

Compliance Tables Amending Detailed DA Stage 2 DA

Housing SEPP

Part 2 New affordable rental housing, Division 1 In-fill affordable housing development

The proposal seeks affordable housing subject to the provisions in Part 2 Division 1 of the SEPP for in-fill affordable housing that is within an accessible area to public transportation on Anzac Parade and the dedication of 15 ground and first floor units which inclusive of corridor lobby space makes up 15.1% however without makes up 14.6% allowing for a maximum of 0.975:1 or 0.9639:1. The proposed 0.975:1 will exceed the height and FSR maximum afforded under the SEPP assessments have been carried out against the objectives of the standard, zone and SEPP. The proposal secures the use of 15 Units as affordable housing for a period of 15 years in accordance with the SEPP and proposes 2 of these units be secured as affordable housing in perpetuity. The proposed development satisfies the design requirements character test in clause 20 of the SEPP – and the proposed height and FSR are considered appropriate in this instance See assessment where relevant, discussion of key issues section of this report.

Standard	Proposal	Compliance
Part 2: In-fill affordable housing		
15C Development to which division applies		
(1) This division applies to development that includes residential development if—		
(a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument, and		Yes
(b) the affordable housing component is at least 10%, and	14.6%	Yes
(c) all or part of the development is carried out— (i) or development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.		Yes
(2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division.		NA
16 Affordable housing requirements for additional floor space ratio		
(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2). 0.9639:1 Council: 14.6% 1614sqm AHC > 28.52% bonus FSR (0.2139:1 (28.52% x 0.75:1) Max FSR 0.9639:1 (11,192.8sqm) (0.75 + 0.2139). Applicant: 15.1% (1720sqm) AHC > 30% bonus FSR (0.225:1 (30% of 0.75:1) Max FSR 0.975:1 (11,321.7sqm)		N See clause 4.6.
(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows— $\text{affordable housing component} = \frac{\text{additional floor space ratio (as a percentage)}}{2}$	The applicant provides 14.4% of the maximum standard 0.9639:1 which is higher than the minimum 14.26% required for the maximum.	Y

Standard	Proposal	Compliance
Part 2: In-fill affordable housing		
(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).	12.2m (+28.52% of 9.5m) Applicant says 12.25m (+30% of 9.5m)	N See clause 4.6
18 Affordable housing requirements for additional building height		
(1) This section applies to development that includes residential development to which this division applies if the development— (a) includes residential flat buildings or shop top housing, and (b) does not use the additional floor space ratio permitted under section 16.		
(2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).	12.2m (+28.52% of 9.5m) Applicant says 12.25m (+30% of 9.5m)	No see clause 4.6
(3) The minimum affordable housing component, which must be at least 10%, is calculated as follows— $\text{affordable housing component} = \frac{\text{additional building height}}{2} \div 2$ (as a percentage)	14.6%	Y
19 Non-discretionary development standards—the Act, s 4.15		
(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—		
(a) a minimum site area of 450m ² ,		Y
(b) a minimum landscaped area that is the lesser of— (i) 35m ² per dwelling, or (ii) 30% of the site area,		Y
(e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,		Y
(f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,		Y
(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,		Y
(h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,		NA
(i) if paragraphs (g) and (h) do not apply, the following minimum floor areas—		

Standard	Proposal	Compliance
Part 2: In-fill affordable housing		
(i) for each dwelling containing 1 bedroom—65m2, (ii) for each dwelling containing 2 bedrooms—90m2, (iii) for each dwelling containing at least 3 bedrooms—115m2 plus 12m2 for each bedroom in addition to 3 bedrooms.		
20 Design requirements		
(1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.		NA
(2) Subsection (1) does not apply to development to which Chapter 4 applies.		
(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.		Y see assessment in Report under Housing SEPP
21 Must be used for affordable housing for at least 15 years		
(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider.	Less than the required area of AHC is provided see assessment in clause 4.6 for FSR and Height and key issues discussion of AHC.	Y Conditioned
22 Subdivision permitted with consent		
Land on which development has been carried out under this division may be subdivided with development consent.		NA

Chapter 4 – Design of Residential Apartment Developments

Chapter 4 of the Housing SEPP seeks to improve the design of residential apartment development. The proposed development is subject to Chapter 4 of the Housing SEPP as it involves four or more storeys with 4 or more apartments.

Section 147 of the Housing SEPP requires the consent authority to consider:

- the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,
- the Apartment Design Guide,
- any advice (if any) obtained from the design review panel (DRP). Note: Councils DRP is called Design Excellence Advisory Panel – DEAP.

Design Excellence Advisory Panel (DEAP)

The Design Excellence Advisory Panel functions as design review panel for the purposes of Chapter 4 of the Housing SEPP.

The DA was referred to the Design Excellence Advisory Panel for advice concerning the design quality of the development. The panel advice is contained in another attachment to this report and summarised in the report.

Design Quality Principles

The comments provided by the DEAP detail how each of the nine quality design principals have been considered in the proposal.

Apartment Design Guide

The table below provides an assessment of the proposal against the relevant design criteria contained in Parts 3 and 4 of the Apartment Design Guide (ADG). In cases where the development does not satisfy the relevant criteria, the design guidance has been used to determine whether the proposal still meets the relevant objectives.

Clause	Design Criteria	Proposal	Compliance		
Part 3: Siting the Development					
3D-1	Communal and Public Open Space				
	Communal open space has a minimum area equal to 25% of the site.		Y		
	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).	81%	T		
3E-1					
	Deep soil zones are to meet the following requirements: 3m dimension, 7% site area	54%	Y		
3F-1	Visual Privacy				
	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:		Approximately 24m	Y	
	Building Height	Habitable Rooms and Balconies			Non-habitable rooms
	Up to 12m (4 storeys)	6m			3m
	Up to 25m (5-8 storeys)	9m			4.5m
	Over 25m (9+ storeys)	12m			6m
	Note: Separation distances between buildings on the same site should combine required building separations				

Clause	Design Criteria	Proposal	Compliance
	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.		
3J-1	Bicycle and Car Parking		
	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.	Councils Development engineer has assessed bicycle and car parking as compliant.	Y
Part 4: Designing the Building			
4A	Solar and Daylight Access		
	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 midwinter.	80% (reduced by 1% from original lodged application)	Y
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	Nil (note 8 units don't receive solar access to their living however they still obtain solar access during the winter solstice)	Y
4B	Natural Ventilation		
	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	77% increased from 74% lodged	Y
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	<17m	Y
4C	Ceiling Heights		
	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: - Habitable Rooms – 2.7m - Non-habitable – 2.4m	2.7m (3.1m floor to floor heights)	Y

Clause	Design Criteria	Proposal	Compliance
	- Attic spaces – 1.8m at edge with min 30 degree ceiling slope - Mixed use areas – 3.3m for ground and first floor These minimums do not preclude higher ceilings if desired.		
4D	Apartment Size and Layout		
	Apartments are required to have the following minimum internal areas: - Studio - 35m² 1 bedroom - 50m² 2 bedroom - 70m² 3 bedroom - 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12 m² each.	All units meet and or exceed the minimum area required	Y
	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.		Y
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height.		Y
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Many apartments have kitchen areas slightly longer that is up to a maximum of around 8.5m from a window. The minor variation is not anticipated as resulting in any appreciable impact on amenity noting that the majority of apartments have excellent cross ventilation add those apartments that don't meet the minimum cross ventilation requirements are general compliant with the 8m from windows.	N see comment at left.
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).		Y
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).		Y
	Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments		Y

Clause	Design Criteria	Proposal	Compliance															
	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.		NA															
4E	Private open space and balconies																	
	All apartments are required to have primary balconies as follows: <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio</td><td>4 m²</td><td>-</td></tr><tr><td>1 bedroom</td><td>8 m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10 m²</td><td>2m</td></tr><tr><td>3+ bedroom</td><td>12 m²</td><td>2.4m</td></tr></table>	Dwelling type	Minimum area	Minimum depth	Studio	4 m ²	-	1 bedroom	8 m ²	2m	2 bedroom	10 m ²	2m	3+ bedroom	12 m ²	2.4m		Y
	Dwelling type	Minimum area	Minimum depth															
Studio	4 m ²	-																
1 bedroom	8 m ²	2m																
2 bedroom	10 m ²	2m																
3+ bedroom	12 m ²	2.4m																
	The minimum balcony depth to be counted as contributing to the balcony area is 1m.																	
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	Some ground floor apartments in the Amended detailed DA do not meet the minimum depth criteria in the ADG, however, in each case the approved DA also did not meet the criteria (A0.01; C0.04; D0.01; which have depths of 2.9, 2.5 and 2.5) The shortfall is acceptable noting as the applicant says the proposal provides for greater than minimum communal open space inclusive of garden spaces that could easily supplement the amenity lost by having a substandard ground level courtyard space.	N – see comment at left.															
4F	Common Circulation and Spaces																	
	The maximum number of apartments off a circulation core on a single level is eight.	2-5 off any core	Y															
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.		NA															
4G	Storage																	
	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: - Studio apartments - 4m³ 1 bedroom apartments - 6m³ 2 bedroom apartments - 8m³ 3+ bedroom apartments - 10m³		Y															

Clause	Design Criteria	Proposal	Compliance
4H-1	At least 50% of the required storage is to be located within the apartment. <i>Noise transfer is minimised through the siting of buildings and building layout</i>	<i>Substantial setbacks are provided between northern and southern wings.</i> <i>All interior separations to NCC requirements.</i>	Y
4H-2	<i>Noise impacts are mitigated within apartments through layout and acoustic treatments.</i>	Appropriate internal planning layout	Y
4J-1/2	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	The site location is not considered to be affected by any hostile noise impacts.	Y
4K-1/2	A range of apartment sizes to cater for different household types and locations		Y
4L-1/2	Street frontage activity is maximised where ground floor apartments are located. Design of ground floor apartments delivers amenity and safety for residents		Y
4M-1/2	Building facades provide visual interest along the street while respecting the character of the local area. Building functions are expressed by the façade.	The building design has been reviewed by the DEAP and certain amendments have been made to calm the horizontal expression along the street frontages with wider façade slots some of which are open to the sky as well as setting back upper-level walls from the building frontages.	Y
4N-1-3	Roof treatments are integrated into the building design and respond positively to the street. Opportunities to use roof space for residential accommodation and open space are maximised. Roof design incorporates sustainability feature.	The roofs are low pitched providing a recessive expression, higher elements are setback from the perimeter to reduce visual impact and the large roof space on each building is considered to have been suitably maximised for amenity.	Y
4O-1 to 2	Landscape design is viable and sustainable. Landscape design contributes to the streetscape and amenity.		Y
4P-1 to 3	Appropriate soil profiles are provided.		Y

Clause	Design Criteria	Proposal	Compliance
4Q-1 to 3	Plant growth is optimised with appropriate selection and maintenance. Planting on structures contributes to the quality and amenity of communal and public open spaces. Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are provided. Apartment layouts are flexible and accommodate a range of lifestyle needs.		Y
4T-1	Awnings are well located and complement and integrate with building design.	Ground level entries have awning and integrate into the design.	Y
4U-1 to 3	Development incorporates passive environmental design. Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer. Adequate natural ventilation minimises the need for mechanical ventilation.	The applications have been reviewed by Councils DEAP who have not raised any significant concerns in relation to the environmental design aspects of the development other than additional shadowing to the central courtyard and north facing units in the southern building – which as a whole are considered acceptable impacts when considering the overall high level of compliance with passive design and landscaping retained on site.	Y
4V-1 to 2	Potable water use is minimised. Urban stormwater is treated on site before being discharged to receiving waters.	Detention tanks provided subject to conditioning.	Y
4W- 1 to 2	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents. Domestic waste is minimised by providing safe and convenient source separation and recycling.	Councils Waste management team have reviewed the application, and the applicant has suitably responded to issues raised providing an amended basement layout and amended operational waste management plan noting that appropriate conditions have been included in the consent.	Y
4X- 1 to 3	Building design detail provides protection from weathering. Systems and access enable ease of maintenance. Material selection reduces ongoing maintenance costs.		Y

Non-discretionary Development Standards

Section 148 of the Housing SEPP provides standards that cannot be used as grounds to refuse development consent, which include:

- (a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide*

Assessing officer's comment: Complies with the Housing SEPP provisions applicable to AHC and the other parts of the development.

- (b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide*

Assessing officer's comment: Complies

- (c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide*

Assessing officer's comment: Complies

1.1.1. SEPP (Biodiversity and Conservation) 2021

Chapter 2 of the SEPP applies to the proposal and subject site. The aims of this Chapter are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

The proposed original approvals permitted the removal of vegetation. Council's Landscape Development Officer has reviewed the amending Concept and Detailed Stage 2 DA's confirming support for the proposed landscaping treatments, subject to the imposition of conditions (refer to Attachment section of this report). As such, the proposal satisfies the relevant objectives and provisions under Chapter 2.

Randwick Comprehensive Development Control Plan 2013 (DCP)

1.2. Part B2: Heritage

Council is satisfied that the proposed development meets the heritage requirements in accordance with Part B2 of RDCP 2013. Refer to detailed assessment by Council's Heritage Planner in Attachment to this report.

1.3. Part B3 – Ecologically Sustainable Development

Council is satisfied that the proposed development meets the relevant ESD requirements in accordance with Part B3 of RDCP 2013.

1.4. Part B4: Landscaping and Biodiversity

Council is satisfied that the proposed development meets the landscape requirements in accordance with Part B4 of RDCP 2013. Refer to detailed assessment by Council's Landscape Officer as Attachment to this report.

1.5. Part B5: Preservation of Trees and Vegetation

Council is satisfied that the proposed development meets the tree preservation requirements in accordance with Part B5 of RDCP 2013. Refer to detailed assessment by Council's Landscape Officer at Referrals section of this report.

1.6. Part B6: Recycling and Waste Management

Council is satisfied that the proposed development meets the waste requirements in accordance with Part B6 of RDCP 2013. Refer to detailed assessment by Council's Waste Section which is the subject of an amended waste management plan and amended operational waste management plan referenced in conditions of consent.

1.7. Part B7: Transport, Traffic, Parking and Access

Council is satisfied that the proposed development meets the parking requirements in accordance with Part B7 of RDCP 2013. Refer to detailed assessment by Council's Development Engineer at Attachment to this report.

1.8. Part B8: Water Management

Council is satisfied that the proposed development meets the water management requirements in accordance with Part B8 of RDCP 2013. Refer to detailed assessment by Council's Development Engineer at Attachment to this report.

1.9. Part C2: Medium Density Residential

DCP Clause	Control	Proposal	Compliance
2.	Site Planning		
2.1	Site Layout Options		
	Site layout and location of buildings must be based on a detailed site analysis and have regard to the site planning guidelines for: - Two block / courtyard example - T-shape example - U-shape example - Conventional example	Building envelope and footprint provide as conventional, two block and U shape shape with articulation to all side boundaries and more expressed at northern and western street frontages.	Y
2.2	Landscaped open space and deep soil area		
2.2.1	Landscaped open space		
	A minimum of 50% of the site area is to be landscaped open space.		Y
2.2.2	Deep soil area		
	(i) A minimum of 25% of the site area should incorporate deep soil areas sufficient in size and dimensions to accommodate trees and significant planting.	Area predominantly unencumbered in accordance with control provisions.	Y
	(ii) Deep soil areas must be located at ground level, be permeable, capable for the growth of vegetation and large trees and must not be built upon, occupied by spa or swimming pools or covered by impervious surfaces such as concrete, decks, terraces, outbuildings or other structures.		Y

DCP Clause	Control	Proposal	Compliance
	(iii) Deep soil areas are to have soft landscaping comprising a variety of trees, shrubs and understorey planting.	Improved landscaping included in proposal.	Y
	(iv) Deep soil areas cannot be located on structures or facilities such as basements, retaining walls, floor slabs, rainwater tanks or in planter boxes.	Deep soil areas not encumbered by services or structures.	Y
	(v) Deep soil zones shall be contiguous with the deep soil zones of adjacent properties.	Front and rear areas provided.	Y
2.3	Private and communal open space		
2.3.1	Private open space		
	For residential flat buildings: (vi) Each dwelling has access to an area of private open space in the form of a courtyard, balcony, deck or roof garden, accessible from within the dwelling. (vii) Private open space for apartments has a minimum area of 8m ² and a minimum dimension of 2m.	All open space orientated to northern rear elevation and directly accessible from living areas. Western elevation screened with planter beds via amended plans and recommended conditions. Balconies and terraces provided with more than the minimum spatial requirement.	Y
2.3.2	Communal open space		
	Communal open space for residential flat buildings is to be: (a) Of a sufficient contiguous area, and not divided up for allocation to individual units. (b) Designed for passive surveillance. (c) Well oriented with a preferred northerly aspect to maximise solar access. (d) adequately landscaped for privacy screening and visual amenity. (e) Designed for a variety of recreation uses and incorporate recreation facilities such as playground equipment, seating and shade structures.	Communal open space is very large and suitable meets the design criteria at left.	Y
3.	Building Envelope		
3.3	Building depth		
	For residential flat buildings, the preferred maximum building depth (from window-to-window line) is between 10m and 14m. Any greater depth must demonstrate that the design solution provides good internal amenity such as via cross-over, double-height or corner dwellings / units.	The building depths exceed the maximum depth however it is noted that the proposal meets the minimum required under the ADG which indicates best practice in relation to amenity.	Y on merit.
3.4	Setbacks		
3.4.1	Front setback		

DCP Clause	Control	Proposal	Compliance
	(i) The front setback on the primary and secondary property frontages must be consistent with the prevailing setback line along the street. Notwithstanding the above, the front setback generally must be no less than 3m in all circumstances to allow for suitable landscaped areas to building entries. (ii) Where a development is proposed in an area identified as being under transition in the site analysis, the front setback will be determined on a merit basis. (iii) The front setback areas must be free of structures, such as swimming pools, above-ground rainwater tanks and outbuildings. (iv) The entire front setback must incorporate landscape planting, with the exception of driveways and pathways.	Approved in original Concept and Detailed Staged DA	Y noting that an assessment of the variation to the concept plan envelope and detailed stage 2 DA considers the proposed development in relation to approved setbacks.
3.4.2	Side setback		
	Residential flat building (i) Comply with the minimum side setback requirements stated below: - >20m = 4m. (ii) Incorporate additional side setbacks to the building over and above the above minimum standards, in order to: - Create articulations to the building facades. - Reserve open space areas and provide opportunities for landscaping. - Provide building separation. - Improve visual amenity and outlook from the development and adjoining residences. - Provide visual and acoustic privacy for the development and the adjoining residences. - Ensure solar access and natural ventilation for the development and the adjoining residences. (iii) A fire protection statement must be submitted where windows are proposed on the external walls of a residential flat building within 3m of the common boundaries. The statement must outline design and construction measures that will enable operation of the windows (where required) whilst still being capable of complying with the relevant provisions of the BCA.	4m to golf driving range as approved in Concept and Detailed DA.	Y
3.4.3	Rear setback		

DCP Clause	Control	Proposal	Compliance
	For residential flat buildings, provide a minimum rear setback of 15% of allotment depth or 5m, whichever is the greater.	40-45m noting that no changes are proposed to the area of ESBS on site or the required 2m buffer zone.	Y
4.	Building Design		
4.1	Building façade		
	(i) Buildings must be designed to address all street and laneway frontages. (ii) Buildings must be oriented so that the front wall alignments are parallel with the street property boundary or the street layout. (iii) Articulate facades to reflect the function of the building, present a human scale, and contribute to the proportions and visual character of the street. (iv) Avoid massive or continuous unrelieved blank walls. This may be achieved by dividing building elevations into sections, bays or modules of not more than 10m in length, and stagger the wall planes. (vi) Conceal building services and pipes within the balcony slabs.	Ground plane interface provides pedestrian entrance to primary street frontages. The building have introduced more articulation at the top level and relocated roof structure further away from the perimeter. The proposal also not includes wider facade slots for the long building along Crown Road.	Y
4.12	Earthworks		
	Excavation and Backfilling i) Any excavation and backfilling within the building footprints must be limited to 1m at any point on the allotment, unless it is demonstrated that the site gradient is too steep to reasonably construct a building within this extent of site modification. (This does not apply to swimming or spa pool structures. ii) Any cut and fill outside the building footprints (for the purposes of creating useable communal or private open space) must take the form of terracing following the natural landform, in order to minimise the height or depth of earthworks at any point on the site. The appropriate extent of site modification will be assessed on a merit basis.	The proposed cut is located within the approved building footprint and does not substantially compromise the stability of adjoining land and conditions imposed on the original concept plan and detailed DA are considered sufficient for the purposes of the additional excavation sought under the concept and detailed DA.	Y on merit see comment at left.
4.2	Roof design		
	(i) Design the roof form, in terms of massing, pitch, profile and silhouette to relate to the three-dimensional form (size and scale) and façade composition of the building. (ii) Design the roof form to respond to the orientation of the site, such as eaves and skillion roofs to respond to sun access. (iii) Use a similar roof pitch to adjacent buildings, particularly if there is	Hipped roof form provided to reduce the overall bulk of the development. The proposed roof form is consistent with other medium density dwellings and residential flat	Y

DCP Clause	Control	Proposal	Compliance
	consistency of roof forms across the streetscape. (iv) Articulate or divide the mass of the roof structures on larger buildings into distinctive sections to minimise the visual bulk and relate to any context of similar building forms. (v) Use clerestory windows and skylights to improve natural lighting and ventilation of internalised space on the top floor of a building where feasible. The location, layout, size and configuration of clerestory windows and skylights must be sympathetic to the overall design of the building and the streetscape. (vi) Any services and equipment, such as plant, machinery, ventilation stacks, exhaust ducts, lift overrun and the like, must be contained within the roof form or screened behind parapet walls so that they are not readily visible from the public domain. (vii) Terraces, decks or trafficable outdoor spaces on the roof may be considered only if: - There are no direct sightlines to the habitable room windows and private and communal open space of the adjoining residences. - The size and location of terrace or deck will not result in unreasonable noise impacts on the adjoining residences. - Any stairway and associated roof do not detract from the architectural character of the building, and are positioned to minimise direct and oblique views from the street. - Any shading devices, privacy screens and planters do not adversely increase the visual bulk of the building. (viii) The provision of landscape planting on the roof (that is, "green roof") is encouraged. Any green roof must be designed by a qualified landscape architect or designer with details shown on a landscape plan.	buildings within the locality. Services and roof terrace proposed to be accommodated within the roof form are appropriately sited away from the perimeter of the building frontages.	
4.3	Habitable roof space		
	Habitable roof space may be considered, provided it meets the following: - Optimises dwelling mix and layout, and assists to achieve dual aspect or cross over units with good natural ventilation. - Has a maximum floor space of 65% of the storey immediately below. - Wholly contain habitable areas within the roof space.		NA

DCP Clause	Control	Proposal	Compliance
	- When viewed from the surrounding public and private domain, the roof form has the appearance of a roof. A continuous flat roof with habitable space within it will not satisfy this requirement. - Design windows to habitable roof space as an integrated element of the roof. - Submit computer generated perspectives or photomontages showing the front and rear elevations of the development.		
4.4	External wall height and ceiling height		
	(ii) Where the site is subject to a 9.5m building height limit under the LEP, a maximum external wall height of 8m applies.	>8m	N see comments in key issues section of report in regard to building envelope changes relative to the DCP maximum wall height controls.
	(iii) The minimum ceiling height is to be 2.7m for all habitable rooms.	2.7m	Y
4.5	Pedestrian Entry		
	(i) Separate and clearly distinguish between pedestrian pathways and vehicular access.	Separate pedestrian and vehicular access provided to primary and secondary street frontages	Y
	(ii) Present new development to the street in the following manner: - Locate building entries so that they relate to the pedestrian access network and desired lines. - Design the entry as a clearly identifiable element in the façade composition. - Integrate pedestrian access ramps into the overall building and landscape design. - For residential flat buildings, provide direct entries to the individual dwellings within a development from the street where possible. - Design mailboxes so that they are convenient to residents, do not clutter the appearance of the development at street frontage and are preferably integrated into a wall adjacent to the primary entry (and at 90 degrees to the street rather than along the front boundary).	Building entries and configuration are predominately retained as approved. Adequate areas are available to accommodate mailboxes.	Y

DCP Clause	Control	Proposal	Compliance
	- Provide weather protection for building entries. Postal services and mailboxes (i) Mailboxes are provided in accordance with the delivery requirements of Australia Post. (ii) A mailbox must clearly mark the street number of the dwelling that it serves. (iii) Design mail boxes to be convenient for residents and not to clutter the appearance of the development from the street.		
4.9	Colours, materials and finishes		
	(i) Provide a schedule detailing the materials and finishes in the development application documentation and plans. (ii) The selection of colour and material palette must complement the character and style of the building. (iv) Use the following measures to complement façade articulation: - Changes of colours and surface texture - Inclusion of light weight materials to contrast with solid masonry surfaces - The use of natural stones is encouraged. (v) Avoid the following materials or treatment: - Reflective wall cladding, panels and tiles and roof sheeting - High reflective or mirror glass - Large expanses of glass or curtain wall that is not protected by sun shade devices - Large expanses of rendered masonry - Light colours or finishes where they may cause adverse glare or reflectivity impacts (vi) Use materials and details that are suitable for the local climatic conditions to properly withstand natural weathering, ageing and deterioration. (vii) Sandstone blocks in existing buildings or fences on the site must be recycled and re-used.	A condition of consent is recommended for a final colours and materials scheme to be submitted to Council for approval prior to the issue of a Construction Certification.	Y
4.12	Earthworks Excavation and backfilling		
	(i) Any excavation and backfilling within the building footprints must be limited to 1m at any point on the allotment, unless it is demonstrated that the site gradient is too steep to reasonably construct a building within this extent of site modification. (ii) Any cut and fill outside the building footprints must take the form of terracing following the natural landform, in order to minimise the height or depth of earthworks at any point on the site.	The proposed cut is located within the approved building footprint and does not substantially compromise the stability of adjoining land and conditions imposed on the original concept plan and detailed DA are	Y on merit

DCP Clause	Control	Proposal	Compliance
	(iii) For sites with a significant slope, adopt a split-level design for buildings to minimise excavation and backfilling.	considered sufficient for the purposes of the additional excavation sought under the concept and detailed DA.	
5. Amenity			
5.1	Solar access and overshadowing		
	Solar access for proposed development		
	(i) Dwellings must receive a minimum of 3 hours sunlight in living areas and to at least 50% of the private open space between 8am and 4pm on 21 June.		ADG prevails.
	(ii) Living areas and private open spaces for at least 70% of dwellings within a residential flat building must provide direct sunlight for at least 3 hours between 8am and 4pm on 21 June.		
	(iii) Limit the number of single-aspect apartments with a southerly aspect to a maximum of 10 percent of the total units within a residential flat building.		
	(iv) Any variations from the minimum standard due to site constraints and orientation must demonstrate how solar access and energy efficiency is maximised.		
	Solar access for surrounding development		
	(i) Living areas of neighbouring dwellings must receive a minimum of 3 hours access to direct sunlight to a part of a window between 8am and 4pm on 21 June.	Due to the south-north orientation of the site, and absence of neighbouring dwellings the proposal shall not result in any unreasonable impacts upon the adjoining properties with regards to solar access.	Y
	(ii) At least 50% of the landscaped areas of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight to a part of a window between 8am and 4pm on 21 June.		
	(iii) Where existing development currently receives less sunlight than this requirement, the new development is not to reduce this further.		
5.2	Natural ventilation and energy efficiency		
	(i) Provide daylight to internalised areas within each dwelling and any poorly lit habitable rooms via measures such as ventilated skylights, clerestory windows, fanlights above doorways and highlight windows in internal partition walls.		ADG prevails
	(ii) Sun shading devices appropriate to the orientation should be provided for the windows and glazed doors of the building.		
	(iii) All habitable rooms must incorporate windows opening to outdoor areas. The		

DCP Clause	Control	Proposal	Compliance
	sole reliance on skylight or clerestory windows for natural lighting and ventilation is not acceptable.		
	(iv) All new residential units must be designed to provide natural ventilation to all habitable rooms. Mechanical ventilation must not be the sole means of ventilation to habitable rooms.		
	(v) A minimum of 90% of residential units should be naturally cross ventilated. In cases where residential units are not naturally cross ventilated, such as single aspect apartments, the installation of ceiling fans may be required.		
	(vi) A minimum of 25% of kitchens within a development should have access to natural ventilation and be adjacent to openable windows.		
	(vii) Developments, which seek to vary from the minimum standards, must demonstrate how natural ventilation can be satisfactorily achieved, particularly in relation to habitable rooms.		
5.3	Visual privacy		
	(i) Locate windows and balconies of habitable rooms to minimise overlooking of windows or glassed doors in adjoining dwellings. (ii) Orient balconies to front and rear boundaries or courtyards as much as possible. Avoid orienting balconies to any habitable room windows on the side elevations of the adjoining residences. (iii) Orient buildings on narrow sites to the front and rear of the lot, utilising the street width and rear garden depth to increase the separation distance. (iv) Locate and design areas of private open space to ensure a high level of user privacy. Landscaping, screen planting, fences, shading devices and screens are used to prevent overlooking and improve privacy. (v) Incorporate materials and design of privacy screens including: - Translucent glazing - Fixed timber or metal slats - Fixed vertical louvres with the individual blades oriented away from the private open space or windows of the adjacent dwellings - Screen planting and planter boxes as a supplementary device for reinforcing privacy protection		ADG prevails.
5.4	Acoustic privacy		

DCP Clause	Control	Proposal	Compliance
	(i) Design the building and layout to minimise transmission of noise between buildings and dwellings. (ii) Separate “quiet areas” such as bedrooms from common recreation areas, parking areas, vehicle access ways and other noise generating activities. (iii) Utilise appropriate measures to maximise acoustic privacy such as: - Double glazing - Operable screened balconies - Walls to courtyards - Sealing of entry doors		Y – conditioned in original.
5.5	View sharing		
	(i) The location and design of buildings must reasonably maintain existing view corridors and vistas to significant elements from the streets, public open spaces and neighbouring dwellings. (ii) In assessing potential view loss impacts on the neighbouring dwellings, retaining existing views from the living areas should be given a priority over those obtained from the bedrooms and non-habitable rooms. (iii) Where a design causes conflicts between retaining views for the public domain and private properties, priority must be given to view retention for the public domain. (iv) The design of fences and selection of plant species must minimise obstruction of views from the neighbouring residences and the public domain. (v) Adopt a balanced approach to privacy protection and view sharing, and avoid the creation of long and massive blade walls or screens that obstruct views from the neighbouring dwellings and the public domain. (vi) Clearly demonstrate any steps or measures adopted to mitigate potential view loss impacts in the development application.		Y
5.6	Safety and security		
	(i) Design buildings and spaces for safe and secure access to and within the development.		Y
	(iii) For residential flat buildings, provide direct, secure access between the parking levels and the main lobby on the ground floor.		Y
	(iv) Design window and door placement and operation to enable ventilation throughout the day and night without compromising security. The provision of natural ventilation to the interior space via		

DCP Clause	Control	Proposal	Compliance
	balcony doors only, is deemed insufficient.		
	(v) Avoid high walls and parking structures around buildings and open space areas which obstruct views into the development.		
	(vi) Resident car parking areas must be equipped with security grilles or doors.		
	(vii) Control visitor entry to all units and internal common areas by intercom and remote locking systems.		
	(viii) Provide adequate lighting for personal safety in common and access areas of the development.		
	(ix) Improve opportunities for casual surveillance without compromising dwelling privacy by designing living areas with views over public spaces and communal areas, using bay windows which provide oblique views and casual views of common areas, lobbies / foyers, hallways, open space and car parks.		
	(x) External lighting must be neither intrusive nor create a nuisance for nearby residents.		
	(xi) Provide illumination for all building entries, pedestrian paths and communal open space within the development.		
7. Fencing and Ancillary Development			
7.1	Fencing		
	(i) Fences are constructed with durable materials that are suitable for their purpose and can properly withstand wear and tear and natural weathering. (ii) Sandstone fencing must not be rendered and painted. (iii) The following materials must not be used in fences: - Steel post and chain wire - Barbed wire or other dangerous materials (i) Expansive surfaces of blank rendered masonry to street frontages must be avoided.		Y
7.2	Front Fencing		
	(i) The fence must align with the front property boundary or the predominant fence setback line along the street.		Y
	(ii) The maximum height of front fencing is limited to 1200mm, as measured from the footpath level, with the solid portion not exceeding 600mm, except for piers. The maximum height of front fencing may be increased to 1800mm, provided the upper		

DCP Clause	Control	Proposal	Compliance
	two-thirds are partially open, except for piers.		
	(iii) Construct the non-solid portion of the fence with light weight materials that are at least 30% open and evenly distributed along the full length of the fence.		
	(iv) Solid front fence of up to 1800mm in height may be permitted in the following scenarios: - Front fence for sites facing arterial roads. - Fence on the secondary street frontage of corner allotments, which is behind the alignment of the primary street façade. Such solid fences must be articulated through a combination of materials, finishes and details, and/or incorporate landscaping, so as to avoid continuous blank walls.		
	(v) The fence must incorporate stepping to follow any change in level along the street boundary. The height of the fence may exceed the aforementioned numerical requirement by a maximum of 150mm adjacent to any stepping.		
	(vi) The preferred materials for front fences are natural stone, face bricks and timber.		
	(vii) Gates must not open over public land.		
	(viii) The fence adjacent to the driveway may be required to be splayed to ensure adequate sightlines for drivers and pedestrians.		
7.3	Side and Rear Fencing		
	(i) The maximum height of side, rear or common boundary fences is limited to 1800mm, as measured from the ground level (existing). For sloping sites, the fence must be stepped to follow the topography of the land, with each step not exceeding 2200mm above ground level (existing). (ii) In the scenario where there is significant level difference between the subject and adjoining allotments, the fencing height will be considered on merits. (iii) The side fence must be tapered down to match the height of the front fence once pasts the front façade alignment. (iv) Side or common boundary fences must be finished or treated on both sides.		Y
7.6	Storage		
	(i) The design of development must provide for readily accessible and separately contained storage areas for each dwelling. (ii) Storage facilities may be provided in basement or sub floor areas, or attached to garages. Where basement storage is		

DCP Clause	Control	Proposal	Compliance
	provided, it should not compromise any natural ventilation in the car park, reduce sight lines or obstruct pedestrian access to the parked vehicles. (iii) In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: (a) Studio apartments – 6m3 (b) 1-bedroom apartments – 6m3 (c) 2-bedroom apartments – 8m3 (d) 3 plus bedroom apartments – 10m3		
7.8	Air conditioning units:		
	- Avoid installing within window frames. If installed in balconies, screen by suitable balustrades. - Air conditioning units must not be installed within window frames.		Conditioned.