐	The subject site does not directly adjoin any residential development, with an at grade carpark located to the east of the site. The proposal has a nil setback to the eastern side boundary, with justification for this isolated lot being acceptable. Suitable accommodation for loading/garbage removal is made within the ground level truck standing bay within the site. The use of the retail/commercial tenancies will be subject to future applications.
D2 Loading areas, driveways, rubbish, storage areas, and roof top equipment shall not be located directly adjacent to residential zones, or if unavoidable shall be suitably attenuated or screened.	☒	☐	☐	
D3 Any commercial buildings which may have the potential to accommodate the preparation of food from a commercial tenancy shall provide	☐	☐	☒	

	ventilation facilities to ensure that no odour is emitted in a manner that adversely impacts upon any residential zones.				
D4	External lighting shall be positioned to avoid light spillage to adjoining residential zones.	☒	☐	☐	A condition of consent could be imposed to avoid light spillage to the adjoining residential zone.
D5	Where noise generating development is proposed adjacent to residential or other noise sensitive uses, such as places of worship and child care centres, an acoustic report shall be submitted with a development application, outlining methods to minimise adverse noise impact.	☐	☐	☒	

(II) Residential Flat Buildings

2.2 Site coverage	**Yes**	**No**	**N/A**	
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.	☒	☐	☐	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.	☒	☐	☐	No site through link proposed. Any areas that are not built upon are suitably landscaped.
P3 Ensure through-site links for pedestrians are incorporated where applicable.	☐	☐	☒	
Development controls				
D1 The built upon area shall not exceed 50% of the total site area.	☒	☐	☐	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.	☒	☐	☐	

2.3 Building envelope				
Performance criteria				
P1 The height, bulk and scale of a residential flat building development is compatible with neighbouring development and the locality. Residential flat buildings:				
• addresses both streets on corner sites;	☒	☐	☐	The 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.
• align with the street and/or proposed new streets;	☒	☐	☐	

• form an L shape or a T shape where there is a wing at the rear. **Note:** The development control diagrams in section 10.0 illustrate building envelope controls**.** **Development controls** **D1** Council may consider a site specific building envelope for certain sites, including:	☒	☐	☐	The proposed development has a strong presentation to the its Mark Street frontage. The development generally incorporates a rectangular built form with encroachment to the street front to accentuate the street.
• double frontage sites; • sites facing parks; • sites adjoining higher density zones; and • isolated sites.	☐	☐	☒	
D2 The maximum building footprint dimensions, inclusive of balconies and building articulation but excluding architectural features, is 24m x 45m for sites up to 3,000m2	☐	☒	☐	The building footprint exceeds the requirements of subpart D2. The proposed development however is considered acceptable given the size and configuration of the combined lots.
D3 The tower component of any building above the podium or street wall height is to have a maximum floor plate of 850m2.	☐	☒	☐	
3.1 Deep soil zone **Performance criteria**				
P1 A deep soil zone allows adequate opportunities for tall trees to grow and spread.	☐	☒	☐	The basement occupies the majority site prohibiting the provision of significant deep soil zone. However 8.2% is provided which exceeds the 7% requirement of the AFG (3E-1) .
Note: Refer to the development control diagrams in section 10.0.	☐	☒	☐	
Development controls				
D1 A minimum of 30% of the site area shall be a deep soil zone.	☐	☒	☐	The design is considered acceptable in this instance as the development site is located within the Lidcombe Town Centre. The area is a relatively dense urban area which restricts the provision of deep soil zones. Suitable stormwater management measures are proposed and soft landscaping accommodating shrubs and small trees form an integral part of the ground level communal open space area and rooftop terrace.
D2 The majority of the deep soil zone shall be provided as a consolidated area at the rear of the building.	☐	☒	☐	
D3 Deep soil zones shall have minimum dimensions of 5m.	☐	☒	☐	
D4 Deep soil zones shall not include any impervious (hard) surfaces such as paving or concrete.	☐	☒	☐	

6.0 Solar amenity and stormwater reuse				
Objectives a. To minimise overshadowing of adjoining residences and to achieve energy efficient housing in a passive solar design that provides residents with year round comfort and reduces energy consumption. b. To create comfortable living	☐	☒	☐	The siting of the building is such that development to the south is significantly overshadowed reducing solar performance of 10 - 14 Marsden Street by 17% and 4 - 14 Mark Street by 10%. Under the circumstances referred to earlier in this report this is considered acceptable

environments. c. To provide greater protection to the natural environment by reducing the amount of greenhouse gas emissions. d. To reduce the consumption of non-renewable energy sources for the purposes heating water, lighting and temperature control. e. To encourage installation of energy efficient appliances that minimise greenhouse gas generation.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The development incorporates a suite of energy efficiency and water conservation measures and is detailed in the submitted plans and BASIX certificate.
6.1 Solar amenity				
Performance criteria **P1** Buildings are sited and designed to ensure daylight to living rooms in adjacent dwellings and neighbouring open space is not significantly decreased.	☐	☒	☐	The siting of the building is such that development to the south is significantly overshadowed. Refer to page 4/5 of this report where this aspect is discussed / assessed.
P2 Buildings and private open space allow for the penetration of winter sun to ensure reasonable access to sunlight or daylight for living spaces within buildings and open space around buildings.	☒	☐	☐	Apartment layouts are generally considered satisfactory in terms of orientating living areas and private open spaces to optimise solar access where possible. There are no solar panels situated on the roofs of nearby buildings especially to the south.
Development controls **D1** Solar collectors proposed as part of a new development shall have unimpeded solar access between 9:00am to 3:00pm on June 21.	☐	☐	☒	The roof area to top level apartments at 10 - 14 Marsden Street do not receive 3m2 of unimpeded solar access - mid winter. It is accepted that this site does not currently meet solar access requirements and will likely be redeveloped in the future given the height and FSR incentives to do so. Therefore variation is accepted. Balconies, apartments and open space all impacted by the proposal. On balance this is considered acceptable as the site at 10 - 14 Marsden Street will likely be redeveloped. The roof top terrace of 4 - 14 Mark Street will not be impacted which will off-set the impacts to the further 10 % of apartments that will have POS solar levels reduced below three hours.
Solar collectors existing on the adjoining properties shall not have their solar access impeded between 9:00am to 3:00pm on June 21.	☐	☐	☒	
Where adjoining properties do not have any solar collectors, a minimum of $3m^2$ of north facing roof space of the adjoining dwelling shall retain unimpeded solar access between 9:00am to 3:00pm on June 21.	☐	☒	☐	
Note: Where the proposed development is located on an adjacent northern boundary this may not be possible.				Achieved.
D2 Buildings shall be designed to ensure sunlight to at least 50% of the principal area of ground level private open space of adjoining properties for at least 3 hours between 9:00am and 3:00pm on June 21.	☐	☒	☐	The shadow diagrams provided show the southern adjoining residential properties will **not** receive at least 3 hours sunlight during winter solstice. The north facing Marsden Street façade of the recently approved 4 - 14 Mark street is also affected reducing performance of that building from 70% to 60 %
D3 If the principal area of ground level private open space of adjoining properties does not currently receive at least this amount of sunlight, then the new building shall not further reduce solar access.	☐	☒	☐	It is accepted that the area is undergoing transition. While the proposal presents a strong and extensive façade to full height along Marsden Street, requiring a reduction to the building to maintain 70% solar access to existing and approved developments to the south is considered too excessive to warrant the demand.
D4 Habitable living room windows shall be located to face an outdoor space.	☒	☐	☐	
D5 North-facing windows to living areas of neighbouring dwellings shall not have sunlight reduced to less than 3 hours	☐	☒	☐	The proposal is north of the affected adjoining properties and is in an area undergoing transition to higher density mixed use developments.

	between 9:00am and 3:00pm on June 21 over a portion of their surface.				
D6	Where the proposed residential flat building is on an adjacent northern boundary or located within an area undergoing transition, compliance with D1, D2, D3 and D4 development controls may not be achievable.	☒	☐	☐	
D7	Internal living areas and external recreation areas shall have a north orientation for the majority of units in the development, where possible.	☒	☐	☐	
D8	The western walls of the residential flat building shall be appropriately shaded.	☒	☐	☐	

(b) Section 7.11 Contributions Plan

Section 7.11 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 7.11 Contributions are calculated based upon the following criteria:-

Residential

- 64 x 1 bedroom apartments.
- 74 x 2 bedroom apartments.
- 15 x 3 bedroom apartments.

Total: 153 apartments.

Commercial

The contributions to be levied is calculated at $748,252.48.

10. The provisions of the Regulations (EP& A Act s4.15(1)(a)(iv))

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

1. The Likely Environmental, Social or Economic Impacts (EP& A Act s4.15(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 s4.15(1)(c)

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

13 Submissions made in accordance with the Act or Regulation (EP&A Act s4.15(1)(d))

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

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited for a minimum period of 28 days between 12 December 2017 and 9 January 2018. There were no submissions to the proposed development.

14. The public interest (EP& A Act s4.15(1)(e))

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

15. Operational Plan / Delivery Program

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

16. Conclusion

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

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.

Irrespective of the other departures noted above, the proposal 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 4.15 of the Environmental Planning and Assessment Act, 1979.

Appendix A

State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development

Requirement	Yes	No	N/A	Comment
Clause 2 Aims, objectives etc. (4) Improving the design quality of residential flat development aims: (a) To ensure that it contributes to the sustainable development of NSW: (i) by providing sustainable housing in social and environmental terms; (ii) By being a long-term asset to its neighbourhood; (iii) By achieving the urban planning policies for its regional and local contexts. (b) To achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define. (c) To better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities. (d) To maximise amenity, safety and security for the benefit of its occupants and the wider community. (e) To minimise the consumption of energy from non-renewable resources to conserve the environment and to reduce greenhouse gas emissions. (f) to contribute to the provision of a variety of dwelling types to meet population growth. (g) to support housing affordability. (h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	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.
Part 2 Design quality principles				
Principle 1: Context 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 includes social, economic, health and environmental conditions. 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. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	☒	☐	☐	The site is bound by Mark Street to the west, Marsden Street to the south and Marsden Lane to the north. The area is in transition in which the current urban form is being replaced with residential and mixed use developments are likely to continue for the foreseeable future. The proposal presents a satisfactory concept for continuation of development on the surrounding lots to the east and north over time. The 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 complement the

Requirement	Yes	No	N/A	Comment
				development opposite on Mark Street which is similar in nature.
Principle 2: Built Form and Scale Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. 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. 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.	☒	☐	☐	10 storey mixed use development with a maximum building height of 33m over four levels of basement car parking. The building will present a strong façade to Mark and Marsden Streets. 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 internally. 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. The elements of the proposal that exceed the building height control by only 1 metre are supported as on balance the roof top terrace provides good amenity to the residents.
Principle 3: Density Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	☒	☐	☐	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. The proposed development has an FSR of 4.8:1 and complies with the maximum FSR for the site. The proposed development is, therefore, of an appropriate density.
Principle 4: Sustainability Good design combines positive environmental, social and economic outcomes. 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 groundwater recharge and vegetation.	☒	☐	☐	A BASIX Certificate and relevant reports have been submitted with the development application. The certificates require sustainable development features to be installed into the development. 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. 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.
Principle 5: Landscape 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.	☒	☐	☐	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 611.17 square metres of communal open space is provided at the rooftop terrace. Additional landscaping strips are integrated into the building design along the Mark and Marsden Street frontages to soften the building design on the ground level.

Requirement	Yes	No	N/A	Comment
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.				
Principle 6: Amenity 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.	☒	☐	☐	The proposal will deliver sufficient amenity to residents of the building. The proposal achieves compliance with the ADG in this regard. As reported earlier, Level 9 is to be deleted from Foyer A to bring the building under height and reduce off site impacts. 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.
Principal 7: Safety 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.	☒	☐	☐	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. All access paths shall be suitably illuminated at night. Lighting shall be provided to all common areas including the car parking areas as well as the stairs and access areas to external areas. Dark unlit areas and entrapment areas within the basement have been avoided or minimised.
Principal 8: Housing Diversity and Social Interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social	☒	☐	☐	The apartment mix is considered to be satisfactory. The specifics of the building are:- - 64 x 1 bedroom apartments. - 74 x 2 bedroom apartments. - 15 x 3 bedroom apartments. Of those there are 15 adaptable apartments out of a total of 153 apartments. Communal open space on the rooftop terrace will allow for opportunities for social interaction among residents. The site is within the Lidcombe Town Centre and close to associated services. Services are readily

Requirement	Yes	No	N/A	Comment
interaction among residents.				available close by such as shopping facilities, public transport, schools, healthcare and religious activities. The mix of apartments is satisfactory.
Principle 9: Aesthetics 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. 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.	☒	☐	☐	The mixed use building has an attractive contemporary appearance and utilises building elements that provide individuality to the development without compromising the streetscape or detracting from the appearance of existing surrounding development. The building 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. The building provides an appropriate response to the existing and likely future character of the locality subject to the deletion of Foyer A part level 9.
Clause 28 Determination of DAs (3) 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 to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development. (4) 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): (a) the advice (if any) obtained from the design review panel, and (b) the design quality of the development when evaluated in accordance with the design quality principles, and (d) the Apartment Design Guide.	☐	☐	☒	Cumberland Council does not employ a formal design review panel. The design quality principles are considered above and the ADG is considered in the assessment table immediately below.

Apartment Design Guide

Requirement	Yes	No	NA	Comment
Part 3B – Orientation				
3B-1 Design Guidance Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1).	☒	☐	☐	The proposed development is consistent with the Orientation objectives as the building is appropriately located to maximise solar access to the proposed building but a reduction in height is required to minimise impacts and maintain solar access to adjoining buildings and the street.
Where the street frontage is to the east or west, rear buildings should be orientated to the north.	☒	☐	☐	
Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2).	☐	☒	☐	The site is a rectangular with street frontages to Mark Street to the west and Marsden Street to the South, Marsden Lane to the North and residue parking lot to the east which is adjacent to Friend park.

				The residential apartment building at 10 - 14 Marsden Street and recently approved building at c4- 14 Mark Street will be affected by loss of solar performance throughout the day during winter solstice.
3B-2 Design Guidance Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.	☒	☐	☐	The proposed development is considered to be generally consistent with the Daylight Access objectives as the orientation of living areas allows for daylight infiltration.
Solar access to living rooms, balconies and private open spaces of neighbours should be considered.	☒	☐	☐	Overshadowing of the street is unavoidable in this instance given the sites orientation. The 4 storey residential flat building at 10 - 14 Marsden Street is already under performing for solar access - the proposal reduces the performance by 17% which is less than 20%.
Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.	☒	☐	☐	The applicant has provided shadow studies of a scheme that would require loss of 42 apartments to maintain solar access to 4 - 14 Mark Street. Due to the precinct transition 10 - 14 Marsden Street has been considered in its future post development context where 70% solar performance has been demonstrated.
If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy.	☐	☒	☐	The over height component to the building is marginal (1 metre) and does not add significant additional shadow impacts.
Overshadowing should be minimised to the south or downhill by increased upper level setbacks.	☐	☒	☐	
It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development.	☒	☒	☐	
A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.	☒	☐	☐	There are no solar panels situated on the roofs of nearby buildings especially to the south.
Part 3C - Public domain interface				
3C-1 Design Guidance Terraces, balconies and courtyard apartments should have direct street entry where appropriate.	☒	☐	☐	The public domain interface is considered to positively contribute to the streetscape by providing high quality materials and distinct access to the foyers. All ground units have direct access from street entry. The separation between the private and public domains is established as the entire ground floor level contains commercial units, with the ground floor residential apartments being raised. The public domain is enhanced via the provision of a commercial entry foyer and two residential entry foyers, communal landscaping and vehicular access ramp being located along the southern boundary.
Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.	☒	☐	☐	
Upper level balconies and windows should overlook the public domain.	☒	☐	☐	
Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m.	☒	☐	☐	
Length of solid walls should be limited along street frontages.	☒	☐	☐	
In developments with multiple buildings and/or entries, pedestrian entries and spaces				

associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions:-				
• architectural detailing. • changes in materials. • plant species. • Colours.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	
Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.	☒	☐	☐	
Opportunities for people to be concealed should be minimised.	☒	☐	☐	
3C-2 Design Guidance Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking.	☒	☐	☐	Terraces to the street are appropriately landscaped with trees and planter boxes.
Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.	☒	☐	☐	Mailboxes are able to be provided within the residential entry foyers accessed from Marsden Street. This is considered suitable.
The visual prominence of underground car park vents should be minimised and located at a low level where possible.	☒	☐	☐	The vehicular access ramp is located along the southern boundary of the site away from the corner of the street to reduce the level of dominance to Mark Street and Marsden Street.
Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.	☒	☐	☐	Service areas such as garbage collection areas, garbage storage and loading spaces are contained in the basement levels and rear of the ground floor level and are not visible from any public areas.
Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.	☒	☐	☐	
Durable, graffiti resistant and easily cleanable materials should be used.	☒	☐	☐	Materials are considered to be sufficiently durable to be easily cleaned.
Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions:				The site does not adjoin to a public park, open space or bushland.
• street access, pedestrian paths and building entries which are clearly defined.	☐	☐	☒	The park is separated from the development by a single lot.
• paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space.	☐	☐	☒	
• minimal use of blank walls, fences and ground level parking.	☐	☐	☒	
On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking.	☒	☐	☐	Not proposing any at grade or above ground level car park.
Part 3D - Communal and public open space				
3D-1 Design Criteria Communal open space has a minimum area	☒	☐	☐	Communal open spaces (611.17 square

equal to 25% of the site (see figure 3D.3). Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).				metres) are provided on-site which is the equivalent of 25% of the total site area. The communal open space is located at the rooftop terrace for use by residents. The roof top terrace in particular will perform well for solar access in winter.
3D-1 Design Guidance Communal open space should be consolidated into a well-designed, easily identified and usable area.	☒	☐	☐	The proposal incorporates a communal open space area located at the rooftop level.
Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions.	☒	☐	☐	The proposal incorporates several areas of landscaping, including the introduction of planter beds on the communal open space to soften the appearance of the building's roof when viewed from the street corner.
Communal open space should be co-located with deep soil areas.	☒	☐	☐	The rooftop terrace communal open space is accessible by lifts from all levels and amenities are provided. A BBQ feature can be conditioned.
Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.	☒	☐	☐	
Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.	☒	☐	☐	
Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room. • provide larger balconies or increased private open space for apartments. • demonstrate good proximity to public open space and facilities and/or provide contributions to public open space.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	
3D-2 Design Guidance Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements: • seating for individuals or groups. • barbecue areas. • play equipment or play areas. • swimming pools, gyms, tennis courts or common rooms.	☒ ☒ ☐ ☐	☐ ☐ ☐ ☐	☐ ☐ ☒ ☒	The proposal incorporates a common area on the rooftop terrace and on the ground floor. Suitable areas of seating and BBQ areas can be provided.
The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.	☒	☐	☐	
Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks.	☒	☐	☐	
3D-3 Design Guidance Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include:-	☐	☐	☒	Secure access to entries to the building and

• Bay windows. • Corner windows. • Balconies.	☒ ☒	☐ ☐	☐ ☐	casual surveillance of the public domain from the balconies and ground floor apartments are to be provided.
Communal open space should be well lit.	☒	☐	☐	
Where communal open space / facilities are provided for children and young children they are safe and contained.	☒	☐	☐	
3D-4 Design Guidance The public open space should be well connected with public streets along at least one edge.	☐	☐	☒	Public open space is not provided within the development.
The public open space should be connected with nearby parks and other landscape elements.	☐	☐	☒	
Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid.	☐	☐	☒	
Solar access should be provided year round along with protection from strong winds.	☐	☐	☒	
A positive address and active frontages should be provided adjacent to public open space.	☐	☐	☒	
Boundaries should be clearly defined between public open space and private areas.	☐	☐	☒	
Part 3E1 - Deep soil zones				
3E-1 Design criteria Deep soil zones are to meet the following minimum requirements: Site Area / Dimensions / Deep Soil < 650m² / / 7% 650m² to 1,500m² / 3m / 7% > 1,500m² / 6m / 7% > 1,500m² with significant existing tree / 6m / 7%	☒	☐	☐	The proposal provides 200 m² (8.2%) of deep soil area within the north eastern setback and deep planter boxes representing another approx. 7%. This is considered to be acceptable. 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.
3E-1 Design Guidance On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:				Whilst the site occupies 2,441 square metres, the proposal does not provide larger natural deep soil zones.
• 10% of the site as deep soil on sites with an area of 650m² - 1,500m².	☐	☒	☐	However, 15% is achieved where the planter boxes are included.
• 15% of the site as deep soil on sites greater than 1,500m².	☐	☒	☐	This is considered acceptable given that the site is located within the Lidcombe Town Centre with ground floor commercial uses.
Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:				The amended landscape plan shows retention of two adjoining trees (tree 2 and 7).
• basement and sub-basement car park design that is consolidated beneath building footprints.	☒	☐	☐	
• use of increased front and side setbacks	☐	☒	☐	
• adequate clearance around trees to ensure long term health.	☐	☐	☒	

• co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil. Achieving the design criteria may not be possible on some sites including where: • the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres). • there is 100% site coverage or non-residential uses at ground floor level. Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.	☐ ☒ ☒ ☒	☒ ☐ ☐ ☐	☐ ☐ ☐ ☐	As 3 E 1 response above Refer Engineer comments and conditions of consent.
Part 3F - Visual privacy				
3F-1 Design criteria 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: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2). Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.	☐	☒	☐	The proposal does not provide the required building separation from the eastern side boundary. <u>Eastern Side Boundary:</u> The development proposes a nil ground floor side setback on the eastern side boundary. This boundary is adjacent to the carpark which is either unlikely to be developed or will provide access to the site only due to its minimal width). This is maintained up to Level 9 with blank walls. <u>Northern Boundary</u>: The proposal has a 12.095m ground floor - Level 3 separation and a 15.095m Level 4+ separation from the northern adjoining boundary. <u>Western Boundary:</u> The proposal has a 4m - 4.75m separation at all levels from the western boundary. <u>Southern Boundary:</u> The proposal has a 4m - 4.75m separation at all levels from the western boundary.
3F-1 Design Guidance Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance. For residential buildings next to commercial buildings, separation distances should be measured as follows:- • for retail, office spaces and commercial balconies use the habitable room distances. • for service and plant areas use the non-habitable room distances. New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include: • site layout and building orientation to minimise privacy impacts (see also section 3B Orientation).	☒ ☐ ☐ ☒	☐ ☐ ☐ ☐	☐ ☒ ☒ ☐	The proposal has been designed to provide a one step built form above the ground floor. The wedding cake effect has been avoided by the 4 metre setback from Level 1 and above. The site is not located adjacent to commercial buildings. The proposed development has been designed to orientate the residential units towards Mark Street, Marsden Street and Marsden Lane where possible and away from the existing nearby residential units to maximise the building separation and visual privacy between the buildings. The subject site

3F-1 Design criteria			
Building height	Habitable rooms & balconies	Non habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9 + storeys)	12m	6m

• on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4).	☒	☐	☐	is located within the B4 Mixed Use zone of the Lidcombe Town Centre.
Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5).	☐	☐	☒	Not applicable. The subject site is located within a B4 Mixed Use zone within the Lidcombe Town Centre and is not adjacent to any zone that permits lower density residential development.
Direct lines of sight should be avoided for windows and balconies across corners.	☒	☐	☐	The front facing balconies address Mark Street on all levels and are orientated to the streets at the corner of the proposed development. Therefore, these balconies will not receive any direct lines of sight to the windows of the adjoining property.
No separation is required between blank walls.	☒	☐	☐	Nil side setbacks are proposed at the eastern elevation which features blank walls.
3F-2 Design Guidance Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include: • setbacks. • solid or partially solid balustrades to balconies at lower levels. • fencing and/or trees and vegetation to separate spaces. • screening devices. • bay windows or pop out windows to provide privacy in one direction and outlook in another. • raising apartments/private open space above the public domain or communal open space. • planter boxes incorporated into walls and balustrades to increase visual separation. • pergolas or shading devices to limit overlooking of lower apartments or private open space. • on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies.	☒	☐	☐	The communal open spaces are adequately separated from the private open spaces and windows of apartments as they are located at the rooftop level.
Bedrooms, living spaces and other habitable. rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	☒	☐	☐	Rooms are designed to be well separated from gallery access and communal areas. The proposal has been designed so that like-use areas of the apartments are grouped to avoid acoustic disturbance of neighbouring apartments where possible.
Balconies and private terraces should be located in front of living rooms to increase internal privacy. Windows should be offset from the windows of adjacent buildings.	☒	☐	☐	Balconies have direct access from living rooms. The development includes recessed balconies for privacy needs where appropriate.
Recessed balconies and/or vertical fins should be used between adjacent balconies.	☒	☐	☐	
Part 3G - Pedestrian access and entries				
3G-1 Design Guidance Multiple entries (including communal building	☒	☐	☐	The built form is articulated into a clearly

entries and individual ground floor entries) should be provided to activate the street edge.				defined base with discernible pedestrian access. All facades are appropriately articulated through the use of vertical and horizontal elements, including balconies, windows, varied setbacks and external finishes.
Entry locations relate to the street and subdivision pattern and the existing pedestrian network.	☒	☐	☐	
Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries.	☒	☐	☐	The two pedestrian entrances to the building are clearly visible from the Marsden Street frontage. Further to this, the northern ground floor level units have well defined entrances from Marsden Lane.
Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries.	☒	☐	☐	
3G-2 Design Guidance Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces.	☒	☐	☐	The main entrances to the building face the street and are readily identifiable with direct access from the pedestrian footpaths.
The design of ground floors and underground car parks minimise level changes along pathways and entries.	☒	☐	☐	
Steps and ramps should be integrated into the overall building and landscape design.	☒	☐	☐	
For large developments 'way finding' maps should be provided to assist visitors and residents (see figure 4T.3).	☒	☐	☐	
For large developments electronic access and audio/video intercom should be provided to manage access.	☒	☐	☐	
3G-3 Design Guidance Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport.	☒	☐	☐	The site does not provide a direct pedestrian through link.
Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate.	☒	☐	☐	
Part 3H - Vehicle access				
3H-1 Design Guidance Car park access should be integrated with the building's overall facade. Design solutions may include:- • the materials and colour palette to minimise visibility from the street. • security doors or gates at entries that minimise voids in the façade. • where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The vehicle access point faces Marsden Street and readily allows vehicles to enter and leave the building. The driveway access is 6.865m wide at Marsden Street frontage which will facilitate two way vehicle access to and from the building. A security boom gate is provided at the residential vehicle entry point which provides a more secure basement car park for the residents.
Car park entries should be located behind the building line.	☒	☐	☐	
Vehicle entries should be located at the	☒	☐	☐	

lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout.				
Car park entry and access should be located on secondary streets or lanes where available.	☒	☐	☐	The vehicular access to the site is via Marsden Street which is appropriate within the site context.
Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.	☒	☐	☐	
Access point locations should avoid headlight glare to habitable rooms.	☒	☐	☐	There is only one vehicle access point to the building.
Adequate separation distances should be provided between vehicle entries and street intersections.	☒	☐	☐	
The width and number of vehicle access points should be limited to the minimum.	☒	☐	☐	
Visual impact of long driveways should be minimised through changing alignments and screen planting.	☒	☐	☐	
The need for large vehicles to enter or turn around within the site should be avoided.	☒	☐	☐	
Garbage collection, loading and servicing areas are screened.	☒	☐	☐	Garbage collection, loading and servicing areas are located behind the commercial units at ground floor and at the first basement level.
Clear sight lines should be provided at pedestrian and vehicle crossings.	☒	☐	☐	
Traffic calming devices such as changes in paving material or textures should be used where appropriate.	☒	☐	☐	
Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include: • changes in surface materials. • level changes. • the use of landscaping for separation.	☒	☐	☐	
Part 3J - Bicycle and car parking				
3J-1 Design Criteria For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street.	☒	☐	☐	Under the Roads and Maritime Service Guidelines, the development should be provided with 202 car parking spaces whilst under the Council guidelines, the development should be provided with a minimum of 191 spaces. The lower figure is the Council's figure. The architectural plans indicate a total of 4 levels of basement parking containing 218 car spaces inclusive of accessible (12), commercial (9) and visitor (13) spaces along with associated lift/stair access, storage (268 cages) and service rooms. 30 bicycle spaces are provided at basement level 1. Both the parking and bicycle parking spaces easily complies with both Council and RMS guidelines.
3J-1 Design Guidance Where a car share scheme operates locally,	☒	☐	☐	The guidelines will not need to apply to the

provide car share parking spaces within the development. Car share spaces when provided should be on site. Where less car parking is provided in a development, Council should not provide on street resident parking permits.				development as no car share programme operates in the area.
3J-2 Design Guidance Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters.	☐	☒	☐	There is inadequate parking provided for motorbikes or scooters. This may be addressed as a condition attached to any consent issued.
Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.	☒	☐	☐	30 Bicycle spaces are proposed on the first basement level.
Conveniently located charging stations are provided for electric vehicles, where desirable.	☐	☐	☒	There is no provision for charging stations
3J-3 Design Guidance Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces.	☒	☐	☐	
Direct, clearly visible and well lit access should be provided into common circulation areas.	☒	☐	☐	All main entrances are easily visible from the streets. Suitable lift access has been provided from the basement car park to all levels associated with the development.
A clearly defined and visible lobby or waiting area should be provided to lifts and stairs.	☒	☐	☐	
For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards.	☒	☐	☐	Can be conditioned.
3J-4 Design Guidance Excavation should be minimised through efficient car park layouts and ramp design.	☒	☐	☐	The proposal is considered to have optimised car parking layout.
Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles.	☒	☐	☐	All car parking spaces are located within the basement parking levels with access off Marsden Street frontage.
Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.	☒	☐	☐	
Natural ventilation should be provided to basement and sub-basement car parking areas.	☒	☐	☐	Engineer to comment / condition
Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design.	☒	☐	☐	To be conditioned
3J-5 Design Guidance On-grade car parking should be avoided.	☒	☐	☐	
Where on-grade car parking is unavoidable, the following design solutions are used:- • parking is located on the side or rear of the lot away from the primary street frontage.	☐	☐	☒	
• cars are screened from view of streets, buildings, communal and private open space areas.	☐	☐	☒	

• safe and direct access to building entry points is provided. • parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space. • stormwater run-off is managed appropriately from car parking surfaces. • bio-swales, rain gardens or on site detention tanks are provided, where appropriate. • light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving.	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	
3J-6 Design Guidance Exposed parking should not be located along primary street frontages. Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design solutions may include:- • car parking that is concealed behind the facade, with windows integrated into the overall facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels). • car parking that is 'wrapped' with other uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage (see figure 3J.9). Positive street address and active frontages should be provided at ground level.	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	Due to the absence of exposed car parking, it is considered that Part 3J-6 will not apply.
Part 4A - Solar and daylight access				
4A-1 Design Criteria 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 and in the Newcastle and Wollongong local government areas. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	☒ ☒	☐ ☐	☐ ☐	The proposed development is considered to be generally consistent with the Solar and Daylight Access objectives as the orientation of living areas allows for daylight infiltration The applicant provided shadow diagrams/tables that demonstrate that 111 out of 153 units or 72.5% of all units have living areas and private open space areas achieving the minimum 2 hours solar access. 5 of these units rely on skylights to achieve solar access. 5.2% of apartments will receive no direct sunlight between 9am and 3pm at mid-winter.
4A-1 Design Guidance The design maximises north aspect and the number of single aspect south facing apartments is minimised. Single aspect, single storey apartments should have a northerly or easterly aspect. Living areas are best located to the north and service areas to the south and west of	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Given the north-south orientation of the building and the arrangement of the allotment, the majority of the proposed units have some northerly or easterly aspect. Some units will become westerly facing single aspect residential units. It is noted that this is unavoidable due to the built form of the development. However, this is considered

apartments. To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used: • dual aspect apartments. • shallow apartment layouts. • two storey and mezzanine level apartments. • bay windows. To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of $1m^2$ of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes. Achieving the design criteria may not be possible on some sites. This includes: • where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source. • on south facing sloping sites. • where significant views are oriented away from the desired aspect for direct sunlight. Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective.	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	acceptable as no further design amendments can be made to the design without being detrimental to other amenity consideration such as visual and acoustic amenity. Apartment living areas and certain bedrooms are provided with openings to the facade to maximise access to daylight and where possible.
4A-2 Design Guidance Courtyards, skylights and high-level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms. Where courtyards are used: • use is restricted to kitchens, bathrooms and service areas. • building services are concealed with appropriate detailing and materials to visible walls. • courtyards are fully open to the sky. • access is provided to the light well from a communal area for cleaning and maintenance. • acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are achieved. Opportunities for reflected light into apartments are optimised through: • reflective exterior surfaces on buildings opposite south facing windows. • positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light. • integrating light shelves into the design. • light coloured internal finishes.	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☐ ☐ ☐	It is considered that daylight access is maximised across the building with only 5 units requiring skylights to achieve minimum solar access requirements. Primary light is provided by primary windows. The development does not require the use of reflected light into apartments.
4A-3 Design Guidance A number of the following design features are used: • balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas.	☒	☐	☐	It is considered that glare would not be a significant issue for the site.

• shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting. • horizontal shading to north facing windows. • vertical shading to east and particularly west facing windows. • operable shading to allow adjustment and choice. • high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided).	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	
Part 4B - Natural ventilation				
4B-1 Design Guidance The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.	☒	☐	☐	It is considered that all the rooms will be naturally ventilated. 93 of 153 units (60.78%) will be naturally cross ventilated.
Depths of habitable rooms support natural ventilation.	☒	☐	☐	
The area of unobstructed window openings should be equal to at least 5% of the floor area served.	☒	☐	☐	
Light wells are not the primary air source for habitable rooms.	☒	☐	☐	No light wells are used within the development for air.
Doors and openable windows maximise natural ventilation opportunities by using the following design solutions: • adjustable windows with large effective openable areas. • a variety of window types that provide safety and flexibility such as awnings and louvres. • windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Louvred screens are proposed to provide privacy protection to the residential units. The plans indicate western elevation units feature privacy screens to avoid overlooking. Balconies are also designed to provide shades to the living area from the sun.
4B-2 Design Guidance Apartment depths are limited to maximise ventilation and airflow.	☒	☐	☐	There are single aspect apartments within the development. Light and ventilation to the single aspect apartments is still achieved.
Natural ventilation to single aspect apartments is achieved with the following design solutions: • primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation). • stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries. • courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The building and apartment layouts are designed to maximise natural ventilation through the use of open-plan living areas and generous openings to living areas and bedrooms. The living rooms are adjacent to the balconies and generally promote natural ventilation. The building is well articulated to respond to the size and shape of the site. The performance of the apartments in relation to solar access and natural ventilation is considered acceptable.
4B-3 Design Criteria At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels	☒	☐	☐	93 of 153 units (60.78%) will be naturally cross ventilated and have openings in two or more external walls of different orientation which achieves the minimum requirement specified at Part 4B-3.

<table>
<tr><td>allows adequate natural ventilation and cannot be fully enclosed.

Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</td><td>☐</td><td>☒</td><td>☐</td><td>The maximum overall depth of the cross-over or cross-through units is 19m for 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 all habitable rooms have operable windows due to articulation of external wall.</td></tr>
<tr><td>4B-3 Design Guidance
The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths.</td><td>☒</td><td>☐</td><td>☐</td><td>There are dual aspect and cross through apartments within the development.</td></tr>
<tr><td>In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment.</td><td>☒</td><td>☐</td><td>☐</td><td>This is achieved as appropriate.</td></tr>
<tr><td>Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow.</td><td>☒</td><td>☐</td><td>☐</td><td>This is achieved as appropriate.</td></tr>
<tr><td>Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow.</td><td>☒</td><td>☐</td><td>☐</td><td>This is achieved as appropriate.</td></tr>
<tr><td colspan="5">Part 4C - Ceiling heights</td></tr>
<tr><td>4C-1 Design Criteria
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:
<table><tr><th>Type / Use</th><th>Minimum ceiling height</th></tr><tr><td>Habitable rooms</td><td>2.7m.</td></tr><tr><td>Non habitable rooms</td><td>2.4m.</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor.
2.4m for second floor where its area does not exceed 50% of the apartment area.</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope.</td></tr><tr><td>If located in mixed use areas</td><td>3.3m for ground and first floor to promote future flexibility of use.</td></tr></table>These minimums do not preclude higher ceilings if desired.</td><td>☒</td><td>☐</td><td>☐</td><td>Habitable rooms all have a minimum 2.7m floor to ceiling heights and non-habitable rooms have a minimum 2.4m floor to ceiling height. The ground floor commercial tenancy will have a floor to ceiling heights of 3.5m.

This is considered acceptable for solar access and general residential amenity.</td></tr>
<tr><td>4C-1 Design Guidance
Ceiling height can accommodate use of ceiling fans for cooling and heat distribution.</td><td>☒</td><td>☐</td><td>☐</td><td>The proposal is considered to provide sufficient ceiling heights to allow use of ceiling fans.</td></tr>
<tr><td>4C-2 Design Guidance
A number of the following design solutions can be used:
• The hierarchy of rooms in an apartment is defined using changes in ceiling heights and alternatives such as raked or curved ceilings, or double height spaces.</td><td>☒</td><td>☐</td><td>☐</td><td>The floor to ceiling heights of every apartment is compliant with the specified provisions. As such, it is considered that a sense of space and well-proportioned rooms are achieved.</td></tr>
<tr><td>• Well-proportioned rooms are provided,</td><td>☒</td><td>☐</td><td>☐</td><td>Being a mixed-use building within the B4 Mixed</td></tr>
</table>

for example, smaller rooms feel larger and more spacious with higher ceilings. • Ceiling heights are maximised in habitable rooms by ensuring that bulkheads do not intrude. The stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist.	☒	☐	☐	Use zone in Lidcombe Town Centre, the additional floor to ceiling heights for the ground floor commercial units will promote future flexibility of use which satisfies this requirement in this instance.
4C-3 Design Guidance Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses.	☒	☐	☐	3.5 metres provided across the ground floor.
Part 4D - Apartment size and layout				
4D-1 Design Criteria Apartments are required to have the following minimum internal areas: **Apartment type** / **Minimum internal area** Studio / 35m^2 1 bedroom / 50m^2 2 bedroom / 70m^2 3 bedroom / 95m^2	☒	☐	☐	The following apartment sizes are achieved: • The one bedroom apartments occupy minimum areas of 50 square metres. • The two bedroom apartments with additional bathroom occupy minimum areas of 75m^2. • The three bedroom apartments with additional bathroom occupy minimum areas of 95.70 square metres.
• The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each.	☒	☐	☐	
• A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each.	☐	☐	☒	
• Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	☒	☐	☐	Units are designed to have sufficient solar access and able to achieved natural ventilation on habitable rooms. Daylight and air is not borrowed from other rooms.
4D-1 Design Guidance Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space).	☒	☐	☐	Kitchens do not form part of the major circulation space of any apartment.
A window should be visible from any point in a habitable room.	☒	☐	☐	
Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas.	☒	☐	☐	The design, location and layout of the living areas are compliant.
These circumstances would be assessed on their merits.	☒	☐	☐	
4D-2 Design Criteria Habitable room depths are limited to a maximum of 2.5 times of the ceiling height. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	☒	☐	☐	It is considered that compliance is achieved. All apartments have sufficient depth as required.
4D-2 Design Guidance Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths.	☒	☐	☐	It is considered that the guidelines are complied with.

All living areas and bedrooms should be located on the external face of the building. Where possible: • bathrooms and laundries should have an external openable window • main living spaces should be oriented toward the primary outlook and aspect and away from noise sources.	☐	☒	☐	Bathrooms and laundries do not have windows and are located internally.
4D-3 Design Criteria Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space). Bedrooms have a minimum dimension of 3m (excluding wardrobe space). Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments. • 4m for 2 and 3 bedroom apartments. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	☒	☐	☐	All rooms are designed to meet with the minimum width requirements. Cross through apartments have a width <4m .
4D-3 Design Guidance Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas.	☒	☐	☐	Access to rooms is suitable in this regard.
All bedrooms allow a minimum length of 1.5m for robes.	☒	☐	☐	All bedrooms are designed with a minimum 1.5m wide built-in wardrobe.
The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high.	☒	☐	☐	Wardrobes in all master bedrooms are designed to comply with this requirement.
Apartment layouts allow flexibility over time, design solutions may include: • dimensions that facilitate a variety of furniture arrangements and removal. • spaces for a range of activities and privacy levels between different spaces within the apartment. • dual master apartments. • dual key apartments *Note: dual key apartments which are separate but on the same title are regarded as two sole occupancy units for the purposes of the Building Code of Australia and for calculating the mix of apartments.* • room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1)).	☒	☐	☐	The proposed development is considered to be consistent with the requirement as layouts promote changes to furniture arrangement and a suitable number can be adapted to the changing needs of residents.
Efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms.	☒	☐	☐	
Part 4E - Private open space and balconies				
4E-1 Design Criteria All apartments are required to have primary balconies as follows: Dwelling type | Minimum area | Minimum depth Studio apartments | 4m^2 | -	☒	☐	☐	All the apartments are provided with at least one balcony of minimum depth dimension of 2m although they vary in size and shape. The balconies for one, two and three bedroom units are designed to be a minimum of 8

1 bedroom apartments	$8m^2$	2m	☒	☐	☐	square metres, 10 square metres and 12 square metres in area respectively which complies with the requirements.
2 bedroom apartments	$10m^2$	2m	☒	☐	☐	
3 plus bedroom apartments	$12m^2$	2.4m	☒	☐	☐	
The minimum balcony depth to be counted as contributing to the balcony area is 1m.						
4E-1 Design Guidance Increased communal open space should be provided where the number or sizes of balconies are reduced.			☒	☐	☐	Private open spaces are provided in the form of private balconies and at ground floor terraces to all units. All primary balconies with access from the living area have been orientated to address either the street frontage or the ground floor open space where there will be the best outlook from the site with minimal privacy impact (acoustic privacy and overlooking into adjoining sites). The development is considered to be acceptable in this regard.
Storage areas on balconies are additional to the minimum balcony size.			☒	☐	☐	
Balcony use may be limited in some proposals by: • consistently high wind speeds at 10 storeys and above. • close proximity to road, rail or other noise sources. • exposure to significant levels of aircraft noise. • heritage and adaptive reuse of existing buildings.			☒	☐	☐	
In these situations, Juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated.			☒	☐	☐	
4E-2 Design Guidance Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.			☒	☐	☐	Access is provided directly from living areas and where possible, secondary access is provided from primary bedrooms.
Private open spaces and balconies predominantly face north, east or west.			☒	☐	☐	The position of balconies within the development is determined as being acceptable.
Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms.			☒	☐	☐	
4E-3 Design Guidance Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred.			☒	☐	☐	All balustrades are generally transparent to promote views with the exception of a small number of balconies that feature solid render to provide visual articulation in the built form that is considered acceptable.
Full width full height glass balustrades alone are generally not desirable.			☒	☐	☐	There is a mixture of glass, rendered, and clad balconies.
Projecting balconies should be integrated into the building design and the design of soffits considered.			☒	☐	☐	All balconies are integrated into the building design and visually provide articulation to the built form.
Operable screens, shutters, hoods and pergolas are used to control sunlight and wind.			☒	☐	☐	
Balustrades are set back from the building or balcony edge where overlooking or safety is			☒	☐	☐	

an issue.				
Downpipes and balcony drainage are integrated with the overall facade and building design.	☒	☐	☐	Facade appearance is considered to be of a high quality contemporary appearance.
Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.	☒	☐	☐	
Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design.	☒	☐	☐	
Ceilings of apartments below terraces should be insulated to avoid heat loss.	☒	☐	☐	
Water and gas outlets should be provided for primary balconies and private open space.	☒	☐	☐	
4E-4 Design Guidance Changes in ground levels or landscaping are minimised.	☒	☐	☐	The separation between the private and public domains is established within the landscape design.
Design and detailing of balconies avoids opportunities for climbing and falls.	☒	☐	☐	Minimum 1m high balustrades are installed along all balconies to minimise opportunities for falls and climbing.
Part 4F - Common circulation and spaces				
4F-1 Design criteria 1. The maximum number of apartments off a circulation core on a single level is eight.	☐	☒	☐	Four lifts are provided within the development with each circulation core servicing a maximum of 9 units. The minor variation is considered acceptable.
2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	☒	☐	☐	Four lifts are provided to service the building with 153 residential units. This equates to under 40 apartments sharing a single lift.
4F-1 Design Guidance Greater than minimum requirements for corridor widths and/ or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors.	☒	☐	☐	The internal corridors are 1.54m wide at the unit entryways with some parts of the corridor being 2m wide.
Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.	☒	☐	☐	The building is punctuated to achieve natural daylight to circulation spaces.
Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors.	☒	☐	☐	This is achieved.
Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include: • a series of foyer areas with windows and spaces for seating. • wider areas at apartment entry doors and varied ceiling heights.	☐	☒	☐	The maximum length of corridors is approximately 16m but articulation has been introduced.
Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments.	☒	☐	☐	The building contains two cores allowing for cross over and dual aspect units.
Achieving the design criteria for the number of apartments off a circulation core may not	☒	☐	☐	The proposal has been designed to maximum the amount of solar access to all units and 93

be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including: • sunlight and natural cross ventilation in apartments. • access to ample daylight and natural ventilation in common circulation spaces • common areas for seating and gathering • generous corridors with greater than minimum ceiling heights. • other innovative design solutions that provide high levels of amenity.				units (62.42%) are designed to have natural cross ventilation.
Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.	☐	☐	☒	This is achieved.
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	☒	☐	☐	
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.	☒	☐	☐	The proposed hallways do not contain any tight corners.
Tight corners and spaces are avoided.	☒	☐	☐	The development is designed to provide a legible common circulation space to enhance general way finding.
Circulation spaces should be well lit at night.	☒	☐	☐	
Legible signage should be provided for apartment numbers, common areas and general way finding. Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided.	☒	☐	☐	
In larger developments, community rooms for activities such as owners corporation meetings or resident use should be provided and are ideally co-located with communal open space.	☒	☐	☐	Having considered the scale of the development, no community room is proposed on site. It is considered owners corporation meetings and the like can been located within the communal open space areas located at the rooftop terrace.
Where external galleries are provided, they are more open than closed above the balustrade along their length.	☒	☐	☐	
4G – Storage				
4G-1 Design Criteria In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: **Dwelling type** / **Storage** Studio apartments / $4m^3$ 1 bedroom apartments / $6m^3$ 2 bedroom apartments / $8m^3$ 3 plus bedroom apartments / $10m^3$ At least 50% of the required storage is to be located within the apartment.	☒	☐	☐	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.
4G-1 Design Guidance Storage is accessible from either circulation or living areas.	☒	☐	☐	Storage is provided within each unit in the form of dedicated separate storage cupboards within each unit.

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.	☒	☐	☐	Additional storage is provided in the form of storage compartments located within the basement parking levels that is not allocated to each unit. This will need to be addressed as a condition attached to any consent issued.
Left over space such as under stairs is used for storage.	☒	☐	☐	
4G-2 Design Guidance Storage not located in apartments is secure and clearly allocated to specific apartments.	☒	☐	☐	Adequate storage cages are provided in the amended plans.
Storage is provided for larger and less frequently accessed items.	☒	☐	☐	Basement storage areas are not provided at the rear or side of car spaces.
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.	☐	☐	☒	
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.	☒	☐	☐	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.
Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas.	☒	☐	☐	This is achieved
Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.	☒	☐	☐	This is achieved.
The number of party walls (walls shared with other apartments) are limited and are appropriately insulated.	☒	☐	☐	This is achieved.
Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	☒	☐	☐	The entire building is situated over the basement car park. The communal open space and bedrooms are situated at least 3m away of a noise source such as a garage door, plant room, services room or mechanical equipment. The amended plans involve the deletion of a ground floor unit and acoustic wall for noise mitigation for Ground floor unit G.01 adjoining the loading bay.
4H-2 Design Guidance Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions: • rooms with similar noise requirements are grouped together. • doors separate different use zones. • wardrobes in bedrooms are co-located to act as sound buffers.	☒	☐	☐	The proposal has been designed so that like-use areas of the apartments are grouped to avoid acoustic disturbance of neighbouring apartments where possible. Noisier areas such as kitchens and laundries are designed to locate away from bedrooms where possible.

Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions: • double or acoustic glazing. • acoustic seals. • use of materials with low noise penetration properties. • continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements.	☒	☐	☐	
Part 4J - Noise and pollution				
4J-1 Design Guidance To minimise impacts the following design solutions may be used: • physical separation between buildings and the noise or pollution source.	☒	☐	☐	Unit acoustic amenity is considered to be promoted through building separation to adjoining existing buildings, unit orientation and the grouping of like-use rooms in units together. An Acoustic Report has been submitted with the application addressing Councils requirements. The report concluded that further acoustic information is to be provided as a deferred commencement condition considering noise emissions from the development as well as demolition/construction noise and vibration intrusion.
• residential uses are located perpendicular to the noise source and where possible buffered by other uses.	☒	☐	☐	
• non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces.	☒	☐	☐	
• non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources.	☒	☐	☐	
• buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer.	☒	☐	☐	
• where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see figure 4J.4).	☒	☐	☐	
• landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry.	☒	☐	☐	
Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas: • solar and daylight access. • private open space and balconies. • natural cross ventilation.	☒	☐	☐	
4J-2 Design Guidance Design solutions to mitigate noise include: • limiting the number and size of openings facing noise sources.	☒	☐	☐	The acoustic report provided acoustic criteria and recommended construction methods / materials / treatments to be used to meet the criteria for the site for both internal and external noise sources. Further information is required to be submitted as part of a deferred commencement condition.
• providing seals to prevent noise transfer through gaps.	☒	☐	☐	
• using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens).	☒	☐	☐	
• using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits.	☒	☐	☐	
Part 4K - Apartment mix				
4K-1 Design Guidance				

A variety of apartment types is provided. The apartment mix is appropriate, taking into consideration: • the distance to public transport, employment and education centres. • the current market demands and projected future demographic trends. • the demand for social and affordable housing. • different cultural and socioeconomic groups. Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	An appropriate mix of apartment type from one to three bedroom units are to be provided within the development The site is close to shopping and transport facilities provided by the Lidcombe Town Centre.
4K-2 Design Guidance Different apartment types are located to achieve successful facade composition and to optimise solar access (see figure 4K.3). Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available.	☒ ☐	☐ ☐	☐ ☒	A variety of apartments are provided across all levels of the apartment building. The development has the following bedroom mix:- 1 bedroom - 63 units (42.3%). 2 bedrooms -74 units (49.7%). 3 bedrooms - 12 units (8%).
4L - Ground floor apartments				
4L-1 Design Guidance Direct street access should be provided to ground floor apartments. Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include: • both street, foyer and other common internal circulation entrances to ground floor apartments. • private open space is next to the street • doors and windows face the street. Retail or home office spaces should be located along street frontages. Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to and ground floor amenities for easy conversion.	☒ ☒ ☒ ☐	☐ ☐ ☐ ☐	☐ ☐ ☐ ☒	The ground floor apartments have direct street access.
4L-2 Design Guidance Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include: • elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4). • landscaping and private courtyards. • window sill heights that minimise sight lines into apartments. • integrating balustrades, safety bars or screens with the exterior design. Solar access should be maximised through: • high ceilings and tall windows. • trees and shrubs that allow solar access in winter and shade in summer.	☐ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☒ ☐ ☐ ☐ ☐ ☐	Not all ground floor terraces are elevated. Amended plans have been submitted which involve planter boxes and screening at the ground floor level units. Solar access is maximised.

4M - Facades				
4M-1 Design Guidance Design solutions for front building facades may include: • a composition of varied building elements • a defined base, middle and top of buildings. • revealing and concealing certain elements. • changes in texture, material, detail and colour to modify the prominence of elements. Building services should be integrated within the overall façade. Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller buildings Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights. Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	The appearance of the building from the public domain is satisfactory. The amended plans present a distinct base being the commercial ground floor component, with a middle and top presented through horizontal wall cladding and a variety of materials. The adjacent sites have existing buildings but will likely become future development sites. Only minimal upper level setback employed. Street wall considered satisfactory in the town centre.
4M-2 Design Guidance Building entries should be clearly defined. Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height. The apartment layout should be expressed externally through facade features such as party walls and floor slabs.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The two main pedestrian entrances to the building are easily visible from Marsden Street. The proposal incorporates two pedestrian entrances to two separate lobbies. Each lobby contains a lift core with 2 lifts. The corners of the proposal are given visual prominence through balconies, horizontal articulation through wall cladding and rendered elements, and a skillion roof form.
4N - Roof design				
4N-1 Design Guidance Roof design relates to the street. Design solutions may include:- • special roof features and strong corners. • use of skillion or very low pitch hipped roofs. • breaking down the massing of the roof by using smaller elements to avoid bulk. • using materials or a pitched form complementary to adjacent buildings. Roof treatments should be integrated with the building design. Design solutions may include:- • roof design proportionate to the overall building size, scale and form. • roof materials compliment the building. • service elements are integrated.	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	The use of the blade walls, different materials and punctuation of front façade adds visual interest to the building and the parapet assists in creating a skyline. The proposed building is to have a generally flat roof which will not have any impact upon its overall appearance. The rooftop terrace and lift overrun is suitably setback to ensure it is not visible from street elevations.

4N-2 Design Guidance Habitable roof space should be provided with good levels of amenity. Design solutions may include: • penthouse apartments. • dormer or clerestory windows. • openable skylights. Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations.	☐ ☐ ☐ ☒	☐ ☐ ☐ ☐	☒ ☒ ☒ ☐	The proposal incorporates an area of approximately 611.17m^2 of landscaped communal open space on the rooftop terrace.
4N-3 Design Guidance Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access). Well located, screened outdoor areas should be provided for clothes drying.	☒ ☒	☐ ☐	☐ ☐	All residential units are designed with minimum of 2m deep usable balconies (minimum) which can be used as clothes drying area for individual units.
4O - Landscape Design				
4O-1 Design Guidance Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating:- • diverse and appropriate planting. • bio-filtration gardens. • appropriately planted shading trees. • areas for residents to plant vegetables and herbs. • Composting. • green roofs or walls. Ongoing maintenance plans should be prepared Microclimate is enhanced by: • appropriately scaled trees near the eastern and western elevations for shade. • a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter. • shade structures such as pergolas for balconies and courtyards. Tree and shrub selection considers size at maturity and the potential for roots to compete.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	A landscape plan, prepared by a suitably qualified consultant, is submitted with the application. The plan identifies relevant landscaping elements to soften the built form within the site.
4O-2 Design Guidance Landscape design responds to the existing site conditions including: • changes of levels. • Views. • significant landscape features including trees and rock outcrops. Significant landscape features should be protected by: • tree protection zones (see figure 4O.5). • appropriate signage and fencing during construction. Plants selected should be endemic to the region and reflect the local ecology.	☒ ☒ ☒ ☐ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☐ ☐	Landscape amenity is provided in the form of planter beds and seating areas at the buildings perimeter and further facilities including seating BBQ at the rooftop terrace.
4P - Planting on structures				
4P-1 Design Guidance Structures are reinforced for additional saturated soil weight.	☐	☐	☒	Significant reinforcement would not be required due to the limitation in the amount of

Soil volume is appropriate for plant growth, considerations include:- • modifying depths and widths according to the planting mix and irrigation frequency. • free draining and long soil life span. • tree anchorage. Minimum soil standards for plant sizes should be provided in accordance with Table 5.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	landscaping. Soil volume is appropriate.
4P-2 Design Guidance Plants are suited to site conditions, considerations include: • drought and wind tolerance. • seasonal changes in solar access. • modified substrate depths for a diverse range of plants. • plant longevity. A landscape maintenance plan is prepared. Irrigation and drainage systems respond to: • changing site conditions. • soil profile and the planting regime. • whether rainwater, stormwater or recycled. grey water is used.	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	The landscape plan submitted shows appropriate maintenance.
4P-3 Design Guidance Building design incorporates opportunities for planting on structures. Design solutions may include: • green walls with specialised lighting for indoor green walls. • wall design that incorporates planting. • green roofs, particularly where roofs are visible from the public domain. • planter boxes. Note: structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over time.	☐ ☐ ☒ ☒ ☐	☐ ☐ ☐ ☐ ☐	☒ ☒ ☐ ☐ ☒	Appropriate design outcome is provided on the landscape plan for the planter strips along the street frontages and within the rooftop terrace. However, amended Landscape plan is required to address ground level unit changes and tree retention. This is addressed as a condition attached to any consent issued.
4Q - Universal design				
4Q-1 Design Guidance Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features.	☒	☐	☐	There are 149 units in the development. Of that figure, at least 15 or 10% are to be designated as “adaptable units” which is considered to be reasonable for the development. A further 10% can achieve Liveable as per Access report
4Q-2 Design Guidance Adaptable housing should be provided in accordance with the relevant council policy. Design solutions for adaptable apartments include:- • convenient access to communal and public areas. • high level of solar access. • minimal structural change and residential amenity loss when adapted. • larger car parking spaces for accessibility. • parking titled separately from apartments or shared car parking arrangements.	☒ ☒ ☐ ☒ ☐	☐ ☐ ☐ ☐ ☐	☐ ☐ ☒ ☐ ☒	The site is considered to be appropriately barrier free with wheelchair access possible from the street and lift access from the basement and to the upper residential floors of the development. Vehicular and pedestrian entries are well separated but convenient.
4Q-3 Design Guidance Apartment design incorporates flexible				

design solutions which may include:- • rooms with multiple functions. • dual master bedroom apartments with separate bathrooms. • larger apartments with various living space options • open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom.	☒ ☐ ☒ ☐	☐ ☐ ☐ ☐	☐ ☒ ☐ ☒	The building offers a variety of unit types in a town centre location. The proposed development is considered to be consistent with the requirement as layouts are suitably sized to permit a satisfactory furniture layout to occur.
4R - Adaptive reuse				
4R-1 Design Guidance Design solutions may include: • new elements to align with the existing building. • additions that complement the existing character, siting, scale, proportion, pattern, form and detailing. • use of contemporary and complementary materials, finishes, textures and colours. Additions to heritage items should be clearly identifiable from the original building. New additions allow for the interpretation and future evolution of the building.	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒	Part 4R will not apply to the development because an adaptive reuse of a building is not proposed.
4R-2 Design Guidance Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved. Design solutions may include: • generously sized voids in deeper buildings. • alternative apartment types when orientation is poor. • using additions to expand the existing building envelope. Some proposals that adapt existing buildings may not be able to achieve all of the design criteria in this Apartment Design Guide. Where developments are unable to achieve the design criteria, alternatives could be considered in the following areas: • where there are existing higher ceilings, depths of habitable rooms could increase subject to demonstrating access to natural ventilation, cross ventilation (when applicable) and solar and daylight access (see also sections 4A Solar and daylight access and 4B Natural ventilation). • alternatives to providing deep soil where less than the minimum requirement is currently available on the site. • building and visual separation - subject to demonstrating alternative design approaches to achieving privacy. • common circulation. • car parking. • alternative approaches to private open space and balconies.	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	Part 4R will not apply to the development because an adaptive reuse of a building is not proposed.
4S - Mixed use				
4S-1 Design Guidance Mixed use development should be concentrated around public transport and centres.	☒	☐	☐	This is achieved.

Mixed use developments positively contribute to the public domain. Design solutions may include: • development addresses the street. • active frontages are provided. • diverse activities and uses. • avoiding blank walls at the ground level. • live/work apartments on the ground floor level, rather than commercial.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	
4S-2 Design Guidance Residential circulation areas should be clearly defined. Design solutions may include: • residential entries are separated from commercial entries and directly accessible from the street. • commercial service areas are separated from residential components. • residential car parking and communal facilities are separated or secured. • security at entries and safe pedestrian routes are provided. • concealment opportunities are avoided. Landscaped communal open space should be provided at podium or roof levels.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	Residential and commercial entries are separated. Both residential and entries are accessible directly from Marsden Street, with an additional commercial entry along Mark Street. Residential and commercial waste, car parking and services areas are separated. Landscaped communal open space is provided at ground around the perimeter of the building and roof level.
4T - Awnings and signage				
4T-1 Design Guidance Awnings should be located along streets with high pedestrian activity and active frontages. A number of the following design solutions are used:- • continuous awnings are maintained and provided in areas with an existing pattern. • height, depth, material and form complements the existing street character. • protection from the sun and rain is provided. • awnings are wrapped around the secondary frontages of corner sites. • awnings are retractable in areas without an established pattern. Awnings should be located over building entries for building address and public domain amenity. Awnings relate to residential windows, balconies, street tree planting, power poles and street infrastructure. Gutters and down pipes should be integrated and concealed. Lighting under awnings should be provided for pedestrian safety.	☒ ☒ ☒ ☒ ☒ ☐ ☒ ☒ ☐ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☒ ☐	An awning is provided along all street frontages. The proposed awning is not retractable but is considered acceptable. Appropriate conditions can be applied to ensure under awning lighting is provided.
4T-2 Design Guidance Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development. Legible and discrete way finding should be provided for larger developments.	☐ ☐	☐ ☐	☒ ☒	Part 4T-2 will not apply to the development because no signage is proposed.

Signage is limited to being on and below awnings and a single facade sign on the primary street frontage.	☐	☐	☒	
4U - Energy efficiency				
4U-1 Design Guidance Adequate natural light is provided to habitable rooms. Well located, screened outdoor areas should be provided for clothes drying.	☒ ☒	☐ ☐	☐ ☐	The various BASIX Certificates for the building show that the development as a whole achieves the pass mark for energy efficiency
4U-2 Design Guidance A number of the following design solutions are used: • the use of smart glass or other technologies on north and west elevations. • thermal mass in the floors and walls of north facing rooms is maximised. • polished concrete floors, tiles or timber rather than carpet. • insulated roofs, walls and floors and seals on window and door openings. • overhangs and shading devices such as awnings, blinds and screens. Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement).	☒ ☒	☐ ☐	☐ ☐	The various BASIX Certificates for the building show that the development as a whole achieves the pass mark for energy efficiency. An amended BASIX certificate is required with amended plans as part of deferred commencement and changes to the ground floor.
4U-2 Design Guidance A number of the following design solutions are used: • rooms with similar usage are grouped together. • natural cross ventilation for apartments is optimised. • natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposal has been designed so that like-use areas of the apartments are grouped together where possible. The building and apartment layouts are designed to maximise natural ventilation through the use of open-plan living areas and generous openings to living areas and bedrooms. The living rooms are adjacent to the balconies and generally promote natural ventilation.
4V - Water management and conservation				
4V-1 Design Guidance Water efficient fittings, appliances and wastewater reuse should be incorporated. Apartments should be individually metered. Rainwater should be collected, stored and reused on site. Drought tolerant, low water use plants should be used within landscaped areas.	☒ ☐ ☒ ☒	☐ ☐ ☐ ☐	☐ ☒ ☐ ☐	The BASIX Certificate addresses water efficient fittings and appliances. The planting for the site is considered as being satisfactory.
4V-2 Design Guidance Water sensitive urban design systems are designed by a suitably qualified professional. A number of the following design solutions are used: • runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation. • porous and open paving materials is maximised. • on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits.	☒ ☐ ☒ ☒	☐ ☐ ☐ ☐	☐ ☒ ☐ ☐	The various BASIX Certificates for the building show that the development as a whole achieves the pass mark for water conservation.

4V-3 Design Guidance Detention tanks should be located under paved areas, driveways or in basement car parks.	☒	☐	☐	An onsite detention tank is provided at basement level one.
On large sites parks or open spaces are designed to provide temporary on site detention basins.	☐	☐	☒	
4W - Waste management				
4W-1 Design Guidance Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.	☒	☐	☐	Separate waste storage areas for both the residential and commercial components of the building which are located at the ground floor and first basement level and waste collection is within the waste loading area within the building. This will prevent garbage collection occurring from the street on collection days.
Waste and recycling storage areas should be well ventilated.	☒	☐	☐	
Circulation design allows bins to be easily manoeuvred between storage and collection points.	☒	☐	☐	A medium rigid vehicle is capable of accessing the garbage store within the building. This will prevent garbage removal from the street.
Temporary storage should be provided for large bulk items such as mattresses.	☒	☐	☐	
A waste management plan should be prepared.	☒	☐	☐	A Waste Management Plan has been prepared and is considered satisfactory having regard to Council's Environmental Health comments.
4W-2 Design Guidance All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling.	☒	☐	☐	Separate waste storage areas for both the residential and commercial components of the building are provided. Both storage areas are determined as being adequate to meet the needs for the building.
Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core.	☒	☐	☐	
For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses.	☒	☐	☐	
Alternative waste disposal methods such as composting should be provided.	☒	☐	☐	
4X - Building Maintenance				
4X-1 Design Guidance A number of the following design solutions are used: • roof overhangs to protect walls. • hoods over windows and doors to protect openings. • detailing horizontal edges with drip lines to avoid staining of surfaces. • methods to eliminate or reduce planter box leaching. • appropriate design and material selection for hostile locations.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	There are roof overhangs to provide weather protection.
4X-2 Design Guidance Window design enables cleaning from the inside of the building.	☒	☐	☐	Main habitable windows are capable of being cleaned by residents.
Building maintenance systems should be incorporated and integrated into the design of the building form, roof and façade.	☒	☐	☐	
Design solutions do not require external	☒	☐	☐	

scaffolding for maintenance access. Manually operated systems such as blinds, sunshades and curtains are used in preference to mechanical systems. Centralised maintenance, services and storage should be provided for communal open space areas within the building.	☒ ☒	☐ ☐	☐ ☐	
4X-3 Design Guidance A number of the following design solutions are used:- • sensors to control artificial lighting in common circulation and spaces. • natural materials that weather well and improve with time such as face brickwork. • easily cleaned surfaces that are graffiti resistant. • robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The materials to be used are determined as being satisfactory. Conditions of consent could be imposed in relation to use of high-quality materials and general maintenance of the site.

Appendix B

Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
Part 1 Preliminary				
1.1 Name of Plan This Plan is *Auburn Local Environmental Plan 2010*.				
1.2 Aims of Plan (1) This Plan aims to make local environmental planning provisions for land in Auburn in accordance with the relevant standard environmental planning instrument under section 33A of the Act. (2) The particular aims of this Plan are as follows: (a) to establish planning standards that are clear, specific and flexible in their application, (b) to foster integrated, sustainable development that contributes to Auburn's environmental, social and physical well-being, (c) to protect areas from inappropriate development, (d) to minimise risk to the community by restricting development in sensitive areas, (e) to integrate principles of ecologically sustainable development into land use controls, (f) to protect, maintain and enhance the natural ecosystems, including watercourses, wetlands and riparian land, (g) to facilitate economic growth and employment opportunities within Auburn, (h) to identify and conserve the natural, built and cultural heritage, (i) to provide recreational land, community facilities and land for public purposes.	☒	☐	☐	The proposal substantially complies with the stipulated development standards of the ALEP 2010. The development is considered to be appropriate for the area. The development complies and will establish the future desired character for its immediate area. The proposal has incorporated ESD principles with features such as passive design and BASIX. The development is acceptable in this regard. The site is not in the direct vicinity of a heritage item
1.3 Land to which Plan applies (1) This Plan applies to the land identified on the Land Application Map. Note. Part 23 of Schedule 3 to the *State Environmental Planning Policy (Major*	☒	☐	☐	The plan will apply to this development.

Clause	Yes	No	N/A	Comments
Development) 2005 applies to certain land identified on the Land Application Map. (2) Despite subclause (1), this Plan does not apply to the land identified on the Land Application Map as "Deferred matter".				
1.6 Consent authority The consent authority for the purposes of this Plan is (subject to the Act) the Council.	☒	☐	☐	Council is the consent authority for this application.
1.8 Repeal of other local planning instruments applying to land (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed. Note. The following local environmental plans are repealed under this provision: *Auburn Local Environmental Plan 2000* (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other and cease to apply to the land to which this Plan applies.	☒ ☒	☐ ☐	☐ ☐	Noted.
1.8A Savings provision relating to development applications If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced. **Note.** However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant land is appropriately amended or, if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.	☐	☐	☒	This will not apply to the application because the application was lodged after the plan had been made.
1.9 Application of SEPPs and REPs (1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act. (2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies: • *State Environmental Planning Policy No 1—Development Standards* • *Sydney Regional Environmental Plan No 24—Homebush Bay Area*	☐ ☐	☐ ☐	☒ ☒	This will not apply to this application. The state policies stated below are not relevant to this application.
1.9A Suspension of covenants, agreements and instruments (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose. (2) This clause does not apply: (a) to a covenant imposed by the Council or	☐ ☐	☐ ☐	☒ ☒	There are no known covenants, agreements or instruments applying to the land which will prevent the development proceeding in accordance with the plan. None of these apply to the development site.

Clause	Yes	No	N/A	Comments
that the Council requires to be imposed, or (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or (f) to any bio-banking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.				
(3) This clause does not affect the rights or interests of any public authority under any registered instrument.	☐	☐	☒	The development is not on behalf of a public authority.
(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).	☐	☐	☒	
Part 2 Permitted or prohibited development				
2.1 Land use zones The land use zones under this Plan are as follows: **Business Zones** B1 Neighbourhood Centre B2 Local Centre ***B4 Mixed Use*** B6 Enterprise Corridor B7 Business Park	☒	☐	☐	The land is zone B4 Mixed Use which permits the type of development that is proposed being a high density mixed use building with an associated basement car park. The proposed development is permissible with consent in the zone.
2.2 Zoning of land to which Plan applies For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.	☒	☐	☐	
2.3 Zone objectives and land use table				
(1) The Table at the end of this Part specifies for each zone: (a) the objectives for development, and (b) development that may be carried out without consent, and (c) development that may be carried out only with consent, and (d) development that is prohibited.	☒	☐	☐	The proposed development satisfies the objectives of the zone.
(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	☒	☐	☐	
(3) In the Table at the end of this Part: (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and	☒	☐	☐	
(b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.	☒	☐	☐	
(4) This clause is subject to the other provisions of this Plan. Notes. 1. Schedule 1 set out additional permitted uses for particular land. 2. Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use	☒	☐	☐	

Clause	Yes	No	N/A	Comments
table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act. 3. Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent). 4. Clause 2.6 requires consent for subdivision of land. 5. Part 5 contains other provisions which require consent for particular development. 6. Part 6 contains local provisions which require consent for particular development.				
2.4 Unzoned land (1) Development may be carried out on unzoned land only with consent. (2) Before granting consent, the consent authority: (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.	☐ ☐	☐ ☐	☒ ☒	The land is contained within a zone.
2.5 Additional permitted uses for particular land (1) Development on particular land that is described or referred to in Schedule 1 may be carried out: (a) with consent, or (b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development. (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.	☐ ☐	☐ ☐	☒ ☒	Not proposing additional permitted land use on site.
2.6 Subdivision—consent requirements (1) Land to which this Plan applies may be subdivided, but only with consent. (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following: (a) widening a public road, (b) a minor realignment of boundaries that does not create: (i) additional lots or the opportunity for additional dwellings, or (ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned, (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings, (d) rectifying an encroachment on a lot, (e) creating a public reserve, (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets. Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.	☐ ☐	☐ ☐	☒ ☒	A subdivision of the land is not proposed. Appropriate conditions will be required addressing the Strata Subdivision of the building.
2.7 Demolition requires consent The demolition of a building or work may be carried out only with consent.	☒	☐	☐	The existing buildings on the site will be demolished as part of the

Clause	Yes	No	N/A	Comments
Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development, the Act enables it to be carried out without development consent.				redevelopment of the whole site. The works will facilitate the redevelopment of the site for a mixed use building with basement car park. The demolition forms part of the development application.
2.8 Temporary use of land (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land. (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary purpose for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months. (3) Development consent must not be granted unless the consent authority is satisfied that: (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and (d) at the end of the temporary use period the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use. (4) Despite subclause (2), the temporary use of a dwelling as a sales office (a) for a new release area or housing estate may exceed 28 days (whether or not consecutive days) in any period of 12 months. (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒	This section is not applicable to the application.
Zone B4 Mixed Use **1 Objectives of zone** • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To encourage high density residential development. • To encourage appropriate businesses that contribute to economic growth. • To achieve an accessible, attractive and safe public domain. **2 Permitted without consent** Nil	☒ ☒	☐ ☐	☐ ☐	The proposed commercial and residential land uses are considered to be compatible with the objectives of the zone. The site enjoys close proximity to the core Lidcombe Town Centre and associated public transport links. Being a mixed use building within the B4 Mixed Use zone, the development has been designed to provide one commercial tenancy on the ground floor level.

Clause	Yes	No	N/A	Comments
3 Permitted with consent Backpackers' accommodation; Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; **Residential flat buildings; Retail premises**; Roads; Self-storage units; Seniors housing; Serviced apartments; Shop top housing; Warehouse or distribution centres; Any other development not specified in item 2 or 4	☒	☐	☐	No prohibited development is proposed.
4 Prohibited Agriculture; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies	☒	☐	☐	
Part 4 Principal development standards				
4.1 Minimum subdivision lot size (1) The objectives of this clause are as follows: (a) to ensure that lot sizes are able to accommodate development consistent with relevant development controls, and (b) to ensure that subdivision of land is capable of supporting a range of development types.	☐	☐	☒	A land subdivision of the site is not proposed. A minimum allotment size is not designated for the site or immediate locality under the ALEP 2010.
(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.	☐	☐	☒	
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	☐	☐	☒	
(3A) Despite subclause (3), the minimum lot size for dwelling houses is 45m^2.	☐	☐	☒	
(3B) Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle.	☐	☐	☒	

Clause	Yes	No	N/A	Comments
(3C)Despite subclauses (3)–(3B), the minimum lot size for development on land within the Former Lidcombe Hospital Site, as shown edged blue on the Lot Size Map, is as follows in relation to development for the purpose of: (a) dwelling houses: (i) 35m^2, or (ii) if a garage will be accessed from the rear of the property – 290m^2, or (iii) if the dwelling house will be on a zero lot line – 270m^2, (b) semi-detached dwellings – 270m^2, (c) multi dwelling housing - 170m^2 for each dwelling, (d) attached dwellings – 170m^2.	☐	☐	☒	
(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.	☐	☐	☒	
4.3 Height of buildings				
(1) The objectives of this clause are as follows: (a) to establish a maximum building height to enable appropriate development density to be achieved, and (b) to ensure that the height of buildings is compatible with the character of the locality	☒	☐	☐	The maximum height of buildings permitted on the site is 32m.
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	☐	☒	☐	As shown on the architectural plans (as amended), the proposal seeks approval to construct a new 10 storey mixed use building over 4 levels of basement car park with a maximum height of 33m at its highest point to lift overrun when measured from the natural ground level. This represents a variation of 1.03% Otherwise, the building is generally contained within the height limit established by the ALEP 2010.
(2A)Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is: (a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map – 27m, (b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map – 14m.	☐	☐	☒	
4.4 Floor space ratio				
(1) The objectives of this clause are as follows: (c) To establish a maximum floor space ratio to enable appropriate development density to be achieved, and (d) To ensure that development intensity reflects its locality.	☒	☐	☐	The permitted floor space ratio is 5:0. The floor space ratio of the building is 4.8:1 which complies with the provision.
(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	☒	☐	☐	The floor space ratio is calculated as per the definition specified below. It is noted that the all basement storage, parking spaces, manoeuvring area and loading/unloading area are excluded from the calculation in accordance with the ALEP 2010 definition.
(2A)Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows: (a) for sites less than 1,300m^2 – 0.75:1, (b) for sites that are 1,300m^2 or greater but less than 1,800m2 – 0.80:1, (c) for sites that are 1,800m^2 or greater – 0.85:1.	☐	☐	☒	
(2B)Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows: (a) 1.5:1 for bulky goods premises, entertainment facilities, function centres	☐	☐	☒	

Clause	Yes	No	N/A	Comments
and registered clubs, and (b) 3:1 for office premises and hotel or motel accommodation.				
(2C) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Floor Space Ratio Map, is as follows: (a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and (b) 2:1 for office premises and hotel or motel accommodation.	☐	☐	☒	
(2D) Despite subclause (2), the maximum floor space ratio for retail premises on land in Zone B6 Enterprise Corridor within the Commercial Precinct, as shown edged green on the Floor Space Ratio Map is 1.5:1.	☐	☐	☒	
4.5 Calculation of floor space ratio and site area (1) Objectives The objectives of this clause are as follows: (a) to define ***floor space ratio***, (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to: (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and (iii) require community land and public places to be dealt with separately.	☐	☐	☒	Noted.
(2) Definition of "floor space ratio" The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site area.	☐	☐	☒	
(3) Site area In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be: (a) if the proposed development is to be carried out on only one lot, the area of that lot, or (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out. In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.	☐	☐	☒	
(4) Exclusions from site area The following land must be excluded from the site area: (a) land on which the proposed development is prohibited, whether under this Plan or any other law, (b) community land or a public place (except as provided by subclause (7)).	☐	☐	☒	No exclusions in accordance with this clause are being applied.
(5) Strata subdivisions The area of a lot that is wholly or partly on top	☐	☐	☒	Strata subdivision of the development is not proposed.

Clause	Yes	No	N/A	Comments
of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.				
(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.	☐	☐	☒	Only the lots affected by the development are included in the floor space ratio calculation.
(7) Certain public land to be separately considered For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.	☐	☐	☒	No public land incorporated into the proposal.
(8) Existing buildings The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.	☐	☐	☒	All above ground floors of the proposal are factored into the floor space ratio calculation
(9) Covenants to prevent "double dipping" When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.	☐	☐	☒	
(10) Covenants affect consolidated sites If: (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development, the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.	☐	☐	☒	No consolidation covenant is being applied in this instance.
(11) Definition In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.	☐	☐	☒	
4.6 Exceptions to development standards (1) The objectives of this clause are: (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	☒	☐	☐	A 4.6 variation has been submitted seeking to justify the non-compliance with height control. The variation is minor (1%) and relates to elements of the roof top communal open space facility. It will not create significant additional impacts and due to the central location the achievement of maximum yield afforded by the proposal is considered justified against the small height

Clause	Yes	No	N/A	Comments
				encroachment.
(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	☒	☐	☐	
(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard.	☒	☐	☐	
(4) Consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that: (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and (b) the concurrence of the Director-General has been obtained.	☒	☐	☐	
(5) In deciding whether to grant concurrence, the Director-General must consider: (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and (b) the public benefit of maintaining the development standard, and (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.	☒	☐	☐	
(6) Development consent must not be granted under this clause for a subdivision of land in Zone RUI Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if: (a) The subdivision will result will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or (b) The subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.	☒	☐	☐	
(7) After determining a development application made pursuant to this clause, the consent	☒	☐	☐	

Clause	Yes	No	N/A	Comments
authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3). (8) This clause does not allow consent to be granted for development that would contravene any of the following: (a) a development standard for complying development, (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated, (c) clause 5.4.	☒	☐	☐	
Part 5 Miscellaneous provisions				
5.4 Controls relating to miscellaneous permissible uses (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms. Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.	☐	☐	☒	The proposal does not seek Council's approval to any of the miscellaneous permissible use on to this B4 Mixed Use site.
(2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.	☐	☐	☒	
(3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.	☐	☐	☒	
(4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed: (a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or (b) 400 square metres, whichever is the lesser.	☐	☐	☒	
(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.	☐	☐	☒	
(6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 10 square metres.	☐	☐	☒	
(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.	☐	☐	☒	
(8) **Roadside stalls** If development for the purposes of a roadside	☐	☐	☒	

Clause	Yes	No	N/A	Comments
stall is permitted under this Plan, the gross floor area must not exceed 8 square metres. (9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater: (a) 60 square metres, (b) 25% of the total floor area of the principal dwelling.	☐	☐	☒	
5.6 Architectural roof features (1) The objectives of this clause are: (a) To ensure that any decorative roof element does not detract from the architectural design of the building, and (b) To ensure that prominent architectural roof features are contained within the height limit. (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent. (3) Development consent must not be granted to any such development unless the consent authority is satisfied that: (a) the architectural roof feature: (i) comprises a decorative element on the uppermost portion of a building, and (ii) is not an advertising structure, and (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and (iv) will cause minimal overshadowing, and (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	The roof parapet and lift overrun are not considered to be architectural roof features and accordingly do not receive a height concession in relation to this clause.
5.7 Development below mean high water mark (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters. (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).	☐	☐	☒	The development proposal does not include works below the mean high water mark.
5.10 Heritage conservation Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5. **(1) Objectives** The objectives of this clause are: (a) to conserve the environmental heritage of Auburn, and (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and (c) to conserve archaeological sites, and (d) to conserve places of Aboriginal heritage significance. **(2) Requirement for consent**	☐ ☐	☐ ☐	☒ ☒	The site is not listed in the ALEP 2010 as containing items of heritage, and is not located within the direct vicinity of any heritage items.

Clause	Yes	No	N/A	Comments
Development consent is required for any of the following: (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area, (i) a heritage item. (ii) An Aboriginal object. (iii) A building, work, relic or tree within a heritage conservation area. (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance, (e) erecting a building on land: (i) on which a heritage item is located or that is within a heritage conservation area or, (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land on which a heritage item is located or that is within a heritage conservation area. (i) on which a heritage item is located or that is within a heritage conservation area or, (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,				
(3) When consent not required However, consent under this clause is not required if: (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development: (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or (b) the development is in a cemetery or burial ground and the proposed development: (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or	☐	☐	☒	

Clause	Yes	No	N/A	Comments
(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or (d) the development is exempt development.				
(4) Effect on heritage significance The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	☐	☐	☒	
(5) Heritage impact assessment The consent authority may, before granting consent to any development on land: (a) on which a heritage item is situated, or (b) within a heritage conservation area, or (c) within the vicinity of land referred to in paragraph (a) or (b), require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	☐	☐	☒	
(6) Heritage conservation management plans The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.	☐	☐	☒	
(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies): (a) notify the Heritage Council of its intention to grant consent, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	☐	☐	☒	The proposed development is not located within a heritage item or site.
(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance: (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.	☐	☐	☒	
(9) Demolition of item of State significance The consent authority must, before granting consent for the demolition of a nominated State heritage item: (a) notify the Heritage Council about the application, and (b) take into consideration any response	☐	☐	☒	

<table>
<tr><th>Clause</th><th>Yes</th><th>No</th><th>N/A</th><th>Comments</th></tr>
<tr><td>received from the Heritage Council within 28 days after the notice is sent.
(10) Conservation incentives
The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:
(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
(b) the proposed development is in accordance with a heritage conservation management document that has been approved by the consent authority, and
(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting or the heritage significance of the Aboriginal place of heritage significance, and
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</td><td>☐</td><td>☐</td><td>☒</td><td></td></tr>
<tr><td colspan="5">Part 6 Additional local provisions</td></tr>
<tr><td>6.1 Acid sulfate soils
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.
<table><tr><th>Class</th><th>Works</th></tr><tr><td>1</td><td>Any works.</td></tr><tr><td>2</td><td>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td></tr><tr><td>3</td><td>Works more than 1m below the natural ground surface. Works by which the watertable is likely to be lowered more than 1m below the natural ground surface.</td></tr><tr><td>4</td><td>Works more than 2m below the natural ground surface. Works by which the watertable is likely to be lowered more than 2m below the natural ground surface.</td></tr><tr><td>5</td><td>Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the watertable is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td></tr></table>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in</td><td>☒
☒
☒</td><td>☐
☐
☐</td><td>☐
☐
☐</td><td>The site lies over Class 5 Acid Sulfate Soils and does not lie within 500m of an adjacent altered classification soil.
Class 5 soils are generally acceptable to undertake significant excavation without the need for further studies or management plans to manage Acid Sulfate issues during construction. The development is acceptable in this regard.</td></tr>
</table>

Clause	Yes	No	N/A	Comments
accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority. (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if: (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works. (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power): (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety, (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil), (c) minor work, being work that costs less than $20,000 (other than drainage work). (6) Despite subclause (2), development consent is not required under this clause to carry out any works if: (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or (b) the works are not likely to lower the watertable.	☒	☐	☐	
6.2 Earthworks (1) The objectives of this clause are as follows: (a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land, (b) to allow earthworks of a minor nature without separate development consent. (2) Development consent is required for earthworks, unless: (a) the work does not alter the ground level (existing) by more than 600mm, or (b) the work is exempt development under this Plan or another applicable environmental planning instrument, or (c) the work is ancillary to other development for which development consent has been given.	☒ ☒	☐ ☐	☐ ☐	Development consent is required for the proposed 4 basement levels excavations.

Clause	Yes	No	N/A	Comments
(3) Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or of the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area. Note. The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.	☒	☐	☐	
6.3 Flood planning (1) The objectives of this clause are as follows: (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment.	☐	☐	☒	The site is not located within a flood planning area on the Auburn Local Environmental Plan 2010 Flood Planning Map.
(2) This clause applies to: (a) land that is shown as "Flood planning area" on the Flood Planning Map, and (b) other land at or below the flood planning level.	☐	☐	☒	
(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development: (a) is compatible with the flood hazard of the land, and (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.	☐	☐	☒	
(4) A word or expression used in this clause has the same meaning as it has in the NSW Government's *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this clause.	☐	☐	☒	
(5) In this clause: ***flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5m freeboard.	☐	☐	☒	

Clause	Yes	No	N/A	Comments
Flood Planning Map means the Auburn Local Environmental Plan 2010 Flood Planning Map.				
6.4 Foreshore building line (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area. (2) This clause applies to land identified as below the foreshore building line on the Foreshore Building Line Map. (3) Development consent must not be granted for development on land in the foreshore area except for the following purposes: (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so, (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoor). (4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that: (a) the development will contribute to achieving the objectives for the zone in which the land is located, and (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and (c) the development is not likely to cause environmental harm such as: (h) pollution or siltation of the waterway, or (i) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or (ii) an adverse effect on drainage patterns, and (d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and (g) in the case of development for the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, the extension, alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and (h) sea level rise or change of flooding patterns as a result of climate change have been considered.	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	The site is not located in the foreshore area.
6.5 Essential services (1) Development consent must not be granted to development unless the consent authority is	☒	☐	☐	Services are provided to the site or capable of being provided.

Clause	Yes	No	N/A	Comments
satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been make to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access. (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.	☒	☐	☐	
6.6 Particular dual occupancy subdivisions must not be approved (1) Development consent must not be granted for a subdivision that would create separate titles for each of the two dwellings resulting from a dual occupancy development. (2) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.	☐ ☐	☐ ☐	☒ ☒	The clause will not apply to the development application.

Appendix C

Auburn Development Control Plan 2010

ii) Local Centres

Requirement	Yes	No	N/A	Comments
2.0 Built Form				
D1 To allow for their adaptive use, mixed use buildings are to incorporate the following flexible design requirements: • The number of internal apartment structural walls are to be minimized; and • Ceiling heights for the ground floor is to be a minimum of 3.6m.	☒	☐	☐	A 10 storey mixed use building is proposed within a B4 Mixed use zone. Suitable ceiling heights have been provided to accommodate a commercial tenancy on the ground floor.
D2 Residential components are to be provided with direct access to street level with entrances clearly distinguishable from entries to commercial premises.	☒	☐	☐	The proposal is considered to provide suitable security to all entries within the development. The relevant provisions are complied with.
D3 Secure entries are to be provided to all entrances to private areas, including car parks and internal courtyards.	☒	☐	☐	
D4 Car parking provided for the residential component of the development is to be clearly delineated and provided separate to general customer parking.	☒	☐	☐	
D5 Development shall be designed to locate loading bays, waste storage/collection areas and any other noise and odour generating aspects of buildings away from residential areas.	☒	☐	☐	
D6 Vehicular circulation areas must be legible and must differentiate between the commercial service requirements, such as loading areas, and residential access.	☒	☐	☐	
D7 Mechanical plant is to be located on the roof or visually and acoustically isolated from residential uses.	☒	☐	☐	
2.1 Number of storeys **D1** The minimum finished floor level (FFL) to finished ceiling level (FCL) shall be as follows:				

	• 3300mm for ground level (regardless of the type of development); • 3300mm for all commercial/retail levels; and • 2700mm for all residential levels above ground floor.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Ground level floor to ceiling height = 3.5m (commercial level) Levels 1 - 9 floor to ceiling heights = 2.7m, (residential levels)
2.2	**Articulation and proportion**				
D1	Buildings shall incorporate: • balanced horizontal and vertical proportions and well-spaced and proportioned windows; • a clearly defined base, middle and top; • modulation and texture; and • architectural features which give human scale at street level such as entrances and porticos.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The appearance of the building is determined as being satisfactory and appropriate for the locality.
D2	The maximum width of blank walls for building exteriors along key retail streets shall be 5m or 20% of the street frontage, whichever is the lesser.	☐	☐	☒	
D3	Articulation of the building exterior shall be achieved through recesses in the horizontal and vertical plane, adequate contrasts in materials, design features and the use of awnings.	☒	☐	☐	
D4	Features such as windows and doors shall be in proportion with the scale and size of the new building and any adjoining buildings which contribute positively to the streetscape.	☒	☐	☐	
D5	Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development.	☒	☐	☐	
D6	Where development has two (2) street frontages the streetscape should be addressed by both facades.	☒	☐	☐	
2.3	**Materials**				
D1	New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the character of buildings in the locality. The use of cement rendering shall be minimised.	☒	☐	☐	The proposed materials are considered to be of high quality and contemporary appearance. The development is acceptable in this regard.
D2	Building materials and finishes complement the finishes predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building.	☒	☐	☐	The facade of the development contains a mix of render/paint finished and wall cladding appropriate for the mixed use building.
D3	Building facades at street level along primary streets and public places consist of a minimum of 80% for windows/glazed areas and building and tenancy entries.	☒	☐	☐	An array of louvre screens is used to promote internal and external privacy for apartment dwellers. Solid balustrades have been incorporated at various balconies to
D4	Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.	☒	☐	☐	maximise privacy with glass balustrades at the levels above as well as provide visual articulation.
2.4	**Roofs**				
D1	Design of the roof shall achieve the following: • concealment of lift overruns and service plants; • presentation of an interesting skyline; • enhancing views from adjoining developments and public places; and • complementing the scale of the building.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	A flat roof is proposed. The lift over runs cannot be seen from the roadways due to their position on the roof area.
D1	Roof forms shall not be designed to add to the perceived height and bulk of the building.	☒	☐	☐	
D2	Where outdoor recreation areas are				

	proposed on flat roofs, shade structures and wind screens shall be provided.	☒	☐	☐	
2.5	**Balconies**				
D1	Opaque glazing and/or masonry for balconies is encouraged.	☒	☐	☐	Level 1 balconies are proposed to be concrete render. The balustrades of other balconies are to be finished with translucent glass glazed elements. As such compliance is achieved. There are no enclosed balconies within the development. Some vertical and horizontal louvre screens are proposed where appropriate to compliment the design of the building. The use of louvres is not excessive.
D2	Clear glazing for balconies is prohibited.	☒	☐	☐	
D3	Verandahs and balconies shall not be enclosed.	☒	☐	☐	
D4	Balconies and terraces shall be oriented to overlook public spaces.	☒	☐	☐	
D5	The design of the underside of the balcony shall take into consideration the view of the underside from the street and shall not have exposed pipes and utilities.	☒	☐	☐	
D6	Screens, louvres or similar devices shall be provided to balconies so as to visually screen any drying of laundry.	☒	☐	☐	
2.6	**Interface with schools, places of public worship, and public precincts**				No place of worship or school is located immediate adjoins to the site.
D1	Where a site adjoins a school, place of public worship or public open space: • This interface shall be identified in the site analysis plan and reflected in building design; • Building design incorporates an appropriate transition in scale and character along the site boundary(s); • Building design presents an appropriately detailed facade and landscaping in the context of the adjoining land use.	☐	☐	☒	
D2	The potential for overlooking of playing areas of schools shall be minimised by siting, orientation or screening.	☐	☐	☒	
D3	Fencing along boundaries shared with public open space shall have a minimum transparency of 50%.	☐	☐	☒	
D4	Sight lines from adjacent development to public open space shall be maintained and/or enhanced. Direct, secure private access to public open space is encouraged, where possible.	☐	☐	☒	
3.0	**Streetscape and Urban form**				
3.1	**Streetscape**				
D1	Applicants shall demonstrate how new development addresses the streetscape and surrounding built environment.	☒	☐	☐	The materials schedule shows a building with an appropriate massing including suitable use of horizontal and vertical projections. The balconies are well defined and oriented towards the street and ground floor communal open space.
D2	New shop fronts shall be constructed in materials which match or complement materials used in the existing building.	☒	☐	☐	Achieved. This is a significant building with a strong projection towards the street but it is a built form envisaged by the planning controls. Roller shutters for the basement car park are designed to be setback from the front building line. No signs are proposed within the development.
D3	Development shall provide direct access between the footpath and the shop.	☒	☐	☐	
D4	Development shall avoid the excessive use of security bars.	☒	☐	☐	
D5	Block-out roller shutters are not permitted.	☒	☐	☐	
D6	Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	☐	☐	☒	
3.2	**Setbacks**				
D1	New development or additions to existing development shall adopt front setbacks, as shown in Figure 2 (refer to section 14.2 Setbacks for Auburn Town Centre) and	☒	☐	☐	The subject site is located within the B4-Mixed Use zone and built to boundary setbacks are allowed for sites located within the Lidcombe Town Centre.

	Figure 8 (refer to section 15.2 Setbacks for Lidcombe Town Centre). External walls – 1500mm for two storeys.				The proposal has the following setbacks: Street setbacks (North) Ground Floor: 3m - 6m To Level 3: 6m To Level 9: 9m Street setbacks (West and South) Ground Floor: 4m To Level 3: 4m - 4.75m To Level 9: 4m - 4.75m Rear setback (East) – Nil.
4.0	**Mixed Use Developments**				
4.1	**Building design**				
D1	The architecture of ground level uses shall reflect the commercial/retail function of the centre.	☒	☐	☐	This is considered achieved.
D2	Buildings shall achieve a quality living environment that sympathetically integrates into the character of the commercial precinct.	☒	☐	☐	
D3	Commercial and retail servicing, loading and parking facilities shall be separated from residential access and servicing and parking.	☒	☐	☐	Commercial and residential storage, waste, loading, parking and servicing will be separated.
D4	The design of buildings on corner sites or at the ends of a business/commercial zone shall emphasise the corner as a focal point.	☐	☐	☒	
4.2	**Active street frontages**				
D1	Retail outlets and restaurants are located at the street frontage on the ground level.	☒	☐	☐	Three commercial tenancies proposed on ground floor of building addressing three street frontages.
D2	A separate and defined entry shall be provided for each use within a mixed-use development.	☒	☐	☐	Separate entry provided for each commercial tenancy and the residential components of the building.
D3	Only open grill or transparent security (at least 70% visually transparent) shutters are permitted to retail frontages.	☒	☐	☐	
4.3	**Awnings**				
D1	Awning dimensions shall generally be: • horizontal in form; • minimum 2.4m deep (dependent on footpath width); • minimum soffit height of 3.2m and maximum of 4m; • steps for design articulation or to accommodate sloping streets are to be integral with the building design and should not exceed 700mm; • low profile, with slim vertical fascia or eaves (generally not to exceed 300mm height); • 1.2m setback from kerb to allow for clearance of street furniture, trees, and other public amenity elements; and • In consideration of growth pattern of mature trees.	☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	The proposed awning complies with the requirements of the DCP.
D2	Awning design must match building facades, be complementary to those of adjoining buildings and maintain continuity.	☒	☐	☐	
D3	Awnings shall wrap around corners for a minimum 6m from where a building is sited on a street corner.	☒	☐	☐	
D4	Vertical canvas drop blinds may be used along the outer edge of awnings along north-south streets. These blinds must not	☒	☐	☐	

	carry advertising or signage.	☒	☐	☐	
D5	Under awning lighting shall be provided to facilitate night use and to improve public safety recessed into the soffit of the awning or wall mounted onto the building.	☒	☐	☐	A condition of consent can be imposed requiring under awning lighting.
D6	Soft down lighting is preferred over up lighting to minimise light pollution.	☒	☐	☐	
D7	Any under awning sign is to maintain a minimum clearance of 2.8m from the level of the pavement.	☒	☐	☐	
D8	All residential buildings are to be provided with awnings or other weather protection at their main entrance area.	☒	☐	☐	
4.4	**Arcades**				
D1	Arcades shall:				No arcades proposed in the development.
	• Accommodate active uses such as shops, commercial uses, public uses, residential lobbies, cafes or restaurants;	☐	☐	☒	
	• Be obvious and direct thoroughfares for pedestrians;	☐	☐	☒	
	• Provide for adequate clearance to ensure pedestrian movement is not obstructed;	☐	☐	☒	
	• Have access to natural light for all or part of their length and at the openings at each end, where practicable;	☐	☐	☒	
	• Have signage at the entry indicating public accessibility and to where the arcade leads; and	☐	☐	☒	
	• Have clear sight lines and no opportunities for concealment.	☐	☐	☒	
D2	Where arcades or internalised shopping malls are proposed, those shops at the entrance must have direct pedestrian access to the street.	☐	☐	☒	
4.5	**Amenity**				
D1	The internal environment of dwellings within mixed use developments in the vicinity of major arterial roads or railway lines shall provide an appropriate level of amenity for privacy, solar access and views.	☒	☐	☐	This is considered achieved.
4.6	**Residential flat building component of mixed use developments**				
Applicants shall consult the Residential Flat Buildings Part of this DCP for the design requirements for the residential flat building component of a mixed use development.		☒	☐	☐	The applicant has considered the Residential Flat Building part of the development control plan. A separate assessment is provided below.
5.0	**Privacy and Security**				
D1	Views onto adjoining private open space shall be obscured by:				The proposal is considered to promote safety and security in the local area by increasing the opportunity for general pedestrian activity and passive surveillance in the locality.
	• Screening with a maximum area of 25% openings is permanently fixed and made of durable materials; or	☒	☐	☐	
	• Incorporating planter boxes into walls or balustrades to increase visual separation between areas. Existing dense vegetation or new planting may be used as a secondary measure to further improve privacy.	☒	☐	☐	The building separation is considered acceptable which minimises visual and acoustic overlooking onto adjoining private open spaces.
D2	Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings.	☒	☐	☐	Privacy screens, obscure glazing and in some cases solid walls are proposed to the edges of balconies to minimise overlooking impacts.
D3	Shared pedestrian entries to buildings shall be lockable.	☒	☐	☐	The commercial tenancies and ground floor units on the ground level allow for suitable
D4	Buildings adjacent to streets or public				

	spaces shall be designed to allow casual surveillance over the public area.	☒	☐	☐	casual surveillance over the public domain. Landscaping is used effectively within the development and is used for privacy mitigation between the subject site and adjoining properties. Sight lines in regards to communal areas/entries are maintained and free of any obstruction. All entries are easily identifiable and clear. .
D5	Pedestrian walkways and car parking shall be direct, clearly defined, visible and provided with adequate lighting, particularly those used at night.	☒	☐	☐	
D6	Landscaping and site features shall not block sight lines and are to be minimised.	☒	☐	☐	
D7	Seating provided in commercial areas of a development shall generally only be located in areas of active use where it will be regularly used.	☒	☐	☐	
D8	Adequate lighting shall be provided to minimise shadows and concealment spaces.	☒	☐	☐	
D9	All entrances and exits shall be made clearly visible.	☒	☐	☐	
D10	Buildings shall be arranged to overlook public areas and streets to maximise surveillance.	☒	☐	☐	
D11	Development shall be consistent with Council's Policy on Crime Prevention Through Environmental Design.	☒	☐	☐	
5.1	**Lighting**				
D1	Lighting design shall be integrated with the interior design of a retail/commercial premise. The use of low voltage track lighting, recesses spotlighting and designer light fittings is encouraged.	☒	☐	☐	Appropriate condition could be imposed in this regard.
D2	Lighting systems shall incorporate specific display lighting to reinforce merchandise and provide a contrast against the street lighting generally.	☒	☐	☐	
D3	Surface mounted fluorescent fixtures shall not be considered in any part of the retail areas of the premises.	☒	☐	☐	
D4	The light source shall be selected to provide the desired light effect; however, fitting and methods shall be chosen produce the highest energy efficiency.	☒	☐	☐	
D5	Lighting shall not interfere with the amenity of residents or affect the safety of motorists.	☒	☐	☐	
D6	Excessive lighting shall not be permitted. Light spill onto the street into the public domain shall be minimised.	☒	☐	☐	
5.2	**Shutters and grilles**				
D1	Windows and doors of existing shopfronts shall not be filled in with solid materials.	☒	☐	☐	Achieved.
D2	Security shutters, grilles and screens shall: • be at least 70% visually permeable (transparent); • not encroach or project over Council's footpaths; and • be made from durable, graffiti-resistant materials.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	
D3	Solid, external roller shutters shall not be permitted.	☒	☐	☐	
5.3	**Noise**				
D1	New commercial development (whether part of a mixed use development or not) shall comply with the provisions of the relevant acts, regulations, environmental planning instruments, Australian Standards and guidelines produced by the NSW Department of Environment, Climate Change and Water, the NSW Roads and Traffic Authority and the NSW Department				

	of Planning as applicable for noise, vibration and quality assurance. This includes: • Development Near Rail Corridors and Busy Roads, NSW Department of Planning, December 2008 - Interim Guidelines. • NSW Industrial Noise Policy; • Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and • Environmental Criteria for Road and Traffic Noise. Restaurant and cafe design shall minimise the impact of noise associated with late night operation on nearby residents. Operation includes loading/unloading of goods/materials and the use of plant and equipment at a proposed commercial premise.	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	Council's Environmental Health Officer has recommended a deferred commencement condition requiring further information relating to acoustic impacts within the development as well as during construction/demolition to be provided. Appropriate condition could be imposed in this regard.
D2	An acoustic report shall be submitted with a development application for a proposed commercial use in the local centre that operates during the hours between 10pm and 6am.	☒	☐	☐	
5.4	**Wind Mitigation**				
D1	Site design for tall buildings (towers) shall: • set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower; • ensure that tower buildings are well spaced from each other to allow breezes to penetrate local centres; • consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level; and • ensure useability of open terraces and balconies.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The building is not greater than 35 metres in height. A wind report is not required.
D2	A Wind Effects Report is to be submitted with the DA for all buildings greater than 35m in height.	☒	☐	☐	
D3	For buildings over 48m in height, results of a wind tunnel test are to be included in the report.	☐	☐	☒	
6.0	**Access and Car Parking**				
6.1	**Access, loading and car parking requirements**				The proposed development incorporates the following:
D1	Car parking rates shall be provided in accordance with the Parking and Loading Part of this DCP. Residential **Component** / **Min.** / **Max.** **Studio / 1 bedroom**: 1 space per unit / 1 space per unit **2 bedrooms**: 1.2 spaces per unit / 3 spaces per unit **3 bedrooms**: 1.5 spaces per unit / 4 spaces per unit Visitors **Component** / **Min.** / **Max.** **101-250 units**: 17 spaces / 97 spaces Commercial	☒	☐	☐	– 64 x 1 bedroom units – 74 x 2 bedroom units – 15 x 3 bedroom units – Total 153 units – 540.23m^2 of commercial GFA The total number of car parking spaces required on site: = 191 (minimum) - 442 (maximum) • 4 levels of basement parking containing 218 car spaces inclusive of accessible (12), commercial (9) and visitor (13) spaces along with associated lift/stair access, storage (268 cages) and service rooms. 30 bicycle spaces are provided at basement level 1. This is considered acceptable.

	Component	**Min.**	**Max.**			
	GFA	5 spaces	26 spaces			
6.2	**Creation of new streets and laneways**					
D1	On some sites, new streets may be able to be introduced. Where a new street shall be created, the street shall be built to Council's standards, Road Design Specification D1 and relevant Quality Assurance requirements while having regards to the circumstances of each proposal. Consideration will be given to maintaining consistency and compatibility with the design of existing roads in the locality.			☒		No new roads or streets are being created.
D2	On site car parking shall be provided below round or located within the building and well screened.			☒		
D3	Development adjoining a new laneway shall contribute to an attractive streetscape and presents a well designed and proportioned facade and incorporates windows, balconies, doorways and landscaping, where possible.			☒		
D4	New public laneways created within large blocks shall maximise pedestrian and vehicle connections within local centres.			☒		
D5	A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side.			☒		
D6	New streets shall be dedicated to D6Council. The area of any land dedicated to Council shall be included in the site area for the purpose of calculating the floor space ratio.			☒		
7.0	**Landscaping**					
D1	Development shall incorporate landscaping in the form of planter boxes to soften the upper level of buildings.	☒				Landscaping is provided in planting areas along street frontages on the ground level, and in the rooftop terrace communal open space area. The landscape plan shows the use of shrubs to achieve an appropriate landscape solution for the building. The landscaping is appropriate for a development within the Lidcombe Town Centre where high density living is promoted.
D2	At grade car parking areas, particularly large areas, shall be landscaped so as to break up large expanses of paving. Landscaping shall be required around the perimeter and within large carparks.	☒				
D3	In open parking areas, one (1) shade tree per ten (10) spaces shall be planted within the parking area.	☒				
D4	Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to provide associated site security.	☒				
D5	Paving and other hard surfaces shall be consistent with architectural elements.	☒				
7.1	**Street trees**					
D1	Street trees shall be planted at a rate of one (1) tree per lineal metre of street frontage, even in cases where a site has more than one street frontage, excluding frontage to laneways.	☒				Nine street trees (Tristaniopsis laurina and Eleocarpus reticulatus) are nominated for planting along the Marsden and Mark Street frontages. Approval is given for the removal for five trees on the subject site, with retention of two trees located on neighbouring properties. Council's Senior Landscape Architect has supported the landscape plan and has
D2	Street tree planning shall be consistent with Council's Street Tree Masterplan or relevant Public Domain Plan or Infrastructure Manual.	☒				
D3	Significant existing street trees shall be conserved and, where possible, additional street trees shall be planted to ensure that the existing streetscape is maintained and	☒				

	enhanced.				
D4	Where street trees and the provision of awnings are required, cut-outs shall be included in the awning design to accommodate existing and future street trees.	☒	☐	☐	recommended conditions of consent relating to the landscaping within the courtyards of the ground floor apartments.
D5	Driveways and services shall be located to preserve significant trees.	☒	☐	☐	
D6	At the time of planting, street trees shall have a minimum container size of 200L and a minimum height of 3.5m, subject to species availability.	☒	☐	☐	
D7	Planter boxes (or similar) surrounding trees in the footpath shall be 1.2m x 1.2m, filled with approved gravel and located 200mm from the back of the kerb line.	☒	☐	☐	
8.0	**Energy Efficiency and Water Conservation**				
8.1	**Energy efficiency**				
D1	Any hot water heaters to be installed, as far as practicable, shall be solar and, to the extent that this is not practicable, shall be greenhouse gas friendly systems that achieve a minimum 3.5 Hot Water Greenhouse Score.	☒	☐	☐	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the proposal in respect of energy efficiency. The development is required to comply with the BASIX requirements and as such the certificate is required to be incorporated into the bundle of plans to be approved.
D2	The practicability of all external lighting and common areas (e.g. undercover car parking) being lit utilising renewable energy resources generated on site shall be investigated. Larger developments (buildings exceeding 400m^2 in area) shall investigate the viability of utilising renewable energy resources for all lighting on site. A statement shall be included with the development application addressing these requirements.	☒	☐	☐	
8.2	**Water conservation**				
D1	New developments shall connect to recycle water if serviced by a dual reticulation system for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes.	☒	☐	☐	BASIX Certificate submitted addresses water conservation for the residential component.
D2	Where a property is not serviced by a dual reticulation system, development shall include an onsite rainwater harvesting system or an onsite reusable water resource for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes.	☒	☐	☐	
D3	Development shall install all water using fixtures that meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.	☒	☐	☐	
8.3	**Stormwater drainage** Applicants shall consult the Stormwater Drainage Part of this DCP for requirements for stormwater management.	☒	☐	☐	Council Engineers have determined that the development is capable of achieving satisfactory stormwater drainage consistent with Council guidelines.
8.4	**Rainwater tanks**				
D1	Rainwater tanks shall be installed as part of all new development in accordance with the following: • The rainwater tank shall comply with the relevant Australian Standards; • The rainwater tank shall be constructed, treated or finished in a non-reflective material that blends in with the overall tones and colours of the subject and surrounding	☒ ☒	☐ ☐	☐ ☐	The proposal has been supported by a satisfactory stormwater management system.

development; • Rainwater tanks shall be permitted in basements provided that the tank meets applicable Australian Standards; • The suitability of any type of rainwater tanks erected within the setback area of development shall be assessed on an individual case by case basis. Rainwater tanks shall not be located within the front setback; and • The overflow from rainwater tanks shall discharge to the site stormwater disposal system. For details refer to the Stormwater Drainage Part of this DCP.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	
8.5 Ventilation **D1** The siting, orientation, use of openings and built form of the development shall maximise opportunities for natural cross ventilation for the purposes of cooling and fresh air during summer and to avoid unfavourable winter winds.	☒	☐	☐	It is identified that 62.42% of the apartments are naturally cross ventilated. This achieves the minimum requirements for natural ventilation under SEPP 65.
8.6 Solar amenity **D1** Shadow diagrams shall accompany development applications for buildings which demonstrate that the proposal will not reduce sunlight to less than 3 hours between 9.00 am and 3.00 pm on 21 June for: • public places or open space; • 50% of private open space areas; • 40% of school playground areas; or • windows of adjoining residences. **D2** Lighter colours in building materials and exterior treatments shall be used on the western facades of buildings.	☐ ☒ ☐ ☒ ☒	☐ ☐ ☐ ☐ ☐	☒ ☐ ☒ ☐ ☐	The building generates a substantial shadow towards the south, significantly shading the lots to the south. It is noted that the shadowing impacts is across the majority of the street. Suitable materials and finishes have been proposed.
9.0 Ancillary Site Facilities				
9.1 Provision for goods and mail deliveries **D1** Provision shall be made on-site for courier car parking spaces in a convenient and appropriately signposted location, preferably with access off the principal street frontage, for developments incorporating greater than 3,000m2 of gross leasable floor area devoted to commercial premises. **D2** Provision of mailboxes for residential units shall be incorporated within the foyer area of the entrance to the residential component of the mixed use developments.	☒ ☒	☐ ☐	☐ ☐	Letterboxes are not indicated on the plans but are capable of being located within the residential foyers.
10.0 Other Relevant Controls				
10.1 Waste **D1** Applicants shall consult the Waste Part of this DCP for requirements for disposal.	☒	☐	☐	An acceptable waste management plan dealing with the demolition and construction has been submitted for the application. The development is acceptable in this regard.
10.2 Access and amenity **D1** Applicants shall consult the relevant provisions within the Access and Mobility Part of this DCP.	☒	☐	☐	The proposal has been supported by suitable documentation to facilitate the access and mobility part of the ADCP 2010
11.0 Public Domain				
D1 Any works within the public domain or which present to the public domain shall be consistent with Council's Public Domain Manual and/or the Town Centre Infrastructure Manual and Council's Policy on Crime Prevention Through	☒	☐	☐	Appropriate engineering conditions can be provided to address the matter.

	Environmental Design.				
D2	New buildings shall contribute to the public domain through the provision of awnings, sheltered building entries, verandahs and canopies, safe pedestrian linkages to car parks, landscaping, and open space, where appropriate.	☒	☐	☐	
D3	Outdoor dining on footpaths shall be limited. Refer to Council's Public Domain Plan, Outdoor Dining Policy and Public Art Policy.	☐	☐	☒	
12.0	**Subdivision**				
12.1	**Size and dimensions**				
D1	Proposed lots shall be of sufficient area and dimension to allow a high standard of architectural design, the appropriate siting of buildings and the provision of required car parking, loading facilities, access and landscaping.	☒	☐	☐	The six (6) allotments will require consolidation into one allotment to facilitate the development. A condition is required addressing land consolidation.
12.1	**Utility services**				
D1	The applicant shall demonstrate that each proposed allotment can be connected to appropriate utility services including water, sewerage, power and telecommunications and (where available) gas. This may include advice from the relevant service authority or a suitably qualified consultant as to the availability and capacity of services.	☒	☐	☐	An electricity substation is proposed at the south-western corner of the site facing Mark Street. Conditions will be required addressing the servicing of the building with water, sewer and electricity.
D2	Common trenching for gas, electricity and telecommunications shall be provided in accordance with agreements between the relevant servicing authorities in NSW.	☒	☐	☐	
13.0	**Residential Interface**				
D1	Buildings adjoining residential zones and/or open space shall be setback a minimum of 3m from that property boundary.	☐	☒	☐	The subject site does not directly adjoin any residential development, with an at grade carpark located to the east of the site. The proposal has a nil setback to the eastern side boundary, with justification for this isolated lot being received from the applicant via letter dated 29 May 2018.
D2	Loading areas, driveways, rubbish, storage areas, and roof top equipment shall not be located directly adjacent to residential zones, or if unavoidable shall be suitably attenuated or screened.	☒	☐	☐	Suitable accommodation for loading/garbage removal is made within the ground level truck standing bay within the site.
D3	Any commercial buildings which may have the potential to accommodate the preparation of food from a commercial tenancy shall provide ventilation facilities to ensure that no odour is emitted in a manner that adversely impacts upon any residential zones.	☐	☐	☒	The use of the retail/commercial tenancies will be subject to future applications.
D4	External lighting shall be positioned to avoid light spillage to adjoining residential zones.	☐	☐	☒	A condition of consent could be imposed to avoid light spillage to the adjoining residential zone.
D5	Where noise generating development is proposed adjacent to residential or other noise sensitive uses, such as places of worship and child care centres, an acoustic report shall be submitted with a development application, outlining methods to minimise adverse noise impact.	☐	☐	☒	
15.0	**Lidcombe Town Centre**				

15.1 Development to which this section applies This section applies to the Lidcombe Town Centre which is zoned B4 Mixed Use, RE1 Public Recreation and RE2 Private Recreation under the *Auburn LEP 2010*. Refer to Figure 6. Where there are inconsistencies between the controls contained within this Section and other controls within this DCP, these controls prevail to the extent of the inconsistency.	☒	☐	☐	The subject development site is located within the Lidcombe Town Centre.
15.2 Setbacks 16 P1 The built edge of development fronting the street contributes to a sense of enclosure, scale and appropriate transition within the town centre. **Development controls** **D1** Setbacks within the town centre shall be consistent with Figure 7.	☒ ☒	☐ ☐	☐ ☐	 The proposal has a 4m street setback which complies.
15.3 Active frontages **Development controls** **D1** As a minimum, buildings shall provide active street frontages consistent with Figure 8.	☒	☐	☐	The DCP does not require an active street frontage to Mark Street or Marsden Street. Regardless, the proposal achieves active frontages through the commercial tenancies on the ground floor.
15.4 Laneways **Development controls** **D1** Redevelopment within the Lidcombe Town Centre shall make provision for the creation of new laneways as shown in Figure 9.	☐	☐	☒	No laneways are proposed.
15.5 Key Sites Several sites within the Lidcombe Town Centre have been identified as having the greatest potential for intensification with commercial, residential and mixed use development, as shown in Figure 10. Each site has an inherent capacity to contribute to the transformation of the urban form into one which will generate more activity and lead the development of the town centre. The development controls for these sites apply in addition to the development controls presented in previous sections of this Part.				The site is located within the Marsden Street Key Site - Site 7.
15.12 Site 7 – Marsden Street **Development Controls** **D1** Development shall be designed to address Railway, Mark, James, Marsden, Davey and Raphael Street. **D2** Vehicular access to new developments shall not be permitted to or from Davey Street, to permit the pedestrianisation of the street.. **D3** Development along Davey Streets shall dedicate to Council sufficient land of a minimum width of 2m to provide a pedestrian footpath on the south side of	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposal addresses Mark Street and Marsden Street.

	the street.			
D4	Development along Raphael Streets shall dedicate to Council sufficient land of a minimum width of 2.5m to provide a pedestrian footpath and widened carriageway on the west side of the street.	☒	☐	☐
D5	New buildings are to be setback a minimum of 4m from all open space uses and the new boundaries of Davey Street and Raphael Street created after the dedication described in control D2 and D3 above.	☒	☐	☐
D6	New buildings to the north of the central open spaces shall be designed to minimise the loss of solar access to the open spaces.	☒	☐	☐
D7	Outdoor dining and active uses shall be encouraged facing onto the proposed park on the corner of Railway and Mark Streets, to provide casual surveillance of the park and improve safety.	☒	☐	☐
D8	Development adjacent to the existing and proposed public open spaces shall be designed to provide overlooking and casual surveillance of the park spaces to improve safety.	☒	☐	☐

(III) Residential Flat Buildings

Requirement	Yes	No	N/A	Comments
1.0 Introduction				
1.1 Development to which this Part applies This part applies to residential flat building development. It does not apply to Newington and Wentworth Point (formerly Homebush Bay West) areas. Please refer to the Newington Parts of this ADCP 2010 or the Wentworth Point DCPs listed in Section 1.6 of the Introduction Part of this ADCP 2010.	☐	☐	☒	The development site is not located in the Wentworth Point or Newington locality.
1.2 Purpose of this Part The purpose of this Part is to ensure residential flat buildings: • are pleasant to live in and create enjoyable urban places; • promote amenable, vibrant and lively streets: • facilitate a safe, welcoming and attractive public domain; • are designed to cater for multiple demographics and tenancies; • foster ecologically sustainable development; • maintain a high level of amenity; • contribute to the overall street locality; • minimise the impact on the environment; and • optimise use of the land.	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	The development is considered to be generally in compliance with this part.
2.0 Built Form				
Objectives a. To ensure that all development contributes to the improvement of the character of the locality and streetscape in which it is located. b. To ensure that development is sensitive to the landscape setting and environmental conditions of the locality. c. To ensure that the appearance of	☒ ☒	☐ ☐	☐ ☐	The proposed development is consistent with the built form objectives as it results in an articulated, balanced development which improves the existing streetscape and is consistent with the form and scale of future developments anticipated for the vicinity and achieves the required energy efficiency ratings.

development is of high visual quality and enhances and addresses the street. d. To ensure that the proposed development protects the amenity of adjoining and adjacent properties. e. To ensure that the form, scale and height of the proposed development responds appropriately to site characteristics and the local character. f. To ensure that development relates well to surrounding developments including heritage items, open space and other land uses. g. To ensure that development maximises sustainable living. h. To maximise views, solar and daylight access, i. To provide an acceptable interface between different character areas. j. To minimise the impacts of buildings overshadowing open spaces and improve solar access to the street. k. To contribute to the streetscape and form a clear delineation between the public and private domain.	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	The finished appearance of the building achieves the built form objectives stated here.
2.1 Site area **Performance criteria** **P1** The site area of a proposed development is of sufficient size to accommodate residential flat development and provide adequate open space and car parking consistent with the relevant requirements of this ADCP 2010. **Development controls** **D1** A residential flat building development shall have a minimum site area of 1000m^2 and a street frontage of 20m in the B4 Zone or 26m in the R4 Zone. **D2** Where lots are deep and have narrow street frontages the capacity for maximising residential development is limited. Two or more sites may need to be amalgamated to provide a combined site with sufficient width for good building design.	☒ ☒ ☐	☐ ☐ ☐	☐ ☐ ☒	Zoning = B4 Mixed Use. Site area = 2441m^2. Mark Street frontage = 35.355m Marsden Street frontage = 69.035m Marsden Lane frontage = 69.035m The six (6) allotments will need to be amalgamated into one allotment to facilitate the development. This may be addressed as a condition attached to any consent that may be issued.
2.4 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. **P2** Minimise impacts in relation to overshadowing, privacy and view loss. **P3** Ensure through-site links for pedestrians are incorporated where applicable. **Development controls** **D3 The built upon area shall not exceed 50%**	☒ ☒ ☐ ☐	☐ ☐ ☐ ☒	☐ ☐ ☒ ☐	As per the ADG and Local Centres part of the ADCP 2010, the proposed development is considered satisfactory given its town centre location. 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. No site through link proposed. 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

of the total site area. **D4** The non-built upon area shall be landscaped and consolidated into one communal open space and a series of courtyards.	☒	☐	☐	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.
2.5 Building envelope **Performance criteria** **P2** The height, bulk and scale of a residential flat building development is compatible with neighbouring development and the locality. Residential flat buildings: • addresses both streets on corner sites; • align with the existing street frontages and/or proposed new streets; and • form an L shape or a T shape where there is a wing at the rear. Note: The development control diagrams in section 10.0 illustrate building envelope controls**.** **Development controls** **D1** Council may consider a site specific building envelope for certain sites, including: • double frontage sites; • sites facing parks; • sites adjoining higher density zones; and • isolated sites. **D2** The maximum building footprint dimensions, inclusive of balconies and building articulation but excluding architectural features, is 24m x 45m for sites up to 3,000m^2 **D3** The tower component of any building above the podium or street wall height is to have a maximum floor plate of 850m^2.	☒ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐	☐ ☐ ☐ ☒ ☒ ☒ ☒ ☐ ☒	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 its Mark Street frontage. The development generally incorporates a rectangular built form with encroachment to the street front to accentuate the street. The building exhibits a building footprint greater than the dimensions shown. The proposed development however is considered acceptable given the size and configuration of the combined lots.
2.6 Setbacks **Performance criteria** **P1** Impact on the streetscape is minimised by creating a sense of openness, providing opportunities for landscaping and semi-private areas, and providing visual continuity and building pattern. **P2** Integrate new development with the established setback character of the street. **P3** Ensure adequate separation between buildings, consistent with the established character and rhythm of built elements in the street. **P4** Ensure adequate separation between buildings for visual and acoustic privacy. **P5** Maintain a reasonable level of amenity for neighbours with adequate access to sunlight. **Development controls** **2.6.1 Front setback** **D1** The minimum front setback shall be between 4 to 6m (except for residential flat development in the B1 and B2 zones) to	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	The setbacks are considered to be appropriate and satisfy the performance criteria in this instance. <u>Front setback</u> The subject site is located within the B4-Mixed Use zone.

provide a buffer zone from the street where residential use occupies the ground level.				The proposal complies with the setback control.
D2 Where a site has frontage to a lane, the minimum setback shall be 2m, however, this will vary depending on the width of the lane.	☐	☐	☒	The site provides a 3m - 6m setback to its Marsden Lane frontage.
D3 Where a new building is located on a corner, the main frontage shall be determined on the existing streetscape patterns. Where the elevation is determined as the 'secondary' frontage, the setback may be reduced to 3m except where it relates to a primary frontage on that street.	☒	☐	☐	The proposal has 4m setbacks to both the Marsden and Mark street frontages.
D4 Front setbacks shall ensure that the distance between the front of a new building to the front of the building on the opposite side of the street is a minimum of 10m for buildings up to 3 storeys high. For example, a 2m front setback is required where a 6m wide laneway is a shareway between the front of 2 buildings. Where a footpath is to be incorporated a greater setback shall be required.	☒	☐	☐	Separation from development opposite the street is achieved.
D5 All building facades shall be articulated by bay windows, verandahs, balconies and/or blade walls. Such articulation elements may be forward of the required building line up to 1m.	☒	☐	☐	Achieved.
D6 In all residential zones, levels above 4 storeys are to be setback for mid-block sites.	☐	☐	☒	The site is not situated within a residential zone.
2.4.2 Side setback				
D1 In all residential zones, buildings shall have a side setback of at least 3m.	☐	☐	☒	<u>Side setbacks</u> The proposal has a nil side setback to the eastern boundary. However, given the sites orientation, location within Lidcombe Town Centre (not a residential zone) and that the building's side elevations propose blank walls for these levels, strict compliance with this control is considered unnecessary. <u>Rear setback</u> Setback to Marsden Lane is 3m – 6m.
D2 Eaves may extend a distance of 700mm from the wall.	☐	☐	☒	
2.6.2 Rear setback				
D1 Rear setbacks shall be a minimum of 10m.	☐	☐	☒	
D2 Where there is a frontage to a street and a rear laneway the setback to the rear laneway shall be a minimum of 2m.	☒	☐	☐	
D3 Where a building is an L or T shape with the windows facing side courtyards the rear setback shall be a minimum of 2m.	☐	☐	☒	
2.6.3 Haslam's creek setback **D1** A minimum 10m setback from the top of the creek bank of Haslam's Creek and its tributaries shall be required. Refer to the Stormwater Drainage Part of this ADCP 2010 for additional controls.	☐	☐	☒	The development site is not in near vicinity of Haslam's Creek.
2.6.4 Setbacks at Olympic Drive, Lidcombe **Performance criteria** **P1** Sites with frontage to Olympic Drive,	☐	☐	☒	The development is not located on Olympic

Lidcombe, address this road and provide an appropriately landscaped setback.				Drive. This section of the DCP is not applicable.
P2 East-west streets maintain view corridors to Wyatt Park.	☐	☐	☒	
Development controls				
D1 For sites with frontage to Olympic Drive, buildings shall be designed to address Olympic Drive and provide a setback of 6m.	☐	☐	☒	
D2 The setback area and verge shall be landscaped and planted with a double row of street trees.	☐	☐	☒	
D3 The setback to east-west streets shall be generally 4 to 6m and ensure view corridors to Wyatt Park are maintained.	☐	☐	☒	
2.7 Building depth				
Performance criteria				
P1 A high level of amenity is provided for residents including solar and daylight access.	☒	☐	☐	The proposal is considered to deliver an appropriate level of amenity to the residents of the building.
Development controls				
D1 The maximum depth of a residential flat building shall be 24m (inclusive of balconies and building articulation but excluding architectural features).	☐	☒	☐	The development proposes a maximum depth of approximately 25 metres. Whilst this is a noteworthy variation, the additional depth occurs only on the ground level with the upper levels being stepped to reduce the bulk and mass of the building. As discussed under compliance table for SEPP 65, the development is heavily articulated to respond to the shape of the allotment. The performance of the apartments in relation to solar access and natural ventilation is generally considered acceptable. The communal open space provided and the proposed built form allows for increased amenity to each unit. Therefore, a variation is supported in this regard as it is not considered to adversely affect the residential amenity of the affected units.
2.8 Floor to ceiling heights				
Performance criteria				
P1 Floor to ceiling heights provide well-proportioned rooms and spaces to allow for light and ventilation into the built form.	☒	☐	☐	Habitable rooms all have a minimum 2.7m floor to ceiling heights. The ground floor commercial tenancies all have a floor to ceiling heights of 3.5m
Development controls				
D1 The minimum floor to ceiling height shall be 2.7m. This does not apply to mezzanines.	☒	☐	☐	This is considered acceptable for solar access and general residential amenity.
D2 Where there is a mezzanine configuration, the floor to ceiling height may be varied.	☐	☐	☒	
2.9 Head height of windows				
Performance criteria				
P1 Window heights allow for light penetration into rooms and well proportioned	☒	☐	☐	Window head heights are a minimum of 2.4m from floor level. The development is

elevations.				acceptable in this regard.
Development controls				
D1 The head height of windows and the proportion of windows shall relate to the floor to ceiling heights of the dwelling.	☒	☐	☐	
D2 For storeys with a floor to ceiling height of 2.7m, the minimum head height of windows shall be 2.4m.	☒	☐	☐	
D3 For storeys with a floor to ceiling height of 3m, the minimum head height of windows shall be 2.7m.	☐	☐	☒	
2.10 Heritage				
Performance criteria				
P1 Development does not adversely affect the heritage significance of heritage items and heritage groups and archaeological sites as well as their settings, distinctive streetscape, landscape and architectural styles.	☐	☐	☒	The development site is not an identified heritage item and is not in the direct vicinity of a heritage item.
Development controls				
D1 All development adjacent to and/or adjoining a heritage item shall be:				
• responsive in terms of the curtilage and design;	☐	☐	☒	
• accompanied by a Heritage Impact Statement; and	☐	☐	☒	
• respectful of the building's heritage significance in terms of the form, massing, roof shapes, pitch, height and setbacks.	☐	☐	☒	
2.11 Building design				
Performance criteria				
P1 Building design, detailing and finishes provide an appropriate scale to the street and add visual interest.	☒	☐	☐	No objection is raised to the materials and colour scheme of the proposal which is considered to be of high quality and will make a positive contribution to the streetscape.
P2 The use of sympathetic materials, colour schemes and details of new residential development and associated structures ensures that the character of Auburn's residential areas is not diminished.	☒	☐	☐	
Development controls				
2.9.1 Materials				
D1 All developments shall be constructed from durable, high quality materials. As a guide, preference shall be given to bricks that are smooth faced and in mid to dark tones.	☒	☐	☐	Good quality materials and finishing are proposed which contributed to the existing streetscape.
2.9.2 Building articulation				
D1 Windows and doors in all facades shall be provided in a balanced manner and respond to the orientation and internal uses.	☒	☐	☐	The proposal offers an articulated facade with distinct horizontal and vertical elements.
D2 Dwelling entrances shall create a sense of individuality and act as a transitional space between private and communal spaces.	☒	☐	☐	The facade provides recessed elements on every facade of the building.
D3 Elevations shall provide for variation and depth rather than relying on front façade treatment only. Varied massing projections and recesses shall be used to create a	☒	☐	☐	

sense of articulation and depth.				
2.9.3 Roof form				
D1 Roof forms shall be designed in a way that the total form does not add to height and bulk of the building.	☒	☐	☐	Flat roof and low horizontal parapet proposed. The roof form is in accordance with this clause.
2.9.4 Balustrades and balconies				
D1 Balustrades and balconies shall allow for views from the interior. Accordingly, balustrades shall be partly transparent and partly solid.	☒	☐	☐	Transparent balustrades on the upper levels are proposed to reduce the bulk and scale of the development.
The design of the underside of the balcony shall take into consideration the view of the underside from the street and shall avoid having exposed pipes and utilities.	☒	☐	☐	Should the application be approved appropriate condition will be included in any consent to ensure compliance with this clause.
2.10 Dwelling size				
Performance criteria				
P1 Internal dwelling sizes and shapes are suitable for a range of household types.	☒	☐	☐	All units within the development meet the minimum dwelling size identified in the ADG and the objectives of the apartment layout requirements. The layout is suitable to accommodate a variety of furniture layouts. Therefore, the development is acceptable in this regard. All balconies are accessible from the living rooms of every unit.
P2 All rooms are adequate in dimension and accommodate their intended use.	☒	☐	☐	
Development controls				
D1 The size of the dwelling shall determine the maximum number of bedrooms permitted. Number of bedrooms / Size Studio / 50m² 1 bedroom (cross through) / 50m² 1 bedroom (masionette) / 62m² 1 bedroom (single aspect) / 63m² 2 bedrooms (corner) / 80m² 2 bedrooms (cross through or over) / 90m² 3 bedrooms / 115m² 4 bedrooms / 130m²	☒	☐	☐	
D2 At least one living area shall be spacious and connect to private outdoor areas.	☒	☐	☐	
2.11 Apartment mix and flexibility				
Performance criteria				
P1 A diversity of apartment types are provided, which cater for different household requirements now and in the future.	☒	☐	☐	The residential component of the building will offer a variety of unit types of differing sizes and bedrooms.
P2 Housing designs meet the broadest range of the occupants' needs possible.	☒	☐	☐	
Development controls				
D1 A variety of apartment types between studio, one, two, three and three plus-bedroom apartments shall be provided, particularly in large apartment buildings. Variety may not be possible in smaller buildings, for example, up to six units.	☒	☐	☐	The development has the following bedroom mix:- - 64 x 1 bedroom apartments - 74 x 2 bedroom apartments - 15 x 3 bedroom apartments 15 adaptable units have been proposed and an appropriate condition will be imposed to ensure the required amount of adaptable units will be provided in the development.
D2 The appropriate apartment mix for a location shall be refined by: • considering population trends in the future as well as present market demands; and	☒	☐	☐	The building is considered to offer an appropriate unit mix.
• noting the apartment's location in relation to public transport, public	☒	☐	☐	

facilities, employment areas, schools and universities and retail centres.				The ground floor provides one and two bedroom units, including 3 adaptable and liveable units and one liveable unit. This is determined as being satisfactory. The proposal incorporates open plan living and dining areas which are considered to be easily reconfigured. 2 pedestrian entries from Marsden Street and four (4) lifts are proposed for the development to service the 151 residential units. The development is acceptable in this regard. Unit sizes are considered to be of sufficient size to provide flexible furniture layouts. The design of the development is considered to be satisfactory in regards to this part.
D3 A mix of one (1) and three (3) bedroom apartments shall be located on the ground level where accessibility is more easily achieved for disabled, elderly people or families with children.	☒	☐	☐	
D4 The possibility of flexible apartment configurations, which support future change to optimise the building layout and to provide northern sunlight access for all apartments, shall be considered.	☒	☐	☐	
D5 Robust building configurations which utilise multiple entries and circulation cores shall be provided especially in larger buildings over 15m long.	☒	☐	☐	
D6 Apartment layouts which accommodate the changing use of rooms shall be provided. Design solutions may include: • windows in all habitable rooms and to the maximum number of non-habitable rooms; • adequate room sizes or open-plan apartments, which provide a variety of furniture layout opportunities; and • dual master bedroom apartments, which can support two independent adults living together or a live/work situation.	☒	☐	☐	
D7 Structural systems that support a degree of future change in building use or configuration shall be used. Design solutions may include: • a structural grid, which accommodates car parking dimensions, retail, commercial and residential uses vertically throughout the building; • the alignment of structural walls, columns and services cores between floor levels; • the minimisation of internal structural walls; • higher floor to ceiling dimensions on the ground floor and possibly the first floor; and • knock-out panels between apartments to allow two adjacent apartments to be amalgamated.	☒	☐	☐	
3.0 Open space and landscaping				
Objectives				
a. To provide sufficient and accessible open space for the recreation needs of the likely residents of the proposed dwelling.	☒	☐	☐	The development proposal is considered to be generally consistent with the open space and landscaping objectives.
b. To provide private open areas that relate well to the living areas of dwellings.	☒	☐	☐	
c. To provide sufficient areas for deep soil planting.	☒	☐	☐	
d. To provide a mix of hard and soft landscape treatments.	☒	☐	☐	
e. To help provide a visual and acoustic buffer from the street without preventing passive surveillance.	☒	☐	☐	
f. To enhance the appearance and amenity of	☒	☐	☐	

residential flat buildings through integrated landscape design. g. To provide for the preservation of existing trees and other natural features on the site, where appropriate. h. To provide low maintenance communal open space areas. i. To provide adequate opportunities for water infiltration and tall trees to grow and to spread, so as to create a canopy effect. j. To conserve and enhance street tree planting.	☒ ☒ ☒ ☐	☐ ☐ ☐ ☐	☐ ☐ ☐ ☒	An Arborist Report addresses the matter of tree protection and removal on site and is deemed satisfactory. There are landscape areas provided in which shrubs and trees will be planted. Street trees are also proposed.
3.2 Development application requirements A landscape plan shall be submitted with all development applications for residential flat buildings. The landscape plan should specify landscape themes, vegetation (location and species), paving and lighting that provide a safe, attractive and functional environment for residents, integrates the development with the neighbourhood and contributes to energy efficiency and water management. A landscape plan prepared by a professionally qualified landscape architect or designer shall be submitted with the development application which shows: • proposed site contours and reduced levels at embankments, retaining walls and other critical locations; • existing vegetation and the proposed planting and landscaping (including proposed species); • general arrangement of hard landscaping elements on and adjoining the site; • location of communal facilities; • proposed lighting arrangements; • proposed maintenance and irrigation systems; and • proposed street tree planting.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	A suitable landscaping plan which details species, quantity required, height and spread, planting depth detail has been submitted and is considered satisfactory.
3.3 Landscaping **Performance criteria** **P1** Paving may be used to: • ensure access for people with limited mobility; • add visual interest and variety; • differentiate the access driveway from the public street; and • encourage shared use of access driveways between pedestrians, cyclists and vehicles. **Development controls** **D1** If an area is to be paved, consideration shall be given to selecting materials that will reduce glare and minimise surface run-off. **D2** All landscaped podium areas shall maintain a minimum soil planting depth of 600mm for tree provision and 300mm for turf provision.	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐	The proposal incorporates paved surfaces within the ground floor communal open space and rooftop terrace communal area. Planters provided have minimum soil depth to cater for the need of planter species.
3.4 Deep soil zone **Performance criteria** **P2** A deep soil zone allows adequate opportunities for tall trees to grow and spread.	☐	☒	☐	The basement occupies the majority of the site prohibiting the provision of significant deep soil zone, however the 7% required by

Note: Refer to the development control diagrams in section 10.0. **Development controls** **D5** A minimum of 30% of the site area shall be a deep soil zone. **D6** The majority of the deep soil zone shall be provided as a consolidated area at the rear of the building. **D7** Deep soil zones shall have minimum dimensions of 5m. **D8** Deep soil zones shall not include any impervious (hard) surfaces such as paving or concrete.	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	the ADG is achieved. The design is considered acceptable in this instance as the development site is located within the Lidcombe Town Centre. The area is a relatively dense urban area which restricts the provision of deep soil zones. Suitable stormwater management measures are proposed and soft landscaping accommodating shrubs and small trees form an integral part of the ground level communal open space area and rooftop terrace.
3.5 Landscape setting **Performance criteria** **P1** Development does not unreasonably intrude upon the natural landscape, particularly on visually prominent sites or sites which contribute to the public domain. **P2** Residential flat buildings are adequately designed to reduce the bulk and scale of the development. **P3** Landscaping assists with the integration of the site into the streetscape. **P4** Enhance the quality and amenity of the built form. **P5** Provide privacy and shade in communal and private open space areas. **Development controls** **D1** Development on steeply sloping sites shall be stepped to minimise cut and fill. **D2** Existing significant trees shall be retained within the development. **D3** The minimum soil depth for terraces where tree planting is proposed is 800mm. **D4** Applicants shall demonstrate that the development will not impact adversely upon any adjoining public reserve or bushland. **D5** Residential flat buildings shall address and align with any public open space and/or bushland on their boundary. **D6** All podium areas and communal open space areas, which are planted, shall be provided with a water efficient irrigation system.	☒ ☒ ☒ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☒ ☒ ☒ ☒ ☒ ☐	Adequate use of garden beds and planter species on the ground floor and rooftop terrace area has allowed a softening of the building. The development is not on a steeply sloping site. Two separate communal open spaces are proposed to facilitate this requirement. Suitable conditions can be imposed to ensure efficient irrigation system to be provided.
3.6 Private open space **Performance criteria** **P1** Private open space is clearly defined and screened for private use. **P2** Private open space: • takes advantage of available outlooks or views and natural features of the	☒ ☒	☐ ☐	☐ ☐	The proposed development is considered to be consistent with the Balconies objectives as all apartments are provided with suitably sized private open spaces which integrate with the overall architectural form of the building and provide casual overlooking of

site; • reduces adverse impacts of adjacent buildings on privacy and overshadowing; and • resolves surveillance, privacy and security issues when private open space abuts public open space.	☒ ☒	☐ ☐	☐ ☐	communal and public areas.
P3 Development should take advantage of opportunities to provide north facing private open space to achieve comfortable year round use.	☒	☐	☐	
Development controls **D1** Private open space shall be provided for each dwelling in the form of a balcony, roof terrace or, for dwellings on the ground floor, a courtyard.	☒	☐	☐	All apartments have at least one balcony. Access is provided directly from living areas and where possible, secondary access is provided from primary bedrooms.
D2 Dwellings on the ground floor shall be provided with a courtyard that has a minimum area of 9m^2 and a minimum dimension of 2.5m.	☒	☐	☐	All residential units have access to a balcony that has a depth of a minimum of 2m and an minimum area of between 8.5 and 13.3 m^2. All private open spaces are accessible from a living area.
D3 Dwellings located above ground level shall be provided with a balcony or roof terrace that has a minimum area of 8m^2 and a minimum dimension of 2m.	☒	☐	☐	Balconies are adequately sized to cater for clothes drying if required.
D4 Balconies may be semi enclosed with louvres and screens.	☒	☐	☐	Balconies are suitably orientated and appropriate screening has been used to reduce any likely privacy concerns.
D5 Private open space shall have convenient access from the main living area.	☒	☐	☐	
D6 Part of the private open space shall be capable of serving as an extension of the dwelling for relaxation, dining, recreation, entertainment and children's play.	☒	☐	☐	
D7 Additional small, screened service balconies may be provided for external clothes drying areas and storage.	☒	☐	☐	
D8 Private open space and balconies shall take advantage of mid to long distance views where privacy impacts will not arise.	☒	☐	☐	
3.7 Communal open space				
Performance criteria **P1** The site layout provides communal open spaces which: • contribute to the character of the development; • provide for a range of uses and activities; • allows cost-effective maintenance; and • contributes to stormwater management.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The proposal incorporates an area of common open space on the rooftop terrace which is seen to be utilised if required for passive recreation. The area is adequately designed. Site area = 2,441m^2 Communal open space = 25% (611.17m^2).
Development controls **D1** Communal open space shall be useable, have a northern aspect and contain a reasonable proportion of unbuilt upon (landscaped) area and paved recreation area.	☒	☐	☐	This is can be achieved for the communal open space area which is able to accommodate BBQ and seating areas. The communal open spaces achieve solar penetration. Suitable landscaping beds have been provided around the borders of the open area.
D2 The communal open space area shall have minimum dimensions of 10m.	☒	☐	☐	
3.8 Protection of existing trees				

Performance criteria **P1** Major existing trees are retained where practicable through appropriate siting of buildings, access driveways and parking areas and appropriate landscaping. **Development controls** **D1** Building structures or disturbance to existing ground levels shall not be within the drip line of existing significant trees to be retained. **D2** Existing trees are to be retained and integrated into a new landscaping scheme, wherever possible. Suitable replacement trees are to be provided if existing trees cannot be retained. Note: For additional requirements, applicants shall refer to the Tree Preservation Part of this ADCP 2010.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	An Arborist Report has been submitted with this application which addresses tree removal and protection. This report considers 9 new street trees, and the removal of trees within the subject site. Council's Senior Landscape Architect has reviewed the proposal and is generally satisfied subject to conditions. With regards to this proposal, protection of existing trees is therefore considered satisfactory.
3.9 Biodiversity **Performance criteria** **P1** Existing and native flora at canopy and understorey levels is preserved and protected. **P2** Plantings are a mix of native and exotic water-wise plant species. **Development controls** **D1** The planting of indigenous species shall be encouraged.	☐ ☒ ☒	☐ ☐ ☐	☒ ☐ ☐	An appropriate mix of species is proposed in the landscape area. A suitable landscape plan has been prepared to accompany the proposal which documents the planting of suitable plant species with the planter boxes.
3.10 Street trees **Performance criteria** **P1** Existing street landscaping is maintained and where possible enhanced. **Development controls** **D1** Driveways and services shall be located to preserve existing significant trees. **D2** Additional street trees shall be planted at an average spacing of 1 per 10 lineal metre of street frontage. **Note:** Where a site has more than one street frontage, street tree planting shall be applied to all street frontages, excluding frontage to laneways.	☐ ☐ ☐	☐ ☐ ☐	☒ ☒ ☒	
4.0 Access and car parking				
Objectives **4.1 Access and car parking requirements** Applicants shall consult the Parking and Loading Part of this ADCP 2010.	☒	☐	☐	The building provides sufficient onsite parking in accordance with the Parking and Loading section of the ADCP 2010.
4.2 Basements **Performance criteria** P1 Basements allow for areas of deep soil planting. **Development controls** **D1** Where possible, basement walls shall be located directly under building walls. **D2** A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary.	☐ ☒ ☒	☒ ☐ ☐	☐ ☐ ☐	The basement occupies the he majority of the site which prohibits the provision of significant deep soil zones. The design is considered acceptable in this instance as the development site is located within the Lidcombe Town Centre. The area is a relatively dense urban area which restricts the provision of deep soil zone. Suitable stormwater management measures are proposed and soft landscaping and planter

D3 Basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting. **D4** Basement walls visible above ground level shall be appropriately finished (such as face brickwork and/or render) and appear as part of the building.	☐ ☐	☐ ☐	☒ ☒	boxes accommodating shrubs and small trees form an integral part of the ground level and rooftop terrace communal open space areas.
5.0 Privacy and security				
Objectives a. To ensure the siting and design of buildings provide visual and acoustic privacy for residents and neighbours in their dwellings and private open spaces. b. To provide personal and property security for residents and visitors and enhance perceptions of community safety.	☒ ☒	☐ ☐	☐ ☐	The proposal is considered to promote safety and security in the local area by increasing the opportunity for general pedestrian activity and passive surveillance in the locality.
5.1 Privacy **Performance criteria** **P1** Private open spaces and living areas of adjacent dwellings are protected from overlooking. **Development controls** **D1** Buildings shall be designed to form large external courtyards with a minimum distance of 10 to 12m between opposite windows of habitable rooms. **D2** Windows to living rooms and main bedrooms shall be oriented to the street and to the rear, or to the side when buildings form an 'L' or 'T' shape. **D3** Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings. **D4** Views onto adjoining private open space shall be obscured by: • Screening that has a maximum area of 25% openings, shall be permanently fixed and made of durable materials; or • Existing dense vegetation or new planting.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The development has provided numerous privacy features to ensure adjoining development is not adversely impacted upon including proposed privacy screens, blank walls and smart windows/balcony locations. Sufficient building separation provided to minimise visual overlooking and acoustic privacy onto adjoining private open spaces. The proposal is considered to perform satisfactorily in maintaining privacy for residents within the development and on surrounding uses. Privacy screens and in some cases solid walls are proposed to the edges of balconies to minimise overlooking impacts.
5.4 Noise **Performance criteria** **P1** The transmission of noise between adjoining properties is minimised. **P2** New dwellings are protected from existing and likely future noise sources from adjoining residential properties and other high noise sources (such as busy roads, railway corridors and industries) and the transmission of intrusive noise to adjoining residential properties is minimised. **Development controls** **D1** For acoustic privacy, buildings shall: • be designed to locate noise sensitive rooms and private open space away from the noise source or by use of solid	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	Council's Environmental Health Officer has reviewed the proposal and has requested a condition requiring further information

barriers where dwellings are close to high noise sources; • minimise transmission of sound through the building structure and in particular protect sleeping areas from noise intrusion; and • all shared floors and walls between dwellings to be constructed in accordance with noise transmission and insulation requirements of the BCA. **Note:** For development within or adjacent to a rail corridor, or major road corridor with an annual average daily traffic volume of more than 40,000 vehicles, applicants must consult *State Environmental Planning Policy (Infrastructure) 2007* and the NSW Department of Planning's *Development Near Rail Corridors and Busy Roads – Interim Guidelines 2008*.	☒ ☒	☐ ☐	☐ ☐	relating to noise emissions from the development as well as demolition/construction noise and vibration intrusion.
5.5 Security **Performance criteria** **P1** Provide personal and property security for residents and visitors. **P2** Site layout and design of the dwellings, including height of front fences and use of security lighting, minimises the potential for crime, vandalism and fear. **P3** Ensure a development is integrated with the public domain and contributes to an active pedestrian-orientated environment. **P4** Ensure effective use of fencing or other means to delineate private and public areas. **Note:** Consideration shall also be given to Council's Policy on Crime Prevention Through Environmental Design (CPTED). **Development controls** **D1** Shared pedestrian entries to buildings shall be lockable. **D2** Ensure lighting is provided to all pedestrian paths, shared areas, parking areas and building entries. **D3** High walls which obstruct surveillance are not permitted. **D4** The front door of a residential flat building shall be visible from the street. **D5** Buildings adjacent to public streets or public spaces should be designed so residents can observe the area and carry out visual surveillance. At least one window of a habitable room should face the street or public space. **D6** A council approved street number should be conspicuously displayed at the front of new development or the front fence of such development. **D7** Fences higher than 900mm shall be of an	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	Consideration has been given to Council's Policy on Crime Prevention Through Environmental Design (CPTED). The proposal is deemed acceptable in terms of this. Casual surveillance to all streets will be possible from the ground and upper residential floors of the development. No new laneway proposed. Suitable furnishings can be provided in the communal open space. The proposal does not adjoin a park or public open space.

open semitransparent design.				
D8 Balconies and windows shall be positioned to allow observation of entrances.	☒	☐	☐	
D9 Proposed planting must not obstruct the building entrance from the street or sightlines between the building and the street frontage.	☒	☐	☐	
D10 Blank walls facing a rear laneway should be avoided to discourage graffiti.	☒	☐	☐	
D11 Pedestrian and vehicular entrances must be designed so as to not be obstructed by existing or proposed plantings.	☐	☐	☒	
D12 If seating is provided in communal areas of a development it should generally only be located in areas of active use where it will be regularly used.	☒	☐	☐	
D13 Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	☒	☐	☐	
D14 Ground floor apartments may have individual entries from the street.	☒	☐	☐	
D15 Residential flat buildings adjoining a park or public open space shall be treated like a front entrance/garden for the length of the park. Refer to Figure 4 - Park frontage in section 10.0.	☒	☐	☐	
5.6 Fences **Performance controls** **P1** Front fences and walls maintain the streetscape character and are consistent with the scale of development.	☒	☐	☐	The fencing proposed for the ground floor residential units is considered to be appropriate in the site context and achieves a suitable balance between providing residential privacy and streetscape amenity.
P2 Ensure that views from streets are maintained and not obstructed by excessively high fences.	☒	☐	☐	
P3 Reduce the impact of front fencing on the streetscape and encourage fencing which is sympathetic to the existing streetscape, general topography and the architectural style of the existing dwelling or new development.	☒	☐	☐	
P4 Ensure that materials used in front fencing are of high quality and are sympathetic to the exiting streetscape character.	☒	☐	☐	
Development controls **D1** The front and side dividing fences, where located within the front yard area, shall not exceed 1.2m as measured above existing ground level and shall be a minimum of 50% transparent.	☐	☐	☒	
D2 Materials of construction will be considered on their merit, with regard being given to materials that are similar to other contributory fences in the vicinity, with a general prohibition on the following materials: • Cement block;	☒	☐	☐	

• Metal sheeting, profiled, treated or pre-coated. • Fibro, flat or profile; • Brushwood; and • Barbed wire or other dangerous material.				
D3 All fences forward of the building alignment shall be treated in a similar way.	☒	☐	☐	No colorbond fencing is proposed at ground level.
D4 Solid pre-coated metal fences shall be discouraged and shall not be located forward of the front building line.	☒	☐	☐	
D5 Front fences shall satisfy the acoustic abatement criteria and be provided with a landscaped area on the street side of the fence.	☒	☐	☐	
D6 Fences located on side or rear boundaries of the premises, behind the main building line shall not exceed a maximum height of 1.8m.	☐	☐	☒	
D7 Fencing and associated walls must be positioned so as not to interfere with any existing trees.	☒	☐	☐	
D8 Gates and doors are to be of a type which does not encroach over the street alignment during operation.	☒	☐	☐	The design is compatible with the B4 Mixed Use town centre setting of the site.
6.0 Solar amenity and stormwater reuse				
Objectives f. To minimise overshadowing of adjoining residences and to achieve energy efficient housing in a passive solar design that provides residents with year round comfort and reduces energy consumption.	☐	☒	☐	The siting of the building is such that development to the south is significantly overshadowed. The development incorporates a suite of energy efficiency and water conservation measures and is detailed in the submitted plans and BASIX certificate.
g. To create comfortable living environments.	☒	☐	☐	
h. To provide greater protection to the natural environment by reducing the amount of greenhouse gas emissions.	☒	☐	☐	
i. To reduce the consumption of non-renewable energy sources for the purposes heating water, lighting and temperature control.	☒	☐	☐	
j. To encourage installation of energy efficient appliances that minimise greenhouse gas generation.	☒	☐	☐	
6.2 Solar amenity **Performance criteria** **P3** Buildings are sited and designed to ensure daylight to living rooms in adjacent dwellings and neighbouring open space is not significantly decreased.	☐	☒	☐	The siting of the building is such that development to the south is significantly overshadowed.
P4 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.	☒	☐	☐	Apartment layouts are generally considered satisfactory in terms of orientating living areas and private open spaces to optimise solar access where possible. There are no solar panels situated on the roofs of nearby buildings especially to the south.
Development controls **D9** Solar collectors proposed as part of a new development shall have unimpeded solar access between 9:00am to 3:00pm on June 21.	☐	☐	☒	

Solar collectors existing on the adjoining properties shall not have their solar access impeded between 9:00am to 3:00pm on June 21.	☐	☐	☒	
Where adjoining properties do not have any solar collectors, a minimum of $3m^2$ of north facing roof space of the adjoining dwelling shall retain unimpeded solar access between 9:00am to 3:00pm on June 21.	☐	☐	☒	
Note: Where the proposed development is located on an adjacent northern boundary this may not be possible.	☒	☐	☐	The shadow diagrams provided show the southern adjoining residential properties will not receive at least 3 hours sunlight during winter solstice. On balance this is considered acceptable - refer to discussion page 4/5 of this report.
D10 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.	☐	☒	☐	
D11 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.	☒	☐	☐	The proposal incorporates an open plan living/dining areas which have access to an outdoor space in the form of a balcony.
D12 Habitable living room windows shall be located to face an outdoor space.	☒	☐	☐	The proposal is north of the affected adjoining properties and is in an area undergoing transition to higher density mixed use developments.
D13 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.	☐	☒	☐	
D14 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.	☒	☐	☐	
D15 Internal living areas and external recreation areas shall have a north orientation for the majority of units in the development, where possible.	☒	☐	☐	
D16 The western walls of the residential flat building shall be appropriately shaded.	☒	☐	☐	
6.3 Ventilation				
Performance criteria				
P1 The design of development is to utilise natural breezes for cooling and fresh air during summer and to avoid unfavourable winter winds.	☒	☐	☐	The proposed development is considered to be consistent with the Natural Ventilation objectives as all habitable rooms, and where possible non-habitable rooms, have sufficient openings for ventilation.
Development control				
D1 Rooms with high fixed ventilation openings such as bathrooms and laundries shall be situated on the southern side to act as buffers to insulate the building from winter winds.	☐	☐	☒	The building and unit layouts are designed to maximise natural ventilation through the use of open-plan living areas and generous openings to living areas and bedrooms.
D2 Apartments shall be designed to consider	☒	☐	☐	The applicant demonstrated that 64.42% of units are designed with windows or openings

ventilation and dual aspect. This can be achieved with cross over apartments, cross through apartments, corner apartments and two (2) storey apartments. Single aspect apartments shall be kept to a minimum except for those that are north facing. Single aspect apartments shall be limited in depth to 8m from a window.				or ventilation grills above doors on dual aspects and considered to be naturally cross ventilated. The living rooms are adjacent to the balconies and generally promote natural ventilation.
D3 Where possible residential flat buildings shall be designed with bathrooms, laundries, and kitchens positioned on an external wall with a window to allow for natural ventilation of the room.	☒	☐	☐	
6.4 Rainwater tanks **Performance criteria** **P1** The development design reduces stormwater runoff. **Development controls** **D1** Developments may have rain water tanks for the collection and reuse of stormwater for car washing and watering of landscaped areas.	☐	☐	☒	The proposal has been supported by a satisfactory stormwater management system. OSD systems have been incorporated into the communal open space areas. In this regard, the proposal is considered acceptable.
D2 Rainwater tanks shall be constructed, treated or finished in a non-reflective material which blends in with the overall tones and colours of the building and the surrounding developments.	☐	☐	☒	
D3 The suitability of rainwater tanks erected within the side setback areas of development will be assessed on an individual case by case basis.	☐	☐	☒	
D4 Rainwater tanks shall not be located within the front setback.	☐	☐	☒	
D5 The overflow from the domestic rain water tank shall discharge to the site stormwater disposal system. For additional details refer to the Stormwater Drainage Part of this ADCP 2010.	☐	☐	☒	
D6 The rain water tank shall comply with the applicable Australian Standards AS/NZ 2179 and AS 2180 for rainwater goods and installation.	☒	☐	☐	
6.5 Stormwater drainage Applicants shall refer to the stormwater drainage requirements in the Stormwater Drainage Part of this ADCP 2010.	☒	☐	☐	It is identified that stormwater drainage is capable of being compliant with Council's requirements. Appropriate conditions are provided addressing stormwater drainage.
7.0 Ancillary site facilities				
Objectives a. To ensure that site facilities are effectively integrated into the development and are unobtrusive.	☒	☐	☐	The building is provided or capable of being provided with an appropriate level of services.
b. To ensure site facilities are adequate, accessible to all residents and easy to maintain.	☒	☐	☐	
c. To cater for the efficient use of public utilities including water supply, sewerage, power, telecommunications and gas services and for the delivery of postal and other services.	☒	☐	☐	
7.1 Clothes washing and drying				

Performance criteria **P1** Adequate open-air clothes drying facilities which are easily accessible to all residents and screened, are provided. **Development controls** **D1** Each dwelling shall be provided with individual laundry facilities located within the dwelling unit. **D2** Open air clothes drying facilities shall be provided in a sunny, ventilated and convenient location which is adequately screened from streets and other public places, where possible.	☒ ☒ ☐	☐ ☐ ☐	☐ ☐ ☒	The balconies are of sufficient size and appropriate masonry and privacy screens are provided so that any balcony clothes drying will not be readily apparent when viewed from the public domain. Every apartment is provided with a laundry facility.
7.2 Storage **Performance criteria** **P1** Dwellings are provided with adequate storage areas. **Development controls** **D1** Storage space of 8m^3 per dwelling shall be provided. This space may form part of a garage or be a lockable unit at the side of the garage. **D2** Storage space shall not impinge on the minimum area to be provided for parking spaces.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The proposal meets the storage requirements of the ADG as detailed earlier. Store rooms are located within the basement level for additional storage. areas.
7.3 Utility services **Performance criteria** **P1** All proposed allotments are connected to appropriate public utility services including water, sewerage, power and telecommunications, in an orderly, efficient and economic manner. **Development controls** **D1** Where possible, services shall be underground.	☒ ☒	☐ ☐	☐ ☐	The site is currently suitably serviced. Any augmentation required could be resolved by standard conditions should the proposal be recommended for approval.
7.4 Other site facilities **Performance criteria** **P1** Dwellings are supported by necessary utilities and services. **Development controls** **D1** A single TV/antenna shall be provided for each building. **D2** A mailbox structure that meets the relevant Australia Postal Service requirements shall be provided, located centrally and close to the major street entry to the site. All letterboxes shall be lockable. **D3** Individual letterboxes can be provided where ground floor residential flat building units have direct access to the street.	☒ ☒ ☒ ☒	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	The architectural plan shows that the provision of letterboxes within both residential entrances on Marsden Street is achievable.
7.5 Waste disposal Applicants shall refer to the requirements held in the Waste Part of this ADCP 2010.	☒	☐	☐	An acceptable waste management plan dealing with the demolition, construction and ongoing waste phase of the development has been submitted for the application. The development is acceptable in this regard.
8.0 Subdivision				
Objectives				

a. To ensure that subdivision and new development is sympathetic to the landscape setting and established character of the locality. b. To provide allotments of sufficient size to satisfy user requirements and to facilitate development of the land at a density permissible within the zoning of the land having regard to site opportunities and constraints.	☐ ☐	☐ ☐	☒ ☒	The development application does not include the Strata Subdivision of the building. The matter of Strata Subdivision may be addressed as a condition attached to any consent that may be issued.
8.1 Lot amalgamation **Performance criteria** **P1** Lot amalgamations within development sites are undertaken to ensure better forms of housing development and design. **Development controls** **D1** Development sites involving more than one lot shall be consolidated. **D2** Plans of Consolidation shall be submitted to, and registered with, the office of the NSW Land and Property Management Authority. Proof of registration shall be produced prior to release of the Occupation Certificate. **D3** Adjoining parcels of land not included in the development site shall be capable of being economically developed.	☒ ☒ ☒	☐ ☐ ☐	☐ ☐ ☐	The site will require amalgamation to ensure the development is capable of proceeding. This may be addressed as a condition attached to any consent that may be issued.
8.2 Subdivision **Development controls** **D1** The community title or strata title subdivision of a residential flat building shall be in accordance with the approved development application plans, particularly in regard to the allocation of private open space, communal open space and car parking spaces. **D2** Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part.	☐ ☐	☐ ☐	☒ ☒	A detailed Strata Plan has not been submitted. The matter of Strata Subdivision may be addressed as a condition attached to any consent that may be issued.
8.3 Creation of new streets **Performance criteria** **P1** On some sites, where appropriate, new streets are introduced. **P2** New proposed roads are designed to convey the primary residential functions of the street including: • safe and efficient movement of vehicles and pedestrians; • provision for parked vehicles; • provision of landscaping; • location, construction and maintenance of public utilities; and • movement of service and delivery vehicles. **Development controls** **D1** Where a new street is to be created, the street shall be built to Council's standards and quality assurance requirements having	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒	No new streets are being proposed as part of the development. This clause is not applicable to the proposal.

regard to the circumstances of each proposal. Consideration shall be given to maintaining consistency and compatibility with the design of existing roads in the locality.				
D2 A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side. For specific information detailing Council's road design specifications, refer to Table 1 - Development Standards for Road Widths in section 10.2.	☐	☐	☒	
D3 For larger self-contained new residential areas, specific road design requirements shall be considered for site specific development controls.	☐	☐	☒	
9.0 Adaptable housing				
Objectives a. To ensure a sufficient proportion of dwellings include accessible layouts and features to accommodate changing requirements of residents.	☒	☐	☐	The development is fully accessible from the basement levels via lift to residential levels above.
b. To encourage flexibility in design to allow people to adapt their home as their needs change due to age or disability.	☒	☐	☐	
9.1 Development application requirements Evidence of compliance with the Adaptable Housing Class C requirements of Australian Standard (AS) 4299 shall be submitted when lodging a development application to Council and certified by an experienced and qualified building professional.	☒	☐	☐	Noted.
9.2 Design guidelines **Performance criteria** **P1** Residential flat building developments allow for dwelling adaptation that meets the changing needs of people.	☒	☐	☐	Appropriate condition shall be imposed to ensure compliance with the relevant BCA and Australian Standards regarding adaptable housing.
Development controls **D1** The required standard for Adaptable Housing is AS4299. Wherever the site permits, developments shall include adaptive housing features into the design.	☒	☐	☐	
External and internal considerations shall include:				Mark and Marsden Street access is designed to provide barrier free access to the foyer.
• access from an adjoining road and footpath for people who use a wheel chair;	☒	☐	☐	Adaptable units are proposed within the development with internal design and fixtures that can be refitted to accommodate people with disabilities.
• doorways wide enough to provide unhindered access to a wheelchair;	☒	☐	☐	
• adequate circulation space in corridors and approaches to internal doorways;	☒	☐	☐	
• wheelchair access to bathroom and toilet;	☒	☐	☐	
• electrical circuits and lighting systems capable of producing adequate lighting for people with poor vision;	☒	☐	☐	
• avoiding physical barriers and obstacles;	☒	☐	☐	
• avoiding steps and steep end gradients;	☒	☐	☐	
• visual and tactile warning techniques;	☒	☐	☐	
• level or ramped well lit uncluttered				

approaches from pavement and parking areas; • providing scope for ramp to AS 1428.1 at later stage, if necessary; • providing easy to reach controls, taps, basins, sinks, cupboards, shelves, windows, fixtures and doors; • internal staircase designs for adaptable housing units that ensure a staircase inclinator can be installed at any time in the future; and • providing a disabled car space for each dwelling designated as adaptable. Note: In the design of residential flat buildings, applicants shall consider the Access and Mobility Part of this ADCP 2010. **D2** All development proposals with five or more housing units shall be capable of being adapted (Class C) under AS 4299. The minimum number of adaptable housing units is set out below. (Plus 10% of additional dwellings beyond 60, rounded up to the nearest whole number) Note: Adaptable Housing Class C incorporates all essential features listed in Appendix A – Schedule of Features for Adaptable Housing in AS 4299.	☒ ☒ ☒ ☐ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☒ ☐ ☐ ☐	Condition of consent will be imposed to ensure sufficient accessible car parking spaces will be made available to the adaptable units in accordance with this clause. The development proposes 153 units. 16 of those units have been identified as being adaptable units. The access report demonstrates full compliance for liveable and adaptable can be achieved. A condition of consent can be imposed to ensure a minimum number of adaptable units will be provided on site.

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

9.3 Lifts **Development controls** **D1** Lifts are encouraged to be installed in four (4) storey residential flat buildings where adaptable housing units shall be required. **D2** Where the development does not provide any lifts and includes adaptable housing units, the adaptable housing units shall be located within the ground floor of the development.	☒ ☐	☐ ☐	☐ ☒	Having considered the number of units proposed on site, two centralised lift cores with two lifts each are proposed to service all 153 units which is acceptable in this regard.
9.4 Physical barriers **Development controls** **D1** Physical barriers, obstacles, steps and steep gradients within the development site shall be avoided.	☒	☐	☐	The development is fully accessible from the pedestrian footpath to ground floor and residential units, with all other levels accessible via lifts.