

COUNCIL'S COMPLIANCE TABLES
DEVELOPMENT APPLICATION NO. 260.1.1/2023
NO'S. 400, 402, 402A AND 404 CABRAMATTA ROAD WEST, CABRAMATTA;
2 ORANGE GROVE ROAD, CABRAMATTA; AND
6 LINKS AVENUE, CABRAMATTA
PROPOSED AMAGALMATION AND SUBDIVISION OF THE EXISTING 6 LOTS
TO CREATE TWO TORRENS TITLE LOTS TO FACILITATE THE STAGED
DEVELOPMENT OF THE SITE AS FOLLOWS:

STAGE 1: CONSTRUCTION OF 53 MULTI DWELLING HOUSING
COMPRISING 15 X THREE-STOREY AND 38 X TWO-STOREY UNITS,
ACROSS 8 BLOCKS (BLOCK A TO H), INCLUDING 1 LEVEL OF BASEMENT
CAR PARKING AND AT-GRADE PARKING PROVIDING A TOTAL OF 136
SPACES; AND ANCILLARY WORKS INCLUDING DEMOLITION OF EXISTING
STRUCTURES, EARTHWORKS, TREE REMOVAL, CONSTRUCTION OF A
PRIVATE INTERNAL ACCESS ROAD, AND LANDSCAPING

STAGE 2: CONSTRUCTION OF 6-STOREY RESIDENTIAL FLAT BUILDING
CONTAINING 85 APARTMENTS (REDUCED FROM 87) WITH TWO LEVELS
OF BASEMENT PARKING PROVIDING A TOTAL OF 107 SPACES (REDUCED
FROM 109), AND ASSOCIATED WORKS

1. Fairfield CityWide Development Control Plan (DCP) 2013

a. Chapter 10 Miscellaneous Development

Chapter 10 of the DCP contains the site specific DCP controls in Section 10.14 and is applicable to the whole of the site including Stage 1 the multi dwelling housing and Stage 2 the residential flat building.

Table 1. Fairfield CityWide DCP 2013: Chapter 10 Miscellaneous Development

Section	Control	Proposal	Compliance
10.14 Controls for 400-404 Cabramatta Road and 2 Links Avenue, Cabramatta			
10.14.1 Overview	The site-specific provisions contained within this section of Fairfield City Wide DCP apply to land known as 400-404 Cabramatta Road West, 2-18 Orange Grove Road and 6 Links Avenue. Under the provisions of the Fairfield Local Environmental Plan 2013 the site may be developed for a residential flat building and multi dwelling housing, subject to development approval and	The application seeks to develop the site generally as per the site specific provisions.	Yes

	consistent with the relevant provisions of FLEP 2013 and this SSDCP. The following provisions have been prepared in relation to future development of the subject site for these uses.		
10.14.2 Relationship to other sections of the City Wide DCP	This section forms part of the Fairfield City Wide Development Control Plan 2013 (FCWDCP) (2013). Development within the land to which this plan applies, will need to have regard to this section of the DCP as well as other relevant controls in the broader City Wide DCP 2013. In the event of any inconsistency between this section and other sections of the DCP, this section will prevail to the extent of the inconsistency.	An assessment of the application has been undertaken against the relevant sections of the Fairfield CityWide DCP 2013 and an a detailed assessment is provided within this Attachment and in the Town Planning Section of the main report.	Yes
General Objectives	The objectives of this site-specific development control plan are to: a. Provide a site responsive development control framework; b. To ensure the orderly use and development of the land (to which this Part applies) for residential purposes; c. Promote development that is compatible with surrounding development; d. Ensure the future redevelopment of the site is considerate of adjoining development, and; e. Ensure appropriate residential amenity of the future development can be achieved	Assessment of the application finds that the detailed design does not result in the orderly use and development of land, is not entirely compatible with surrounding development; is not considerate of adjoining development; and does not achieve appropriate residential amenity.	No
10.14.3 Building and Site Design			
Site Design and Layout	Objectives a. To ensure that the development site area will have sufficient area	Assessment of the application finds that the proposal does not meet these objectives.	No

	for the dwellings, vehicle access, landscaping, private and communal open space, parking, waste storage, collection, and amenity and are consistent with the desired future character of the area.		
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	Controls a. The layout of the buildings on the subject site shall be generally in accordance with figure 2 of this SSDCP Site Layout and Building Design. Alternative layouts may be considered subject to final design in order to ensure that future development is designed and constructed in a manner that minimises adverse impacts upon the amenity of the nearby residences and the environment.	The proposed layout incorporates the following inconsistencies with Figure 2 of the SDCP which are considered to be inappropriate: <u>Site wide</u> ▪ Increased loss of existing vegetation on the site beyond what the DCP allowed ▪ Reduced setbacks and separation distances to lower density zones <u>Multi dwelling housing</u> ▪ Three units originally located south of the residential flat building have been relocated to the south-east part of the site where their own solar access and amenity is improved however three units are unacceptable close to the east boundary and result in unacceptable setbacks and visual impacts to east adjoining neighbours. ▪ Communal car parking area that was originally required to be located at-grade at the south-east corner of the site has been relocated south of the residential flat building. Whilst	No
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		this location presents an improved outcome to the solar access for the three units as the car park will instead be overshadowed, the poorer outcome to neighbours is not appropriate. ▪ Four less car parking spaces at-grade as a result of the placement of a substation over an original parking area. The substation location is considered to be unacceptable as units opposite the substation face the substation while units behind the substation will require easements restricting the use of their POS. ▪ Reduced setback at ground and first floor from Unit 1 to the south adjoining neighbouring dwelling. The design of Unit 1 has changed. ▪ Reduced size of COS 2 which is now 96m² instead of 140.52m².	
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	b) Any variation from Figure 2 initiated by the applicant must be justified by an urban design study and detail description included within the Statement of Environmental Effects.	Acceptable.	Yes
	c) There shall be sufficient space for bulky waste to be presented and collected at the kerbside of the internal road associated with the development site. There should be a dedicated space for other recycling systems beside normal kerbside collection, such as separate bins for clothes and e-waste including household batteries and mobile phones. Waste collection from Links Avenue will not be supported.	Issues of concern have been raised by Council's Waste Management Branch and Traffic Engineer with respect to the design of the circulation road and the waste storage and collection areas. Waste collection is proposed from the internal circulation road however Council's Traffic Engineers who have assessed the truck access for HRV advise that the design of the road at the bends does not permit two vehicles to pass one another at the same time and is likely to result in potential conflicts and hazards.	No
	d) Any future development application for medium or high-density housing will need to be accompanied by an application for re-subdivision that delineates the boundaries between the R3 Medium Density Residential and R4 High density residential zones consistent with figure 2 of the SSDCP	The amended Subdivision Plan provided in March 2024 addressed the DCP and delineated the boundaries between the zones consistent with the DCP.	Yes
Building Height	Objectives a. The building height is appropriate for the scale and character of the street and provides an acceptable impact on the amenity of adjoining properties.	The residential flat building and multi dwelling housing does not meet these objectives of the building height control due to the issues	No

	b. Ensure new development is consistent and compatible with established built form and hence results in a physically cohesive neighbourhood. c. Ensure appropriate separation between existing dwellings adjoining and dwellings proposed within the site. d. Ensure minimal overshadowing of neighbours properties. e. Ensure privacy and limited side and rear views of neighbours properties are maintained. f. Maintain sunlight in public and private open spaces	identified in this report.	
	Controls Residential Flat Building Height The maximum height of any residential flat building in R4 High Density Residential zone is 6 storeys (excluding basements) and 20 metres as outlined on the Fairfield LEP 2013 Height of Buildings Map.	Complies, 6 storeys proposed and maximum 19.97m height inclusive of lift overrun and screens.	Yes
	Multi Dwelling Housing Height The maximum height of the multi dwelling housing for the R3 Medium Density Residential portion of the site is 2 storeys plus attic (excluding basements) and 9 metres as outlined on the Fairfield LEP 2013 Height of Building Maps.	<u>LEP</u> All units are less than 9m and comply with the LEP. <u>DCP</u> Originally 19 units facing Orange Grove Road were proposed as 3 storeys however the amended plans submitted in March 2024 deleted the third storey from 4 of the most southern units to provide a transition down to the lower-density neighbours.	Yes No

		The 15 remaining units which have a third storey are designed as an attic and do not technically comply with the DCP. However the Planning Proposal appears to have envisaged the 3 storey design despite not technically being space within an attic.	
10.14.4 Building Setbacks and Separation	Objectives - Maintain and enhance established streetscape and character of the neighbourhood. Components of streetscape and character of the neighbourhood include building setback, landscaping, fencing, lighting, pathways, and street trees. - Protect the privacy and solar access of adjacent properties. - Avoid blank/plain façades along publicly visible parts of the development. - Achieve a staggered and articulated built form. - Ensure vehicular and pedestrian safety. - Ensure landscaping opportunities, (sufficient deep soil areas) are available along the boundaries in cases where basement car park is proposed. - Ensure appropriate space between buildings and boundaries is provided to maintain privacy, allow reasonable solar access and opportunities for landscaping where appropriate. - Ensure there is sufficient	It is considered that the proposal does not meet these objectives as the development does not provide increased setbacks to the lower density eastern neighbours and to the medium dwelling housing development over the R3 zone site, resulting in poor transition from a 6 storey building to the lower scale residences, blank walls, and unsuitable spaces between buildings.	No

	spatial separation between dwellings to accommodate access (i.e. both vehicular and pedestrian access) and landscaping needs. i. Ensure that setbacks to Orange Grove Road achieve deep soil planting in order to enhance privacy and mitigate acoustic impacts from the roadway.														
	Control General Building setbacks are to be provided generally in accordance with the setbacks dimensioned on Figure 2 - Site Layout and Building Design of this SSDCP.	Building setbacks are not in accordance with Figure 2 as outlined within this Table.	No, see below												
	Residential Flat Building Setbacks a) The minimum setback distance between the residential flat building and adjoining properties at the eastern boundary shall be 9 metres or in accordance with the Apartment Design Guide, whichever is greater. Extract from ADG: <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> 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)	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	<u>Eastern Boundary Setbacks to R2 Zone</u> <u>Up to 4 storeys</u> 9m minimum setback provided to eastern boundary for the first four storeys. This complies with the DCP and ADG requirement for increased setbacks to a lower density zone except for setback to corner of neighbouring No. 1 Smiths Avenue which is not dimensioned but appears to be 7.2m from balcony corner instead of 9m and is 7.7m from visible part of balcony to the boundary, instead of 9m. <u>5-8 storeys</u> At the 5th and 6th storey, the ADG requires a 12m setback to the east boundary consisting of 9m + 3m from a habitable space to a lower density	No
Building height	Habitable rooms and balconies	Non-habitable rooms													
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up to 25m (5-8 storeys)	9m	4.5m													
over 25m (9+ storeys)	12m	6m													

		zone. Plans amended in July 2024 show 9m setback instead of 12m and does not comply. Setback to corner of neighbouring No. 1 Smiths Avenue which is not dimensioned but appears to be 9m from the wall instead of 12m. Plans are incorporated with the following measures: - 1.8m sill windows a living room with no other outlook. - Balcony opening replaced with wall resulting in poor outlook from balcony The variations are considered to be unacceptable on the basis that the proposed 6 storey building does not achieve an appropriate scale compared to the eastern low density dwellings. Note: Separation criteria of the ADG is also not achieved due to neighbours lesser setback, however plans include privacy measures to mitigate any overlooking however it is considered that an increased building setback is essential to improve the transition from the 6 storey	
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		building to the east neighbour.													
	b) The minimum building setback to Cabramatta Road West and Orange Grove Road on the land zoned R4 High Density Residential is 6 metres.	6m provided to street frontage at all levels of the residential flat building.	Yes												
	c) The minimum setback distance between the residential flat building component and the multi dwelling housing component shall comply with the Apartment Design Guide. Extract from ADG: <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> 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)	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	<u>Setbacks to Multi Dwelling Housing in R3 Zone</u> <u>Up to 4 storeys</u> At the first four storeys, the ADG requires a 9m setback consisting of 3 + 3 + 3m between non-habitable rooms and the lower density zone; and a 9m setback consisting of 6m + 3m setback between habitable rooms and a lower density zone. Instead of 9m to Unit 19 over the R3 zone as required by Figure 2 of DCP and as required to the lower density zone, a 7.5m minimum setback is provided from the first 4 storeys to the multi dwelling housing over the R3 zone. This does not comply with the DCP nor the ADG. <u>5-6 storeys</u> At the 5th and 6th storey, the ADG requires a 12m setback to the east boundary consisting of 9m + 3m from a habitable space to a lower density zone. Plans amended in July 2024 show 7.5m setback instead of 12m	No
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		and does not comply. Plans are incorporated with the following measures: - 1.8m sill windows a living room with no other outlook. The variations are considered to be unacceptable on the basis that the proposed 6 storey building does not achieve an appropriate scale compared to the lower density development proposed over the R3 zoned land	
	Multi Dwelling Housing Setbacks a) The minimum building setback to Orange Grove Road on the land zoned R3 Medium Density Residential is 5 metres.	5m provided complies.	Yes
	b) The minimum rear-building setback to the adjoining Links Avenue property boundaries is 4.5 metres.	<u>Links Avenue Properties</u> Unit 1 does not comply and instead of 4.5m, is setback as follows: - 1m ground - 2.8m to 4.1m first floor Unit 1 was originally 3 storeys and has been reduced to two-storeys. <u>Smiths Avenue Properties</u> The DCP only refers to setbacks to Links Avenue properties and does not mention Smiths Avenue properties, however Smiths Avenue properties are identical as the Links Avenue	No

		properties in that they all have a rear yard that directly adjoins the subject site. As such it is considered that this control should apply to any part of the proposed development that is situated adjacent a boundary that is the rear boundary of a residential neighbour. The following setbacks are provided to the rear boundaries of Smiths Avenue properties: ▪ Block H – 2.21m setback from ground and first floor. Note: Block H was not envisaged in the SSDCP and does not have an envelope nor control. ▪ Block G - 3.5m setback from ground floor; Note: 5.72m from first floor which is more appropriate. Block G setbacks of 3.5m do not enable any viable screen planting or canopy trees to screen the row of two storey built forms running along the rear of neighbouring properties. Occupants of Block G will step out into the yard and be confronted with the canopy/trunk of the tree, either rendering the proposed	
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		landscaping unviable or the private open space unseeable.	
	c) The minimum side-building setback to the adjoining property boundaries is 0.9 metres.	This control relates to the Links Avenue properties on either sides of the proposed accessway which have a side interface to this development. No buildings are proposed to this area, only landscaping and driveways.	Yes
	d) The minimum separation distance between dwellings sharing private open space to the rear is 7 metres. The private open space for these townhouses shall be designed in a manner that reduces overlooking and promotes privacy.	This applies to: Blocks C and E - 9m to 9.3m at ground floor - 10.3m at first floor Block D and F - 7m to 8.15m at ground floor - 8.2m at first floor While the numerical requirement is achieved by the amended July 2024 plans, the section diagrams clearly shows that the higher Block C has not been designed to reduce overlooking into Block E.	No
	e) The minimum separation distance between dwellings that face each other across the internal roadway is 8.85 metres for multi dwelling housing addressing the western access road and 8.4 metres for multi dwelling housing addressing the eastern access roads.	Achieved in the amended plans.	Yes
a) Residential Flat Building Design	Objectives Ensure that the residential flat building considers and is consistent with the nine design quality principles within <i>State Environmental Planning Policy 65 – Design Quality of</i>	The residential flat building does not meet the requirements of SEPP 65 and is inconsistent with the design quality principles.	No

	<i>Residential Flat Development.</i>		
	Controls The residential flat building design is subject to the requirements of State Environmental Planning Policy 65 – Design Quality of Residential Flat Development including Design Quality Principles and the Apartment Design Guide.		
b) Building Form Multi Dwelling Housing	Objectives a) Ensure privacy is maximised for neighbours of the development and those who will occupy the townhouse/villas development. b) Reduce bulk and achieve a mix of two storey built elements that respond to the opportunities and constraints of the site. c) Encourage the massing of the dwellings to take into account overshadowing impacts on surrounding properties and private open space within the development. d) Ensure development is compatible with its surroundings e) Ensure building bulk, site coverage and open space provisions are compatible with neighbouring development. f) Ensure that there is sufficient spatial separation between dwellings to accommodate access and landscaping needs.	Assessment of the application finds that the proposal does not meet these objectives.	No
	Controls a) Maximum permissible floor space ratio for any development must comply with the floor space ratio standards prescribed on the Fairfield LEP 2013 Floor Space Ratio Map.	<u>Multi dwelling housing</u> FSR of the multi dwelling housing as amended is 0.58:1 and is less than the maximum 0.6:1 permitted by the LEP.	Yes
	The requirements set out in the 6A.2.1 (FSR) of the Fairfield City Wide DCP 2013	Addressed in the next Table 2 however the proposal does not	No

	must be complied with.	comply.	
	b) Maximum permissible building height for any development must comply with the building height standards prescribed on the Fairfield LEP building Heights Map.	Height of buildings appear to comply with the maximum height permitted by the LEP - RFB is 19.97m where LEP allows 20m - MDH is maximum 9m as allowed by the LEP.	Yes
	The requirement set out in 6A.2.2 Building Height of the Fairfield City Wide DCP 2013 must be complied with.	Addressed in the next Table 2 however the proposal does not comply.	No
	c) Ensure that the development complies with the controls set out in Section 6A.2.4 Balanced Building Form within the Fairfield City Wide DCP 2013.	Section 6A.2.4 is now under Section 6A.2.1 in the amended DCP and is addressed in the next Table 2 however the proposal does not comply.	No
	d) The development must comply with the controls outlined within Section 6A.2.5 Building Separation.	Section 6A.2.5 Building Separation is in Section 6A.2.4 of the amended DCP and is addressed in the next Table 2 however the proposal does not comply.	No
	e) The development must comply with all other sections within Chapter 6A.2 Built Form and Urban Design of the Fairfield City Wide DCP 2013 including units per site area, size of rooms and storage, Access for all residents, Dwelling position/orientation and Development Facade.	Addressed in the next Table 2 with respect to the following: - size of rooms and storage - access for all residents - dwelling position/orientation - development façade Note: Despite this control referring to units per site area, the site specific controls clearly state there is no numerical control for the number of units at the site and this section is not addressed.	No
	f) The development must comply with the objectives and	Addressed in the next Table 2 however the	No

	controls outlined in 6A.5.3 Privacy of the Fairfield City Wide DCP 2013.	proposal does not comply.	
10.14.5 Mix of Units	Objectives a) Ensure that housing supply responds to the needs of the local population. b) Ensure a mix of units is available which provides for different family sizes and people at different stages of their life cycle.	A mix of 3 and 4 bedroom units are provided as part of the multi dwelling housing. The following mix is provided: <u>Block A (11 dwellings)</u> 4 x 3 bedroom units plus study capable of being used as a fifth bedroom 7 x 4 bedroom units <u>Block B (8 dwellings)</u> 8 x 4 bedroom units plus study capable of being used as a fifth bedroom <u>Block C (9 dwellings)</u> 9 x 3 bedroom units <u>Block D (7 dwellings)</u> 7 x 3 bedroom units <u>Block E (8 dwellings)</u> 8 x 3 bedroom units <u>Block F (1 dwelling)</u> 1 x 3 bedroom units <u>Block G (6 dwellings)</u> 6 x 4 bedroom units <u>Block H (3 dwellings)</u> 3 x 3 bedroom units	Yes
	Controls There is no minimum requirement for 1, 2 or 3 + bedroom dwellings on the R3 Medium Density Residential land.	No 1 and 2 bedroom units are provided as part of the multi dwelling housing development however the DCP does not impose a minimum requirement as such no concerns are raised with the mix.	Yes
10.14.6 Units per Site Area	Objectives a) Encourage a guide as to the potential yield of a development site. b) Encourage amalgamation of lots. c) Provide adequate space for dwellings and their	It is considered that there is inadequate spatial separation between the dwellings resulting in poor amenity, visual privacy and acoustic privacy.	No

	amenities.		
	Controls Any multi dwelling housing development must not exceed the maximum FSR limit for the site set out in the relevant Fairfield Local Environmental Plan that applies when any development application is determined. There is no limit on the number of multi dwelling houses or apartments on the site.	53 units are proposed given there is no limit on the number of units at the site; and it is noted that the amended plans reduce the overall GFA and FSR to ensure compliance with the maximum FSR limit for the site.	Yes
10.14.7 Solar Access and Natural Ventilation	Objectives a) Encourage the benefits of winter sun and minimise the intrusion of summer heat in design. b) Ensure internal living spaces and private open space has adequate access to sunlight. c) Maintain direct sunlight to adjacent dwellings.	The development satisfies these objectives.	Yes
	Controls a) All dwellings must be designed to ensure compliance with the controls in 6A.5.1 Solar Access of the Fairfield City Wide DCP 2013.	Addressed in Table 2.	Yes
	b) Each Dwelling is to be naturally ventilated.	Given the frontage onto two major classified roads, the Acoustic Report finds that natural ventilation of the units facing Cumberland Highway such as by opening windows will result in unacceptable exceedance of established acoustic criteria. In order to comply with criteria, the report recommends that these units be mechanically ventilated, advising that whilst, "...specific	No

		<i>ventilation requirements are outside of our scope of expertise; however, an acoustically insulated building must be kept virtually airtight to exclude external noise. Therefore, mechanical ventilation, noise absorbing ventilators or air-conditioning are needed to provide fresh air and to control odours."</i> Council's Public Health & Environment (PH&E) Section has raised no issues with the proposed mechanical ventilation. In this regard, while the proposal is unable to provide natural ventilation to units facing Cumberland Highway, natural air can be drawn via a mechanical system.	
10.14.8 Traffic and Parking			
Vehicular and Pedestrian Access	Objectives a) Internal vehicle and pedestrian circulation should function like a street, minimise the dominance of the driveway, and minimise impact on habitable spaces. b) Ensure adequate off-street car parking spaces are available within the subject site. c) Ensure adequate off-street car parking is appropriately located on site, is accessible, and available at all time to residents and visitors.	Assessment of the application finds that the proposal does not meet these objectives.	No
	Controls a) A two-way internal access road is to be provided in the general format shown on figure	A two-way internal access road is provided as generally shown in Figure 2	No

	2 and designed in accordance with the relevant Australian Standards.	however the design is not compliant with Australian Standards and concerns have been raised by Council's Traffic Engineer and by Council's Waste Management Section as the design does not enable Council's HRV waste collection vehicle to pass another vehicle at the corners.	
	b) The internal access road is to be designed to ensure Council's waste vehicles and emergency vehicles can access the site.		No
	c) The two-way internal road is to serve as a shared pedestrian and vehicle environment. Appropriate traffic calming mechanisms are to be detailed as part of the relevant development application.	A pedestrian access is considered to be essential for this site but has not been provided. The application as originally lodged had no traffic control measures along the circulation road and concern was raised that residents would illegally park in front of their units blocking and reducing the road to one-way and further exacerbating the poor pedestrian amenity. The applicant introduced 'no parking' restrictions along the circulation road in March 2024. Council's Traffic Engineer requested that these be replaced to 'no stopping' to deter vehicles from illegally parking and obstructing two-way traffic flow. The applicant's response submitted in September 2024 accepted this restriction by way of a	No

		condition.	
	d) The carriageway width of the internal road network curb to curb is to be a minimum of 6 metres.	The application proposes 6m to the eastern and western road and complies, however the road to the new Block H which was not envisaged in the site specific DCP layout is only 3m and does not allow the two-way movement of the three units in Block H without impacting on another. The entry to the northern car parking area is also 5.4m and does not enable two-way safe and efficient movement of vehicles.	No
	e) The carriageway width including the curb is to be 8.850 metres.	The carriageway width does not comply with this control along the eastern carriageway and only 6m has been provided. This is unacceptable given the lack of a pedestrian footpath.	No
	f) The carriageway width between properties situated adjacent to each other across the internal road network is to be 12.150 metres measured from the building line of the garage.	as low as 9.6m. This is unacceptable given the lack of a pedestrian footpath.	No
	g) Pedestrian access is to be provided in the general format shown in Figure 2 Site Layout and building setbacks.	Figure 2 only required an east-west pedestrian link which has been provided. However the building setbacks which enabled the shared pedestrian access have not been complied with.	No
	h) Traffic control measures are to be considered at the sites entrance to mitigate potential	Amended plans now incorporate a range of traffic control measures	No

	impacts of existing traffic movements along Links Avenue.	where the original plans did not propose any measures. Council's Traffic Engineers have reviewed these measures and raised concerns with the proposal. The proposal is not considered to be acceptable with respect to the adequacy of mitigation measures.	
	i) A pedestrian access and mobility plan is to be developed and prepared by a suitably qualified traffic consultant, including identification of key desire lines. The plan must show the developments impact to the frontage along Cumberland Highway including the impact on the Transport NSW requirements of a strategic cycling corridor and walking corridor in Transport NSW Sydney Cycling Future 2013.	A Pedestrian Access and Mobility Plan (PAMP) was submitted in March 2024 prepared by a traffic consultant. It concludes that the existing pedestrian facilities located along the fronting roads, including footpaths, kerb ramps and pedestrians crossings at signalised intersections are adequate and are to be retained, and no additional facilities are proposed. The PAMP does not identify the key desire lines, does not show and pedestrian access within the proposed development, and does not address this DCPs requirement for impact on the strategic cycling corridor and walking corridor in Transport NSW Sydney Cycling Future 2013. Council's Traffic	No

		Engineers raised issues with the PAMP as follows: <i>“The PAMP does not note what pedestrian facilities are adequate now but may need upgrading in the future upon occupation, in any case the applicant is required to upgrade any pedestrian facility that would primarily benefit and mitigate the impact of the development on traffic congestion in the area”.</i> The applicant responded that the PAMP will be revised however did not submit a revised PAMP. Council's Traffic Engineer has advised that a revised PAMP addressing the above is required to be submitted to Council.	
	j) Vehicle ingress and egress shall be provided solely from 6 Links Avenue.	Achieved.	Yes
	k) Stop signs are to be installed at the exit of the development to provide Links Avenue traffic priority.	Achieved.	Yes
Parking	Objectives a) Ensure adequate off-street car parking spaces are available on site for residents and visitors. b) Ensure off-street car parking is accessible and available at all times to residents and visitors. c) Encourage the use of public transport. d) Minimise the portion of the	Achieved.	Yes

	site dedicated to vehicle parking.																													
	Controls a) Car parking spaces must comply with minimum dimension requirements set out within the relevant Australian Standard.	Amended plans have redesigned Unit 11 and Unit 43 garage depths to provide the minimum 5.4m length.	Yes																											
	b) Disabled and emergency vehicle parking must be provided at the rate specified in the relevant Australian Standard.	No accessible parking spaces have been provided for residents and visitors.	No																											
	c) Car parking rates must be provided at the rate specified in Chapter 12 Table 1 Parking rates of the Fairfield City Wide DCP 2013. <table> <tr> <td rowspan="5">Attached Dwelling, Dual Occupancy, Multi Dwelling Housing, Semi Detached Dwelling</td><td colspan="3">Off-street parking spaces must be provided as set out below. The number of parking spaces required will be determined according to the below table. The greater of the rate will be applied.</td></tr> <tr> <td rowspan="2">Dwelling Size or Number of Bedrooms</td><td colspan="2">Car Spaces per Dwelling</td></tr> <tr> <td>A</td><td>B</td></tr> <tr> <td>1 - 2 bedroom unit (less than 110m²)</td><td>1</td><td>1</td></tr> <tr> <td>3 or more bedroom unit (ie greater than 110m²)</td><td>1.5</td><td>2</td></tr> <tr> <td colspan="2">Add for Visitors per dwelling</td><td>0.25</td><td>0.25</td></tr> <tr> <td colspan="4">Dwelling Location A – Less than 400m from railway station or major bus station B – Greater than 400m from railway station or major bus station</td></tr> <tr> <td>Residential Flat building, Shop Top Housing (excluding shop top housing in the Cabramatta, Canley Heights and Canley Vale Town Centres)</td><td colspan="3">1 space per dwelling plus 1 visitor space per 4 dwellings where a development has more than 2 proposed dwellings</td></tr> </table>	Attached Dwelling, Dual Occupancy, Multi Dwelling Housing, Semi Detached Dwelling	Off-street parking spaces must be provided as set out below. The number of parking spaces required will be determined according to the below table. The greater of the rate will be applied.			Dwelling Size or Number of Bedrooms	Car Spaces per Dwelling		A	B	1 - 2 bedroom unit (less than 110m ²)	1	1	3 or more bedroom unit (ie greater than 110m ²)	1.5	2	Add for Visitors per dwelling		0.25	0.25	Dwelling Location A – Less than 400m from railway station or major bus station B – Greater than 400m from railway station or major bus station				Residential Flat building, Shop Top Housing (excluding shop top housing in the Cabramatta, Canley Heights and Canley Vale Town Centres)	1 space per dwelling plus 1 visitor space per 4 dwellings where a development has more than 2 proposed dwellings			<u>Residential flat building</u> complies and provides 1 space per unit plus 1 space per 4 units for visitors. In this regard, 85 residential spaces are provided and 22 visitor parking spaces for the 85 apartments and complies. However 3 electric vehicle charging bays are provided over visitor spaces and the applicant has indicated personal chargers will be provided to residential spaces on tenants demand. This can be subject to a condition. <u>Multi dwelling housing</u> Site is in Location B and all units are 3 or more bedroom dwellings. 53 units require 2 spaces each for a total of 106 spaces, and 14 visitor spaces are required. The site provides: - 106 residential spaces and complies. - 30 visitor spaces (providing a surplus of	Yes
Attached Dwelling, Dual Occupancy, Multi Dwelling Housing, Semi Detached Dwelling	Off-street parking spaces must be provided as set out below. The number of parking spaces required will be determined according to the below table. The greater of the rate will be applied.																													
	Dwelling Size or Number of Bedrooms		Car Spaces per Dwelling																											
			A	B																										
	1 - 2 bedroom unit (less than 110m ²)		1	1																										
	3 or more bedroom unit (ie greater than 110m ²)	1.5	2																											
Add for Visitors per dwelling		0.25	0.25																											
Dwelling Location A – Less than 400m from railway station or major bus station B – Greater than 400m from railway station or major bus station																														
Residential Flat building, Shop Top Housing (excluding shop top housing in the Cabramatta, Canley Heights and Canley Vale Town Centres)	1 space per dwelling plus 1 visitor space per 4 dwellings where a development has more than 2 proposed dwellings																													

		16 spaces).	
Traffic Noise Attenuation	Objectives a) Ensure outside noise levels are controlled to acceptable levels in living and bedrooms of dwellings. b) Ensure appropriate acoustic treatments are incorporated within the development. c) Ensure varieties of acoustic treatments are used to protect existing neighbouring residents.	These objectives have been achieved.	Yes
	Controls a) Future development applications must demonstrate that dwellings can achieve the relevant internal noise criteria. b) Any future Development Application located near a major road must address the noise, vibration and air quality impacts of the major road on the development. The requirements of State Environmental Planning Policy Infrastructure (2007) apply. c) Council may require the applicant prepare an acoustic report prepared by a suitably qualified professional in relation to noise emission issues.	These matters have all been satisfactorily addressed in an amended Acoustic Report submitted to Council in March 2024. The report was assessed by Council's Public Health & Environment section who raise no further concerns with the proposal.	Yes
10.14.9 Open Space, Landscaping and Environment			
Communal and Private Open Space	Objectives a. Adequate area for communal open space is provided that enhances residential amenity. b. Ensure adequate private open space for town house developments. c. Ensure private open space includes landscaping and soft areas. d. Ensure direct access and a relationship between indoor	The development does not meet all these objectives.	No

	and outdoor living areas. e. Ensure that private open space is useable, functional and easily accessible for residents. f. Ensure passive surveillance of communal open space.		
	Controls a) The area of principal private open space provided for each dwelling is at least 25m² with a minimum dimension of 2.5m.	All blocks and units comply with the minimum 25m². Block G meets the minimum requirement.	Yes
	b) The total area of communal open space must be a minimum of 8% of the R3 Medium Density Residential component of the site area illustrated on figure 2.	Site area of R3 zone is 11,929m². 8% is equal to 954.32m². Plans propose 1,020m² of consolidated COS equal to 8.5% of the R3 site area and complies.	Yes
	c) The minimum area of the primary communal open space must not be less than 1020m².	Plans propose 1,020m² in the primary consolidated area (COS 1) along the east boundary and the amended plans have reinstated additional pockets of COS that were required by Figure 2 of the DCP such that the total COS exceeds 1,020m².	Yes
	d) Common Open Space must include features such as seating, shade structures, child play equipment and barbeques to satisfy the recreation needs of residents	The embellishments are not adequate to meet the needs of 53 x 3-4 + bedroom units.	No
	e) The three communal open space parcels onsite, including the communal open space for the residential apartments and the terraces must be embellished to a standard to allow for passive recreation and landscaping.	There is inadequate facilities in the COS, pedestrian access into COS is poor, limited to one point, no steps, no access to the area planted with trees, no incidental spaces across the site such as no seating along	No

		walkways, along other COS areas, vegetable gardens, barbeque areas shown on architectural plans but not on landscape plans. Landscape Plans do not have a planting schedule of all proposed species, quantities and pot sizes. There's a lot of new planting around trees being retained but not a whole lot of useable/functional COS.	
	f) The main parcel of communal open space adjoining the eastern boundary (approximately 1020 square metres) shall be stepped or terraced to allow appropriate passive recreation while maintaining reasonable accessibility to people with prams, wheelchairs or a disability.	The Landscape Plans show terracing. However terracing does not provide for passive recreation areas nor appropriate pedestrian access.	No
	g) The stepping or terracing of the main parcel of communal open space must be undertaken in such a manner to ensure the long term retention of significant vegetation.	This will need to be managed prior to and during any construction. This has been addressed in the amended arborist report submitted in March 2024.	Yes
Landscaping	Objectives a) Ensure appropriate amenity for the development b) Ensure appropriate amenity for the adjoining existing dwellings.	The proposal does not meet these objectives.	No
	Controls a) Landscaping should form part of the overall development, providing separation (visual and acoustic) to adjoining residential dwellings.	Achieved.	Yes
	b) The access handle to	Achieved.	Yes

	Links Avenue should be appropriately landscaped with mature plants to ensure visual and acoustic separation between the road, car parking and existing dwellings.		
	c) Units addressing the large communal open space shall have fencing at a scale and design that provides appropriate passive surveillance.	Achieved.	Yes
	d) Landscaping between the proposed residential flat building and the adjoining existing low-density residential area are to be of mature plantings approved by Council's relevant Natural Resources Officer, or similar.	No issues have been raised by Council's Natural Resource Officer.	Yes
Tree Protection	Objectives a) To provide adequate opportunities for the retention of existing mature trees. b) To provide a tree canopy that will form part of the broader tree canopy for the suburb. c) Provision of new vegetation that contributes to biodiversity, enhances tree canopy, minimises urban runoff and provides separation between the development and existing residential dwellings adjoining the site. d) The existing trees identified green on figure 2 of this SSDCP must be retained unless agreed by Council.	The proposal does not meet these objectives. Additionally, the existing trees identified in Figure 2 as required to be retained are not all being retained.	No
	Controls a) Any development application to remove trees must provide an arborist report prepared by a suitably qualified professional.	Council's assessment finds that some 13 trees that the DCP required to be retained are proposed for removal. An Arboricultural	No

		Assessment Report was provided however the recommendations for removal of these trees are not supported on the basis that the trees contribute to streetscape and neighbourhood amenity and screening of the development that will take years to establish if the trees are removed and replaced with new planting. As such the proposed tree removal is not supported.	
	b) Any development application proposing removal of vegetation of significance must provide an ecological report prepared by a suitably qualified professional.	An ecological report has been provided and was reviewed by Council's Natural Resources Branch and is acceptable. This has been addressed to the satisfaction of Council's Natural Resources Branch.	Yes
	c) Any works pertaining to the removal or preservation of trees onsite must comply with the requirements set out in Chapter 3 Environmental Management constraints of the Fairfield City Wide DCP 2013.	Achieved.	Yes
	d) Any future development must comply with relevant provisions of the Biodiversity Conservation Act 2016 (BCA), including biodiversity offset requirements. Relevant technical reports under the BCA including a Biodiversity Assessment Method (BAM). A Biodiversity Assessment Report (BDAR) would be required to be prepared by an accredited assessor.	The site is not mapped under the NSW Biodiversity Values Map. However Council's mapping identifies the site as being in a conservation significance area. This matter been addressed to the satisfaction of Council's Natural Resources Branch.	Yes
10.14.10 Drainage			

On Site Detention	Objectives a) To ensure that by using OSD, storm water discharge is controlled thereby ensuring development does not increase the risk of downstream flooding, erosion of unstable waterways or a reduction of the capacity of Council's drainage network.	Council's Development Engineer has reviewed this aspect of the proposal and raised no issues of concern subject to conditions.	Yes
	Controls a) Relevant controls, performance criteria and where the policy applies can be found in Chapter 4 of the Stormwater Management Policy – September 2017.	Council's Development Engineer has reviewed this aspect of the proposal and raised no issues.	Yes
	b) OSD is to be provided generally in accordance with the location shown on Figure 2 of this SSDCP. The OSD should be designed to accommodate a volume of approximately 340m ³ .	Council's Engineer has advised that whilst the plans propose an OSD volume of 311m ³ and not 340m ³ as indicated in this DCP, the proposal complies with the requirements of the Stormwater Management Policy and no issues of concern are raised with the proposed volume. It is noted that the OSD is not located in the original location shown in the DCP but is in the vicinity and is under the driveway as per the DCP. The amended plans submitted in March 2024 removed the OSD from the side setback landscaped areas and would no longer hinder the ability to achieve dense landscaping at the boundary.	No
Cut and Fill	Objectives a) The development responds to the natural landform of the	The controls for cut and fill are achieved, and Council notes that	Yes

	site, reducing the visual impact and avoiding large amounts of cut and fill and minimise the impacts of retaining walls. Controls Unless the dwelling is over a basement or identified on Figure 3 of this SSDCP as an area requiring fill, the height of ground floor level above the natural ground level shall be limited to 600mm except where it is required to be raised to achieve a suitable freeboard above the flood level or the 100 year ARI water level of an on-site detention basin. This 600mm height includes the fill, bedding and the slab thickness. Any variation from this floor height shall not cause adverse amenity impacts to the adjoining properties and shall be justified to the Council.	the site is not affected by flooding and does not require to be raised to achieve freeboard.	
10.14.11 Accessibility			
	Objectives a) Provide easy access for all, including people with prams, wheelchairs, walking difficulties, and sight, hearing or intellectual impairments. b) Ensure the development accounts for the needs of individuals with disabilities and the elderly.	Amended plans submitted in March and July 2024 still do not provide any pedestrian facilities along the central roadway and at the Links Avenue entrance to the site. Additionally, there is very poor pedestrian access to the communal open space with only one entry point, via a long ramp. An Access Report was submitted with the application and no issues are raised regarding the report.	No
	Controls A minimum of 10% of the multi dwelling houses must have a	53 multi dwelling housing are proposed. 10% is equivalent to	Yes

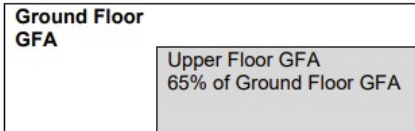
	bedroom, bathroom and kitchen on the ground floor.	5.3 dwellings rounded up to 6 dwellings requiring to be provided with a bedroom, bathroom and kitchen on the ground floor. The amended plans submitted in March 2024 comply with this requirement by redesigning 6 units i.e. Units 45, 46, 47, 48, 49 and 50. The original plans proposed zero compliant dwellings.	
10.14.12 Boundary Articulation to Orange Grove Road			
	Objectives a) To ensure the boundary fencing to Orange Grove Road is articulated to allow for additional landscaping along the street edge to reduce the visual impact of the boundary fence.	Achieved	Yes
	Controls a) The boundary fence along Orange Grove Road is to be articulated generally in accordance with Figure 2 of this SSDCP.	Recessed boundary fencing has been provided generally in accordance with Figure 2 albeit in slightly different locations.	Yes
	b) Appropriate landscaping is to be provided in the articulation zones along the street frontage.	Capable of being provided.	Yes

b. Chapter 6A Multi-Dwelling Housing Development

Chapter 6A of the Fairfield CityWide DCP 2013 only partly applies, and only applies to the Stage 1 Multi Dwelling Housing. The parts of Chapter 6A that apply and must be considered are expressly identified in the controls in Section 10.14 of Chapter 10 of the DCP which was addressed in the Table above. Only the relevant sections of Chapter 6A are included in the Table below. Council notes the current DCP was amended recently and the assessment below is based on the latest version of the DCP.

Table 2. Fairfield CityWide DCP 2013: Chapter 6A Multi-Dwelling Housing

Section	Control	Proposal	Compliance
6A.2.1 Floor Space Ratio (FSR)			
	Objective a) To ensure building bulk, site coverage and open space provisions are compatible with neighbourhood character. b) To ensure new built form is compatible with a medium density built environment.	Not achieved.	No
	Controls a) Maximum permissible floor space ratio for any multi dwelling housing development must comply with the floor space ratio development standards prescribed on the Fairfield LEP 2013 Floor Space Ratio Map noting the following exceptions: i. For land in Zone R3 Medium Density Residential (shown as Area B on the floor space ratio map): i. if the site has a street frontage of less than 22 metres— 0.5:1, or ii. if the site has a street frontage of at least 22 metres— 0.65:1, and ii. A floor space ratio bonus of up to 0.15:1 may be permitted if all car parking for the development is provided in a basement; and iii. Clause 4.6 Exceptions to	At 0.58:1, the multi dwelling housing is slightly under the maximum 0.6:1 FSR that is permitted by the LEP. The exceptions in this clause do not apply to the site.	Yes

	Development Standards of the Fairfield LEP 2013 allows Council to consider variations to development standards (e.g. floor space ratio) where justified to the satisfaction of Council.		
	b) Clause 4.4 Floor Space Ratio of the Fairfield Local Environment Plan 2013, identifies the objectives for maximum FSR	At 0.6:1, the multi dwelling housing is slightly under the maximum 0.6:1 FSR that is permitted by the LEP.	Yes
	c) Calculation of Floor Space Ratio must comply with the Floor Space Ratio provisions defined in clause 4.5 Calculation of Floor Space Ratio and Site Area of the Fairfield LEP 2013.	Achieved.	Yes
	d) The overall gross floor area (GFA) of the upper floors shall be a maximum of 65% of the total GFA at ground level. This only applies to R3 Medium Density Residential properties outside of the Area 1 precinct within the Fairfield LEP FSR Map 	130% proposed instead of 65% as follows: - Upper floor GFAs are 3,898.31m² - Ground floor GFAs are 2,995.59m² The variation is not considered to be acceptable given the low scale, low density residential neighbours, together with the non-compliant setbacks and issues identified in this assessment. Amended plans reduced the variation from 134% to 130% as a result of originally miscalculating and exceeding FSR. Note: This control was previously referred to as Section 6A.2.4 Balanced Building Form however due to	No

		updates to the Fairfield City Wide DCP 2013 the control is transferred into 6A.2.1 FSR and is still relevant to the proposal.	
	Note: Due to site constraints and other requirements of this plan, the maximum FSR will not always be achieved on every development site.	Noted.	No
6A.2.2 Building Height			
	Objectives a) To ensure building height is compatible with neighbourhood character. b) To minimise overshadowing of neighbouring properties. c) To maintain privacy and limit side and rear views of neighbouring properties. d) To maintain sunlight in public and private open spaces.	Not achieved.	No
	Controls a) Maximum height of building for any multi dwelling housing development must comply with height of building development standard prescribed on the Fairfield LEP 2013 Height of Building Map noting the following exceptions: i. For land in Zone R3 Medium Density Residential (shown as Area A on the height of building map) the maximum height of building is 10 metres (3 storeys) if— 1. the building is located on a corner site that consists of at least 2 street frontages; and 2. the primary and secondary street frontages for the site are at least 22 metres; and 3. all car parking for the development is provided in a basement.	The multi dwelling housing complies with the maximum 9m height allowed by the LEP and the exceptions in the clause are not relevant to the proposal and it is noted the size is not in Area A on the height of building map where 3 storeys are now permitted subject to meeting certain criteria.	Yes

	ii. Clause 4.6 Exceptions to Development Standards of the Fairfield LEP 2013 allows Council to consider variations to development standards (e.g. height of building) where justified to the satisfaction of Council; and iii. Clause 5.6 Architectural Roof Features of Fairfield LEP 2013 allows Council to consider variations to development standards (e.g. height of building) for decorative roof elements that enhance a building's appearance;		
	iv. Where solar access and privacy requirements (see Sections 6A.5.1 Solar Access and 6A.5.3 Privacy) cannot be met, some dwellings may need to be lowered in height to comply; and	Proposal complies with controls in 6A.5.1 Solar Access. Proposal does not comply with 6A.5.3. The DCP requires some dwellings to be lowered in height to comply with these requirements, however as already noted, the upper levels to ground level ratio is 130% where the DCP allows up to 65%, indicating that the development is an over intensification of the site that will result in poor amenity and privacy outcomes.	No
	v. Clause 4.3 Height of Building of the Fairfield Local Environment Plan 2013, identifies the objectives for maximum height of buildings	The development whilst complying with the LEPs numerical control for overall height does not meet the DCPs specific controls relating to wall heights, eaves and ridge heights and in such way is inconsistent with the	No

		streetscape and established character of the surrounding residential neighbourhood.	
	b) For multi dwelling housing development with a maximum height of buildings of 9 metres (2 storeys): i. For buildings with pitched roofs, the maximum heights of the eave line and the ridgeline from ground level (existing) shall not exceed 7.2 metres and 9 metres respectively. ii. For buildings with parapet walls and skillion (flat) roofs, the maximum height of building shall be limited to 8 metres from ground level (existing) and walls are to be articulated.	All units comply with the maximum 9m. All 53 units have a skillion type roof and therefore the DCP requires the maximum height of the buildings to be maximum 8m and walls to be articulated. 24 out of 53 units do not comply with the maximum 8m height of the DCP.	No
	c) All two storey and three storey multi dwelling housing applications must include a sectional diagram that indicates the height of the development from ground level (existing)	Provided.	Yes
6A.2.4 Building Separation			
	Objectives a) To ensure there is sufficient spatial separation between dwellings to accommodate access (i.e. both vehicular and pedestrian access) and landscaping needs. b) To ensure there is adequate spacing of dwellings to protect resident privacy and amenity and to reduce overshadowing and overlooking within the development.	Not achieved.	No
	Controls a) The distance between any two habitable rooms of separate dwellings on the same property shall be no less	The site specific DCP controls in Chapter 10 and outlined in the Table above provide lesser building	No

	than 9 metres.	separation requirements. The following units do not comply with this control: <u>Block D and F</u> - 7m to 8.15m at ground floor - 8.2m at first floor <u>Units facing each other along western access road</u> 8.5m to 8.85m minimum at both ground and first floor <u>Eastern access road</u> 8.5m minimum at ground floor	
	b) The distance between any window and door opening of a habitable room and non-habitable room on the same property shall be no less than 6 metres.	None of the units comply with this requirement and a poor level of amenity is likely to be achieved as a result of proximity of openings.	No
	c) The windows of the non-habitable shall either: i. Have a sill level above 1.8 metre above internal finished floor level, or ii. Have a permanent privacy screen, or iii. Have glazing that is non-operable and is of a translucent material.	A Window Schedule was not provided and these details have not been annotated on the plans, as such the proposal is unlikely to comply.	No
6A.2.6 Size of Rooms and Storage			
	Objectives a) To maintain a high quality of amenity within each dwelling. b) To ensure room sizes are functional, are of sufficient size and cater for intended use. c) To ensure bulky storage provisions are provided within each dwelling to avoid storage items reducing the effective use of the garage as a vehicle	The development does not achieve these objectives.	No

	storage area and sheds in the open space.		
	a) Combined living and dining rooms are to have a minimum length and width of 4m in any direction and a minimum area of: i. 1 and 2 bed - 24m² ii. 3+ bed - 28m²	The majority of the 53 units do not meet this control and have living spaces with a width that is less than 4m and is inadequate considering the number of occupants and bedrooms/studies. There are no 1 or 2 bedroom units. All units are 3 or 4 bedroom units.	No
	b)) Main bedroom has a minimum area of 12m ² and a minimum length and width of 3m in any direction, excluding space for a wardrobe.	Bedrooms in Block A, Block B and Block H are less than 3m.	No
	c) Other bedrooms shall be a minimum of 10m ² and a minimum length and width of 3m in any direction, excluding space for a wardrobe.	Bedrooms in Block A, Block B and Block H are less than 3m.	No
	d) Bathrooms are to have a minimum floor area of 5m ² .	Achieved.	Yes
	e) A furniture plan must be shown on plans in order for alternative minimum areas to be considered.	Furniture plans provided however alternative minimum areas are not considered to be appropriate given the number of bedrooms and occupants likely to live in the units and the inadequacy of the main open plan living areas.	No
	f) In addition to storage in kitchens and bedrooms, the following storage is required: i. a minimum dimension of 500mm is provided: a. 1 bed 6m³ b. 2 bed 8m³ c. 3+ bed 10m³ ii. At least 50% of the required storage is located inside the dwelling.	8m ³ provided instead of 10m ³ for all 53 units.	No

	iii. Storage not located in dwellings is secure and clearly allocated to specific dwellings if in a common area.		
	Note: All architectural floor plans shall show full dimensions of internal floor layout to demonstrate that the above controls have been achieved	Dimensions are not provided for all elements.	No
6A.2.7 Access for all Residents			
	Objectives a) To provide easy access for all, including people with prams, wheelchairs, walking difficulties, sight, hearing or intellectual impairments. b) To ensure a single storey component is incorporated into all development sites to account for the needs of individuals with disabilities and the elderly.	Not achieved.	No
	Controls a) All applications must include a statement detailing how the development will comply with the provisions of the Disability Discrimination Act 1992. The following specific elements are required: i. Townhouse/villa development must have night lighting along all driveways and footpaths throughout the site. ii. Any signage on the site (e.g. parking) must be clear and simple to understand. iii. Ramps should have gradients not exceeding 1 in 14, and have an even, non-slip surface. iv. Unnecessary barriers to direct access must be avoided.	Generally achieved.	Yes
	b) The table below provides the type of single storey component required based on the number of dwellings in the development.	The development requires 6 single storey accessible villas to be provided in order to comply with this	No

	<table><tr><th>Total Number of Dwellings Units</th><th>Requirement</th></tr><tr><td>0 – 5 dwellings</td><td>At least one bedroom on the ground floor for one dwelling.</td></tr><tr><td>6 – 10 dwellings</td><td>One single storey accessible villa</td></tr><tr><td>10 or more dwellings</td><td>One single storey accessible villa per 10 units or part there of</td></tr></table>	Total Number of Dwellings Units	Requirement	0 – 5 dwellings	At least one bedroom on the ground floor for one dwelling.	6 – 10 dwellings	One single storey accessible villa	10 or more dwellings	One single storey accessible villa per 10 units or part there of	requirement. No villas have been provided. However 6 out of the 53 units have a bedroom on the ground floor as required by Chapter 10. The variation is not supported in view of the exceedance of the upper to ground floor GFAs and it is considered that there is possibility for the site to provide villas if compliance with the built form controls are met therefore the variation is not considered to be reasonable.	
Total Number of Dwellings Units	Requirement										
0 – 5 dwellings	At least one bedroom on the ground floor for one dwelling.										
6 – 10 dwellings	One single storey accessible villa										
10 or more dwellings	One single storey accessible villa per 10 units or part there of										
c) The number of accessible units specified above must meet any relevant Australian Standard and Building Code of Australia requirements relating to wheelchair accessibility, with the following minimum controls incorporated within the dwellings designed to be able to accommodate wheelchairs: i. Access to front door and private open space ii. Internal door and passageways iii. Ground level toilet and shower.	Accessible units have not been provided.	No									
d) For developments with basement car parking, separate pedestrian access from the street must be provided to each dwelling.	The units that have basement parking are at the centre of the site and do not have any street frontage.	Not applicable									
e) For townhouse/villa developments with basement car parking one of the following must be achieved: ii. Installation of a mechanical assistance device i.e. lift or	Not all the units have basement access, however the basement has been provided with a lift. For the remainder of	Partly									

	“stair lift” that provides access to the ground level; or iii. Disabled parking on ground level with potential concessions on parking in the front setback for accessible spaces (spaces need to be allocated to the accessible unit provided on the site in any strata plan).	units that have at-grade parking, no accessible parking spaces have been provided on site.	
6A.2.8 Dwelling Position / Orientation			
	Objectives a) To ensure the dwellings are oriented toward the street. b) To ensure development provides opportunities for street surveillance and connectivity	Achieved.	Yes
	Controls a) For dwellings along the front or side street boundary, the front door of each dwelling is directly visible from the public street	Whilst the development is not oriented to the surrounding public streets, the design orients buildings to the private internal road.	Yes
	b) Where the development site has a street frontage of more than 30 metres and more than six dwellings are proposed, the front doors of at least two dwellings located to the rear of the property are to be visible from the street.	Achieved.	Yes
	c) Windows fronting a road from habitable rooms are to overlook the public domain.	Achieved.	Yes
	d) On corner sites the dwellings must address both streets by incorporating appropriate architectural features, articulation to the dwelling and roof form.	The multi dwelling housing is not oriented on the corner of the site.	Not applicable
6A.2.9 Development Facade			
	Objectives a) To promote well designed buildings of high architectural quality that contribute to the local character. b) To ensure multi dwelling housing is articulated along the primary road and	Not achieved.	No

	secondary (side street) setbacks.		
	Controls a) Building elevations fronting the street or internal driveways must be divided into segments or bays no longer than 5 metres. b) A change in the façade plane, ridge line and eaves line will be required after a 5 metre distance.	Not achieved for most blocks. Only Block A and Block B facing Orange Grove Road meet this requirement. The multi unit housing is repetitive and this is exacerbated by the non-compliant upper to lower level GFA ratio.	No
	c) Switchboards for gas, electricity, etc. must not be attached to the front elevations of the buildings.	Capable of being achieved.	Yes
	d) The development may have a primary road articulation zone that extends up to 1.5m forward of the minimum required setback from the primary road. The following elements can be located in the articulation zone: i. An entry feature or portico. ii. A balcony, deck, pergola, terrace or verandah. iii. A window box treatment. iv. A bay window or similar feature. v. An awning or other feature over a window. vi. A sun shading feature. vii. An eave.	The development does not incorporate these features into the primary setback to Orange Grove Road.	Not applicable
6A.5.3 Privacy			
	Objectives a) To ensure privacy is maximised for neighbours of the development and those who will occupy the townhouse/villas. b) To avoid overlooking of private open spaces and windows of nearby dwellings. c) To limit noise transmission to nearby dwellings	Not achieved.	No
	Controls a) Townhouse/villas should be designed so that the number of windows directly	The development does not comply with the controls in Chapter 6A.5.3 Privacy.	No

	overlooking adjacent dwellings is kept to a minimum.	It is considered that the development has not responded to the privacy needs of occupants dwellings or neighbours given the - rows of windows directly facing onto neighbouring properties as well as within the townhouse without repositioning or utilising different orientations. ii. inadequate privacy measures and differences in levels such between Block C and E; iii. poor placement of Unit 19 directly adjacent to the on-site loading bay without adequate physical separation.	
	b) Where upper floor windows result in unreasonable or unavoidable privacy issues, Council is likely to require: i. A sill height of no less than 1.5 metres from the upper floor finished floor level, ii. Frosted glazing, iii. Screening, or iv. The use of some other method to maximise privacy	Imposing these requirements would severely reduce the amenity of occupants. It is considered that a more considerate architectural design solution is required that avoids the repetitiveness of the built form and provides an alternate response to the row of opposing windows and POS.	No
	c) Facing windows closer than 9 metres will require additional appropriate privacy measures.	The site specific DCP controls in Chapter 10 and outlined in the Table above provide lesser building separation requirements. The following units do not comply with this control:	No

		<u>Block D and F</u> - 7m to 8.15m at ground floor - 8.2m at first floor <u>Units facing each other along western access road</u> 8.5m to 8.85m minimum at both ground and first floor <u>Units facing each other along eastern access road</u> 8.5m minimum at ground floor	
	d) Upper floor balconies or roof terraces are not permitted unless they are on the elevation facing the street.	None proposed.	Yes
	e) Recreational facilities such as swimming pools, tennis courts or play equipment must be located away from bedrooms of dwellings.	Originally a pool was located directly next to neighbours windows however has been deleted from the plans.	Yes
	f) Noise reduction between common walls and floors is to comply with the provisions of the Building Code of Australia	The Acoustic Report suggests the construction will comply with the established controls. No issues were raised by Council's Public Health & Environmental (PH&E) Section.	Yes
6A.5.1 Solar Access			
	Objectives a) To encourage the benefits of winter sun and minimise the intrusion of summer heat in design. b) To ensure internal living spaces and private open space has adequate access to sunlight. c) To maintain direct sunlight to adjacent dwellings.	The proposal meets these objectives.	Yes
	Controls a) All dwellings must be	The Shadow Diagram Certification	Yes

	designed to ensure: i. Living areas are orientated towards north where possible ii. all north facing living area windows and more than two-thirds of the private open space receives at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June. iii. the potential for sunlight to penetrate the development through windows and atriums for dwellings on east-west orientated lots is maximised, limiting the use of skylights for bathrooms and utility rooms only.	documents submitted with the application in May 2023 indicate that the proposed development complies with the solar access controls.	
	b) The windows to at least one living area of a dwelling on a neighbouring/adjoining dwelling/s must receive a minimum 3 hours of sunlight between 9.00am and 3.00pm at the mid–winter solstice. Where this requirement is already not achieved prior to a multi dwelling housing development, the development must not result in additional overshadowing on the affected living area of the dwelling.	<u>Neighbouring living</u> No. 1 Smiths Avenue will be impacted by shadows from 1pm and any windows that may be impacted can still comply with Council's DCP and are capable of receiving a minimum 3 hours of solar access. No. 3 Smiths Avenue building will be impacted by shadows from 3pm as such if any windows are impacted they can still comply with Council's DCP and are capable of receiving a minimum 3 hours of solar access. No. 398 Cabramatta Road West building will be impacted by shadows from 2pm as such if any windows are impacted they can still comply with Council's DCP and are	Yes

		capable of receiving a minimum 3 hours of solar access. <u>Neighbouring POS</u> No. 1 Smiths Avenue will comply as it will be impacted by shadows from 12pm but will comply with Council's DCP as it is capable of receiving a minimum of 3 hours of solar access however it appears its POS has been diminished by structures at the rear. No. 3 Smiths Avenue will comply as it will be impacted by shadows from 2pm but will comply with Council's DCP as it is capable of receiving a minimum of 3 hours of solar access to its POS. No. 398 Cabramatta Road West will comply as it will be impacted by shadows from 2pm but will comply with Council's DCP as it is capable of receiving a minimum of 3 hours of solar access however it appears its POS has been diminished by structures at the rear.	
	c) A development should maintain solar access to a solar hot water system, photovoltaic panel, or other solar collector on an allotment or adjoining allotment.	Some impact to neighbouring solar panels will occur from the development however the impact is compliant with the ADG.	Yes
	d) Garages, bathrooms and laundries should be located in areas with a west to southwest	Appropriately located.	Yes

	orientation, with windows (glazing) minimised in size and number as well as being protected with effective sun shades.		
	e) Council may require the preparation of shadow diagrams showing the impact of a proposal on the adjacent residential buildings and their private open space. Such diagrams shall be based on a survey of the site and adjoining development. The shadow diagrams shall include: i. all openings and windows of adjoining buildings; and ii. shall demonstrate likely shadow impact on the 21 June for 9 am, 12 pm, 3 pm Note: Habitable rooms include kitchens, living, dining rooms and the like.	Details shadow certification was submitted illustrating the impacts of the proposal.	Yes

c. Chapter 7 Residential Flat Buildings

The application has been assessed against the relevant controls of Chapter 7 Residential Flat Buildings of the Fairfield CityWide DCP 2013 as outlined below. This section only applies to the Stage 2 Residential Flat Building and not to the Stage 1 Multi Dwelling Housing.

Table 3. Fairfield CityWide DCP 2013: Chapter 7 Residential Flat Buildings

Section	Control	Proposal	Compliance
Section 7.1 Introduction			
7.1.3.1 Site requirements for residential flat building development on irregular lots	A residential flat building development proposed on irregular lots will be assessed on its merits and maximum FSR and height controls may not be achieved. The appropriate FSR and height will be assessed taking into consideration the objectives and controls that apply to similar sized regular lots and the opportunities and constraints of the site and the ability of the design to comply	The subject land is generally regular shaped and typical of a corner allotment and is suitable for a residential flat building.	Yes

	with all other existing relevant controls. An irregular lot is defined as a lot that is not rectangular in shape.		
Section 7.2 Special considerations			
7.2.3 Accessible and family friendly units	a) All applications must include a statement on how the development will comply with the provisions of the Disability Discrimination Act, and follow the accessibility standard set out in Australian Standard AS 1428 (parts 1 and 2), as a minimum.	An Accessibility Compliance Report was submitted with the proposal and reviewed by Council's Building Control Branch who raised no issues.	Yes
	b) One accessible unit per ten units or part thereof must be provided and meet any relevant Australian Standard and Building Code of Australia requirements relating to wheelchair accessibility, with the following minimum controls incorporated within the dwellings designed to be able to accommodate wheelchairs: a. Access to front door and private open space, b. Internal door and passageways, c. Toilet and shower,	9 accessible units are required as 86 units are proposed. The following is proposed: - 1 adaptable unit at ground floor and 1 silver level - 2 adaptable and 3 silver level at Level 1, 2 and 3 - 2 adaptable and 3 silver level at Level 4 - 5 silver level at top level Total 9 adaptable and 17 silver level	Yes
	c) Ramps should have gradients not exceeding 1 in 14, and have an even, non-slip surface, d) Developments must provide barrier free access to at least 20 percent of dwellings in the development, e) Pedestrians must be able to identify the access points from the street or car parking area to the apartment entrance, f) Pathways and corridors must be well illuminated and directional signs/notices be	The requirements in c), d), e), f), g) are able to be met.	Yes

	easily read, g) A mix of one and three-bedroom apartments on the ground level where accessibility is more easily achieved for the disabled, elderly people or families with children is to be provided, h) Provide a minimum of 25% of two-, three- and four-bedroom apartments as 'family friendly apartments' to accommodate the needs of families with children, with a higher ratio of two and three bedrooms. i) Locate 'family-friendly apartments' on ground level, with direct access to outdoor space to allow visibility of communal outdoor space for passive supervision of playing children. j) Grouping family-friendly apartments together to encourage social interaction and a sense of community between families with children. k) Locate 'family friendly' apartment closest to the car parking provided on site. l) Ground floor apartments must be provided with separate entries and access to private open space, preferably as a terrace or garden, wherever possible. Development proposals are encouraged to investigate the possibility of flexible apartment configurations, which support change in the future. Design solutions may include the minimisation of internal structural walls and higher floor	The requirements from h) through to m) were introduced to the DCP after the lodgement of the DA as such the submitted plans do not address or achieve these requirements. There are no savings provisions applicable as such any future DA for the site would need to consider these matters.	No
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	to floor dimensions on the ground floor. m) Living rooms should consider floor area for play (2m x 3m flexible play space) with visibility to the kitchen for passive supervision. n) Developments to consider an additional 10% of storage on top of the minimum ADG requirements within each family-friendly unit. Consider walk-in storage closets to accommodate the storage of larger items Increased hallway widths in family friendly units to 1.5m to allow for manoeuvring prams throughout the apartment.		
7.2.4 Stormwater Disposal	Relevant controls, performance criteria and where the policy applies can be found in Chapter 3 of the Stormwater Management Policy – September 2017.	Council's engineers have assessed this aspect of the proposal and are satisfied with the proposed arrangements for stormwater disposal and OSD.	Yes
7.2.5 On Site Detention	Relevant controls, performance criteria and where the policy applies can be found in Chapter 4 of the Stormwater Management Policy – September 2017.		
7.2.6 Lifts	Passenger lift access is required for any residential flat building either 4 levels above ground with no basement parking or 3 levels above ground and including basement parking.	Two lifts are provided for each level.	Yes
Section 7.3 Public Domain			
7.3.1 Active Street Frontages	Numerous requirements relevant to local and neighbourhood centres.	Not relevant to the subject site which is residential only.	Not applicable
Section 7.4 Built Form			
7.4.3 Building Setbacks	Numerous requirements relating to building setbacks however as the subject site has a site specific DCP in Chapter 10, these controls are	Not relevant to the subject site which has site specific DCP controls which address setbacks, in	Not applicable

	considered to be not relevant.	Chapter 10 of the DCP which was assessed in Table 1.	
7.4.4 Building Articulation	a) Building facades shall: i. define a base, middle and top related to the overall proportion of the building by using cornices, a change in materials or building setback; ii. reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation; iii. express the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions and the variation in floor to floor height, particularly at the lower levels; iv. articulate building entries with awnings, porticos, recesses, blade walls and projecting bays v. use recessed balconies and deep windows to create articulation and define shadows thereby adding visual depth to the façade; vi. express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height; vii. co-ordinate and integrate building services and utility items, such as drainage pipes; and security grills/screens, ventilation louvers and car park entry doors with overall facade and balcony design	The building articulation of the residential flat building to the north and west is considered to be aesthetic and high quality, with the design meeting these controls. The southern and eastern elevation is not considered to be appropriately treated. This is further discussed under the ADG in Table 5.	No
Section 7.5 Amenity			
7.5.1 Ventilation	a) Buildings should be designed in accordance with the provisions of Part 4B – Natural Ventilation of the	Refer to Table 5 as ADG controls prevail over the DCP.	See Table 5

	Apartment Design Guide.		
7.5.1.1 Air Conditioning Units	Air conditioning units/condensers are to be located within the basement, or on the upper most roof, within the building, or similar areas that allow for concealment of the air conditioning units. Air conditioning units are not to be permitted to be located on: a) The building façade, b) Terraces, c) Private or communal open spaces, d) Balconies, or Any other similar location that is not appropriately concealed or integrated into the built form.	Some balconies indicate air conditioning units and others do not. Council identified the discrepancy and the applicant responded annotating the plans to indicate that where air conditioning units are not proposed in balconies, they will be located on the roof with the number and layout to be confirmed at CC stage. Where located on the balcony, the units are fully integrated and do not reduce the minimum size of the balconies.	Yes
7.5.2.1 Visual Amenity	Buildings should be designed in accordance with the provisions of Part 3F – Visual Privacy of the Apartment Design Guide	Refer to Table 5 as ADG controls prevail over the DCP.	See Table 5
7.5.2.2 Acoustic Amenity	a) Noise transmission BCA requirements - development must comply with the noise transmission requirements of the Building Code of Australia 2004. Noise transmission must be minimised through the design of internal layouts of apartments and the location of courtyards, terraces / balconies, and openings. b) Noise impact assessments may be required. An assessment of the existing and expected future noise levels together with a mitigation strategy must be provided in the noise impact assessment.	Capable of complying with the requirements of a). A Noise Impact Assessment was submitted and reviewed by Council's PH&E Section with no further issues raised after an amended report was submitted addressing deficiencies identified	Yes Yes

	c) Noise attenuation measures must be incorporated in all new developments along Classified State and Regional Roads and Unclassified Regional Roads and properties in proximity to the railway line. Developments adjacent to rail corridors, shall take into consideration the provisions within SEPP (Infrastructure) 2007 relating to impact of rail noise or vibration on non-rail development.	by Council. Site faces two major classified roads. Noise attenuation measures are incorporated and have been reviewed by Council's PH&E Section with no further issues raised.	Yes
	d) Land uses/activities noise conflicts minimised - In mixed-use developments, the design must minimise the transfer of noise between business and commercial activities and residential development by using measures that will address noise associated with: i. Goods and service deliveries as well as waste and garbage disposal and collections, particularly if this is occurring early in the morning or late at night; ii. Restaurants and cafes particularly those operating at night or those with outdoor seating; and iii. Extraction fans and air conditioning units.	Development is not mixed-use however the conflicts between noise from waste management and conflict with residences has been addressed in the amended Acoustic Report submitted in March 2024, which demonstrates that established acoustic criteria can be met subject to compliance with the recommendations of the acoustic report.	Yes
	e) Land use conflicts between existing and new development – Noise attenuation measures must be incorporated into all new residential development proposed near an existing retail/commercial property that generates noise at times or levels not compatible with residential living. An acoustic assessment and proposed acoustic attenuation measures	The site is opposite a service station and fast food premises and a golf course but the main noise source is from the abutting classified roads. As mentioned, the Acoustic Report demonstrates with mitigation measures, new residential	Yes

	are to be detailed in an Acoustic Report prepared by an Acoustic Engineer or suitably qualified individual. f) Air conditioning units proposed are to be detailed in the acoustic assessment.	development will comply with established noise criteria. The Acoustic Report has considered air conditioning units and other plant and equipment, making recommendations specific to these matters.	Yes
7.5.3 Solar Access	a) Buildings should be designed in accordance with the provisions of Part 4A – Solar and Daylight Access of the Apartment Design Guide.	Refer to Table 5 as ADG controls prevail over the DCP.	See Table 5
7.5.4 Private Open Space	a) Buildings should be designed in accordance with the provisions of Part 4E – Private open space and balconies of the Apartment Design Guide.	Refer to Table 5 as ADG controls prevail over the DCP.	See Table 5
7.5.5 Common open space (COS)	The area of open space should generally be between 25% to 30% of the site. a) should incorporate a minimum 25% of deep soil zone. b) be located within a north, north-east orientation. c) must be accessible from all dwellings within the development. d) should only be accessible from within the site. e) should be overlooked by living areas. f) should ideally be centrally located rather than at the rear or front of a development site g) should include features such as seating, shade structures, child play equipment or barbeques to satisfy the recreation needs of all residents. h) Is not to include in its area calculation clothes drying	Refer to Table 5 as ADG controls prevail over the DCP. Notwithstanding the above, the following is noted: - minimum COS achieved - minimum deep soil zone is achieved COS is poorly located to the rear and side of the residential flat building. Inadequate facilities and embellishments incorporated into the space, not meeting f) and g). The COS achieves the requirements in c), d), e), h) and i).	See Table 5

	areas, driveways and parking areas. i) may only be used for detention basins if the height difference between natural ground level and the lowest level of the basin is not more than 0.5 metres.		
7.5.6 Safety and Security	a) All areas in a development should be clearly recognisable as either private, common or public space.	Achieved.	Yes
	b) A dwelling with street frontage should have a clear view of the footpath.	Achieved.	Yes
	c) Wall mounted night lighting in internal and external common area including along all driveways and footpaths must be provided throughout the site. As part of the Development Application a lighting plan may be required to be submitted that incorporates the following elements: a. Use of energy efficient diffused lights and/or movement sensitive lights; b. Lights directed towards access/egress routes to illuminate potential offenders, rather than towards buildings or resident observation points; c. Lighting with a wide beam of illumination reaching the beam of the next light, or the perimeter of the site or area being traversed	Capable of being complied with although it is noted a Lighting Plan was not required of the applicant.	Yes
	d) Barriers to prevent movement between roof spaces of adjoining dwellings will be required.	There is no ability to move between roof spaces.	Yes
	e) Dwellings must have a child-proof storage place for poisons or other dangerous	Capable of being provided inside units.	Yes

	substances.		
Section 7.6 Car Parking, Loading and Vehicle Access			
7.6.1 Car parking	a) Off-street parking spaces must be provided as set out below: a. 1 space per dwelling, and b. 1 visitor space per 4 dwellings where a development has more than 2 proposed dwellings.	Residential flat building requires 107 spaces and provides 107 spaces. See the assessment provided in Table 4 further below.	See Table 4
	b) Dimensions for parking spaces and turning areas must be in accordance with AS/NZS 2890.1;2004 Parking Facilities – Off-Street Car Parking and the Car Parking Chapter of the CityWide DCP.	Parking areas comply with AS however turning areas do not comply and concerns have been raised by Council's Traffic Engineer's who do not support the proposal.	No
	c) Council gives preference to total or partial underground car parking wherever possible by: a. Retaining deep soil zones, b. Providing natural ventilation to sub-basement parking areas, and c. Integrating ventilation grills into building design.	All parking for the residential flat building is provided in the basement and complies with this control.	Yes
7.6.2 Vehicle Access Controls	a) Driveway design must be in accordance with AS/NZS 2890.1;2004 Parking Facilities – Off-Street Car Parking and the Car Parking Chapter of the City Wide DCP, noting the need to accommodate regular garbage truck movements and delivery/removalist vans.	The driveway design does not allow a service vehicle and a passenger vehicle to simultaneously pass at the bends. Council's Traffic Engineers has raised concerns which are discussed in the report.	No
	b) Driveway location and vehicle access to properties should be at least 30 metres or as far as possible from an intersection with a State or regional road.	Achieved.	Yes
	c) Vehicle entries must be	No pedestrian access	No

	located away from main pedestrian entries and on secondary frontages and not be obstructed by power/telephone poles, meter boxes etc. d) Driveway width is generally limited to a maximum of six metres and should be minimised to increase landscaped area while providing adequate space for vehicles to manoeuvre and pass at slow speeds. e) Driveway length should be minimised where possible by being broken into bays through the use of landscape nodes.	is proposed from Links Avenue. Driveway width is acceptable. Achieved.	Yes Yes
7.6.3 Splay Corner Setbacks and Road Widening			
	a) All corner lots at the intersections of public roads will be required to maintain a setback to the corner of the public road to improve site distances at intersections. In this splay corner setback no buildings, fences or other structures will be permitted. Landscaping will be restricted to lawn or low growing shrubs and other plant species. Splay corner setbacks will generally be required to be 6 metres x 6 metres in the following suburbs: Wetherill Park, Bossley Park, Prairiewood, Wakeley, Greenfield Park, Edensor Park, St Johns Park, Abbotsbury and Bonnyrigg Heights. Splay corner setbacks in the others suburbs will generally be required to be 3 metres by 3 metres.	Council's Engineer's as well as Transport for NSW (TfNSW) have not identified this as a requirement for this site, as such it is considered not relevant to the site.	Not applicable
Section 7.7 Site Servicing and Loading			
7.7.1.1 Waste Collection for Residential	Waste and Recycling Bin Storage and Collection Area A bin storage area must be provided to include garbage	The waste requirements for the site as per the site specific DCP controls	No

Flat Buildings	and recycling bins for all dwellings onsite. This area is for the storage and use by the residential component of the building. This area must: a) Include adequate space for waste to be separated into separate waste streams in order to maximise recyclable materials with the potential to provide a garden and/ or food organics service. b) Be accessible and cause minimal visual impact, noise, vermin or odour to public and adjoining private spaces. c) In the cases where bins cannot be stored in private areas, a location near the street frontage should be designed for bin storage. d) The bin storage area must be well ventilated e) Be secured to prevent unauthorised access. f) Garbage and Recycling bins must not be visible from the common or public areas except when out for collection. g) Be constructed using materials impervious to water, capable of being washed out to maintain them clean h) Be supplied with a fresh supply of water and provided with a drain connected to the sewer. i) Bins may be collected through a kerbside collection. The location of the proposed bin collection point on the Council verge must be shown on the plans. The applicant must demonstrate that there will be no adverse impact on safety, traffic flow, amenity and streetscape for the provision of a weekly garbage and fortnightly recycling collection service	in Chapter 10 as outlined in Table 1 further above require on-site collection of waste which will take place by Council via the private circulation road and at the HRV loading bay between the residential flat building and the multi dwelling housing. Council's Waste Management Section has assessed the application against Council's requirements for waste storage and collection and raised a number of issues that have not been adequately addressed by the applicant. These are discussed under the Key Issues section of the report. Council's Traffic Engineer has also raised concerns with the design of the private circulation road which affects waste collection vehicles.	
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	Bulky Waste Storage and Collection Area A designated household bulky waste storage area must be provided for all residential dwellings onsite. This area must be separate from the waste bin storage area, and if applicable, the loading and unloading area, temporary storage area and commercial waste bin storage areas. This area must: a) Be of a minimum of 10m² for up to 40 units / apartments. For every additional 10 units, an increase 2m² must be added. b) Be accessible and cause minimal visual impact, noise, vermin or odour to public and adjoining private spaces. c) The bulky waste storage area must be well ventilated d) Be secured to prevent unauthorised access and reduce the potential of illegal dumping. e) Have a minimum entry way of 1.6m in width. f) Bulky waste may collected at kerbside. The proposed collection point on the Council verge must be shown on the plans to demonstrate that there will be no adverse impact on safety, traffic flow, amenity and streetscape.	As already mentioned above, Council's Waste Management Section has raised concerns with the bulky waste storage and collection area which are discussed under the Key Issues section of the report.	No
	On-site Collection of Waste Should a kerbside collection of waste bins or bulky waste not be appropriate for the building, an option for on-site collection will be considered. Collection points should be designed to ensure the storage and collection of waste is user friendly and readily accessible for the residents and the waste collector. In order to provide an	As already mentioned above, Council's Waste Management Section has raised concerns with the bulky waste storage and collection area which are discussed under the Key Issues section of the report.	No

	adequate on-site collection: a) This collection location must be approved by Council and it must be conveniently located for waste collection vehicles. b) The site must allow for waste collection vehicles to enter and exit in a forward direction and provide an adequate and safe manoeuvring space once on site. c) It is recommended that all onsite collection be on ground floor level. d) A minimum height clearance of 4.5m is required for a Heavy Rigid Vehicle with a minimum width of 5m. e) All vehicular manoeuvring space (including collection point) must be able to withstand a 22 tonne Heavy Rigid Vehicle. f) The site plans must include the location of collection point, including path of travel for waste collection. g) The collection of waste materials from the site shall be in accordance with the NSW Environmental Protection Authority, Industrial Noise Policy (2000), so as not to generate excessive noise.		
	Residential Flat Building that has 12 or more dwellings, must provide a comprehensive waste management system A Waste Management Plan for the day to day management of waste must be submitted as part of the Development Application and shall address the following: Numerous requirements as identified in the DCP including but not limited to: - communal garbage and	As already mentioned above, Council's Waste Management Section has raised concerns with the amended Waste Management Plan submitted by the applicant in March 2024 which are discussed under the Key Issues section of the report.	No

	recycling rooms - garbage and recycling compartment areas - garbage chutes - waste separation facilities - management and maintenance of waste.		
7.7.2 Electricity	a) Internal/on-site power poles must be located at the intersection of the front and side boundaries. They must be black or grey in colour. b) Electrical services must satisfy the requirements of Endeavour Energy. c) Meter boxes are to be placed in positions acceptable to Endeavour Energy, but not face the street. Space required to be allocated for any proposed indoor and pad mounted substations can be incorporated within final architecture plans submitted to Council as part of the DA approvals process.	The location of the substation has been indicated on the plans but is not supported as already noted. The requirements in a), b) and c) are capable of being achieved.	No
7.7.3 Water and Sewerage	Water and sewerage connections must meet the requirements of Sydney Water.	Capable of being achieved.	Yes
7.7.4 TV Antennas	a) Master TV antennas are to be provided to avoid having many individual antennas. b) The antenna must be located at the rear of the site to reduce visibility from the street.	Capable of being achieved.	Yes
7.7.5 Satellite Dishes	Satellite dishes must be in accordance with the numerous requirements identified in this section of the DCP.	None proposed in the application but the controls are capable of being achieved.	Yes
7.7.6 Telephone	Telephone lines installation must be in accordance with the requirements of Telstra.	Capable of being achieved.	Yes
7.7.7 Mail Delivery	A letterbox must be provided in accordance with the requirements of Australia Post.	Plans show provision for letterboxes along the Orange Grove Road entry to the building.	Yes

Section 7.8 Landscaping			
7.8.1.1 Landscaping for Residential Flat Buildings	a) Landscaping is to: i. be prepared for the site by a landscape architect or other accredited professional with demonstrated experience. Refer to Landscape Planning Appendix for Landscaping Principles when seeking to prepare a landscape plan.	An amended Landscape Plan was submitted in March 2024 and does not address all the issues raised by Council's Landscape Advisor.	Yes
	ii. provide a deep soil zone of no less than 25% of the required open space area which adjoins deep soil zones of neighbouring properties where possible.	Refer to Table 5 as ADG controls prevail over the DCP.	See Table 5
7.8.2.1 Fences and Walls for Residential Flat Buildings	a) Fence design - Fences adjoining streets are to reflect the materials of the buildings that they front, highlight entrances and incorporate letterboxes, provide people with views to and from street activity, avoid continuous lengths of blank walls, and be softened with landscaping.	A mosaic clad 1.8m high solid wall is proposed at the street frontages however an advanced design was not provided.	No
	b) Front fence height - Front fences to a maximum height of 1.2m are desirable, however, front fences may be permitted to a maximum height of 1.8m where noise attenuation or safety require a higher fence.	1.8m is required for noise attenuation.	Yes
	c) Fences in floodways - Fences should not be constructed in floodways. Where this is unavoidable fences are to be constructed of flood compatible and open type materials that will not restrict the flow of flood waters and be resistant to blockage	Council's Development Engineer has considered this and raised no issues with the proposal.	Yes
7.9 Miscellaneous	Residential Flat Building and Mixed-use developments are required to submit an Urban Design Report, which forms part of the development	Prior to lodgement of the application, Council requested the applicant submit an Urban Design Report	No

	application. This report addresses the principles in SEPP 65 and the criteria in the Apartment Design Guide. For further information on the report, refer to Chapter 2.5.8 – SEPP 65 Statement - Residential Flat Building and Mixed-Use Developments.	(UDR) demonstrating how the proposed site layout and built form typology was developed. A proper UDR analysing potential typologies was not provided derived, rather a copy of the 2019 UDR forming part of the Planning Proposal was submitted for information purposes. Whilst a proper UDR was not submitted, general written responses to SEPP 65 were provided and these are attached.	
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d. Chapter 12 Car Parking, Vehicle and Access Management

Table 4. Fairfield CityWide DCP 2013: Chapter 12 Car Parking, Vehicle and Access Management

Section	Control	Proposal	Compliance
12.1.1 Car Parking Rates	Residential Flat Building Minimum car parking provision must be provided as follows for a residential flat building: • 1 space per dwelling plus • 1 space per 4 dwellings for visitors.	The DCP generates the following parking demand for 85 units: - 85 residential parking spaces, and - 21.25 visitor spaces Total 106.25 spaces required rounded up to 107 spaces A total of 107 car parking spaces will be provided on site, designated as follows: ▪ 85 residential spaces ▪ 22 visitor spaces	Yes
	Multi Dwelling Housing Site is in Location B and all units are 3 or more bedroom dwellings. 53 units require 2 spaces each for a total of 106 spaces, and 14 visitor spaces are	The site provides: - 106 residential spaces and complies. - 30 visitor spaces (providing a surplus of 16 spaces). A total of 136 spaces will be provided.	Yes

	required.		
Total parking provision:	243 parking spaces		Yes

2. SEPP (Housing) 2021: Chapter 4 Design of Residential Apartment Development

Chapter 4 of SEPP (Housing) 2021 contains the transferred provisions of SEPP 65 and is applicable to the proposed residential flat building. An assessment against the criteria of the ADG is provided in the tables below.

Table 5. Apartment Design Guide, July 2015

Objective	Design Criteria	Proposal	Compliance
Part 3 Siting the Development			
3A-1 Site Analysis	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context <u>Design guidance</u> Each element in the Site Analysis Checklist should be addressed (see Appendix 1)	Site analysis plan has been submitted and is acceptable.	Yes
3B-1 Orientation	Building types and layouts respond to the streetscape and site while optimising solar access within the development <u>Design guidance</u> Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1) 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)	Proposed building addresses the street. Not relevant. Achieved.	Yes Not applicable Yes
3B-2 Orientation	Overshadowing of neighbouring properties is minimised during		

	mid-winter <u>Design guidance</u> 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 3D requires 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) 4AA requires Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	Surrounding properties are detached dwelling houses with private open space (POS) in rear yards, and as such there are no existing neighbouring COS that would be impacted by the proposal. Solar access to neighbouring POS has been assessed against Council's DCP controls relevant to dwelling houses, instead of the ADG control which is assuming that neighbours are apartments. The development as designed does not unreasonably impact neighbouring residents in terms of solar access.	Yes, See Table 1 and 2
	Solar access to living rooms, balconies and private open spaces of neighbours should be considered	Has been considered appropriately.	Yes
	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%	Adjoining properties currently enjoy an abundance of solar access.	Yes
	If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy	Proposed building does not significantly affected neighbours solar access however it is considered that overshadowing can be further minimised if building envelope and	Yes

	Overshadowing should be minimised to the south or down hill 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	setbacks are amended to comply with setback distances of the DCP and ADG. See above comments. Development reduces setbacks to the south instead of increasing setbacks. Acceptable orientation proposed relative to boundary. No. 1 Smith Avenue and No. 398 Cabramatta Road West both have solar panels that are not shown on the plans. A minimum 4 hours will be achieved between 9am to 1pm thereafter the panels will be overshadowed. Compliance with the ADG is achieved however the impact is a result of non-compliant setbacks and it is considered that the additional overshadowing can be further reduced with a compliant building envelope.	Yes Yes Yes
3C-1 Public Domain Interface	Transition between private and public domain is achieved without compromising safety and security <u>Design guidance</u> Terraces, balconies and courtyard apartments should	Direct entry has not been provided and this	No

	have direct street entry, where appropriate	control is not considered appropriate for this site due to the hazards associated with the classified road frontage.	
	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 (see figure 3C.1)	Achieved.	Yes
	Upper level balconies and windows should overlook the public domain	Achieved.	Yes
	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	A 1.8m solid acoustic barrier is necessary due to the location fronting two classified roads. A mosaic wall will be incorporated into the wall to improve the design quality and create a sense of entry to the Cabramatta precinct.	No
	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	Very few opportunities for social interaction are provided and are limited to benches at the site's pedestrian entries only.	No
	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	The detailing of the second building entry which is the main entry opposite the multi dwelling housing development is not sufficient to create a sense of entry and is diminished and obstructed by the wall of the driveway to the basement	No

	Opportunities for people to be concealed should be minimised	Achieved.	Yes
3C-2 Public Domain Interface	Amenity of the public domain is retained and enhanced <u>Design guidance</u> Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided The visual prominence of underground car park vents should be minimised and located at a low level where possible Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view	Achieved. Mailbox are located in lobbies and perpendicular to the street frontage. Car parking vents are not visible according to the plans and will be located on the roof. The substation is prominently located within view and not integrated into the building. The location of the substation opposite multi dwelling housing units will also require easements over the units which can be avoided. Pump room location has not been indicated. A services room is located on the ground floor instead of the basement. Temporary waste collection area and temporary bulky waste storage also occupy a large portion of the ground floor and are	Yes Yes Yes No

	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 Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions: • street access, pedestrian paths and building entries which are clearly defined • 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	within view. Achieved. Capable of being achieved. The development does not directly adjoin parks or open space but is located with views towards the Cabramatta Golf Club grounds. The development responds by maximising views of the golf course. The site has a slope however plans do not indicate any parking protrusion.	Yes Yes Yes Yes
3D-1 Communal and Public Open Space	<u>Design criteria</u> 1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3) 2. 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)	25% is equal to 849.5m² based on site area 3,398m². The applicant has proposed 1,095.29m² which is equal to 32.22%, exceeding the minimum requirement. Achieved to the principal usable part which is positioned on the eastern side of the building.	Yes Yes

	<u>Design guidance</u> Communal open space should be consolidated into a well designed, easily identified and usable area	The COS is not considered to be well designed, is not easily identified and provides limited usable area, minimal embellishments or facilities and no direct pedestrian linkage	No
	Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions	Achieved.	Yes
	Communal open space should be co-located with deep soil areas	Achieved.	Yes
	Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies	Access has been provided but is not a direct pedestrian linkage to the facilities which are out of the main way.	No
	Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	COS is able to be provided at ground level.	Yes
	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	The development is capable of meeting all the requirements.	Yes
3D-2	Communal open space is	The embellishment of	No

Communal and Public Open Space	designed to allow for a range of activities, respond to site conditions and be attractive and inviting <u>Design guidance</u> 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 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	the COS is not considered to be adequate and does not meet the design excellence provisions of Clause 6.12 Design Excellence of the LEP. A pool was originally proposed to be located in the eastern COS directly adjacent to the neighbouring residence was removed to avoid adverse impacts on the residents. Whilst the pool has been removed from the amended plans, the eastern setback which is the only area on-site that receives a minimum 2 hours of sunlight, has not been embellished with a range of facilities for residents, and is primarily landscaped. The July 2024 plans provide a barbecue facility and three seats for groups, one play facility details of which are not provided. Seating for individuals and other features such as seating integrated into the landscaping elements along walkways and through out the site have not been provided. A vacant space has been provided labelled as a communal	
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		room/gym but the fit out of the space to show facilities such as a communal kitchen are not provided. Equipment has not been provided in the space and there is uncertainty regarding its use. Additionally, the building will cause 100% overshadowing to the proposed COS labelled as gym and the areas consisting of bench seating. It is unclear how the space can be improved to ensure functionality in all seasons especially winter.	
3D-3 Communal and Public Open Space	Communal open space is designed to maximise safety <u>Design guidance</u> 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: • bay windows • corner windows • balconies Communal open space should be well lit Where communal open space/facilities are provided for children and young people they are safe and contained	Amended plans submitted in July 2024 address this matter and improve the relationship of the COS with adjacent dwellings. Capable of being achieved. Capable of being achieved.	Yes Yes Yes
3D-4 Communal and Public Open Space	Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood <u>Design guidance</u> The public open space should be	Public space is not required to be provided by this development.	Not applicable

	well connected with public streets along at least one edge 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 Opportunities for a range of recreational activities should be provided for people of all ages 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														
3E-1 Deep Soil Zones	Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality <u>Design criteria</u> 1. Deep soil zones are to meet the following minimum requirements: <table><thead><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr></thead><tbody><tr><td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m² - 1,500m²</td><td>3m</td></tr><tr><td>greater than 1,500m²</td><td>6m</td></tr><tr><td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr></tbody></table> <u>Design guidance</u> On some sites it may be possible	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m	7% of site area of 3,398m² requires 237.86m² to be deep soil zones. The plans show 740.45m² equal to 21.8% of the site with minimum 6m dimensions.	Yes
Site area	Minimum dimensions	Deep soil zone (% of site area)													
less than 650m ²	-	7%													
650m ² - 1,500m ²	3m														
greater than 1,500m ²	6m														
greater than 1,500m ² with significant existing tree cover	6m														

	to provide larger deep soil zones, depending on the site area and context: • 10% of the site as deep soil on sites with an area of 650m² - 1,500m² • 15% of the site as deep soil on sites greater than 1,500m² 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: • 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	21.8% provided. Whilst deep soil zones are appropriately located along the perimeters of the site making it possible to retain existing significant trees, the application proposes to remove existing trees along the perimeter. Not relevant to this site or proposal as the site is capable of meeting and in fact exceeding the requirement. Not relevant to this site or proposal since the proposal meets and exceeds the requirement for deep soil zones.	Yes Yes Not applicable Not applicable
3F-1 Visual	Adequate building separation distances are shared equitably		

Privacy	between neighbouring sites, to achieve reasonable levels of external and internal visual privacy <u>Design criteria</u> 1. 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: <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	The development provides the following minimum setbacks and separation distances: <u>Eastern Boundary Setbacks to R2 Zone</u> <u>Up to 4 storeys</u> 9m minimum setback provided to eastern boundary for the first four storeys. This complies with the DCP and ADG requirement for increased setbacks to a lower density zone except for setback to corner of neighbouring No. 1 Smiths Avenue which is not dimensioned but appears to be 7.2m from balcony corner instead of 9m and is 7.7m from visible part of balcony to the boundary, instead of 9m and does not comply. <u>5-8 storeys</u> At the 5th and 6th storey, the ADG requires a 12m setback to the east boundary consisting of 9m + 3m from a habitable space to a lower density zone. Plans amended in July 2024 show 9m setback instead of 12m and does not comply. Setback to corner of	No No
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													

		neighbouring No. 1 Smiths Avenue which is not dimensioned but appears to be 9m from the wall instead of 12m. Plans are incorporated with the following measures: - 1.8m sill windows a living room with no other outlook. - Balcony opening replaced with wall resulting in poor outlook from balcony The variations are considered to be unacceptable on the basis that the proposed 6 storey building does not achieve an appropriate scale compared to the eastern low density dwellings. Note: Separation criteria of the ADG is also not achieved due to neighbours lesser setback, however plans include privacy measures to mitigate any overlooking however it is considered that an increased building setback is essential to improve the transition from the 6 storey building to the east neighbour. <u>Setbacks to Multi Dwelling Housing in R3 Zone</u>	
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		<u>Up to 4 storeys</u> At the first four storeys, the ADG requires a 9m setback consisting of 3m + 3m + 3m between non-habitable rooms and the lower density zone; and a 9m setback consisting of 6m + 3m setback between habitable rooms and a lower density zone. Instead of 9m to Unit 19 over the R3 zone as required by Figure 2 of DCP and as required to the lower density zone, a 7.5m minimum setback is provided from the first 4 storeys to the multi dwelling housing over the R3 zone. This does not comply with the DCP nor the ADG.	No
		<u>5-6 storeys</u> At the 5th and 6th storey, the ADG requires a 12m setback to the east boundary consisting of 9m + 3m from a habitable space to a lower density zone. Plans amended in July 2024 show 7.5m setback instead of 12m and does not comply. Plans are incorporated with the following measures: - 1.8m sill windows a living room with no other outlook. The variations are	No

		considered to be unacceptable on the basis that the proposed 6 storey building does not achieve an appropriate scale compared to the lower density development proposed over the R3 zoned land	
	Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)	Separation distances are not achieved between windows of the eastern and western wing of the building. The following is noted: - ground floor no issues - 2nd, 3rd and 4th storey provides 3.4m instead of 6m; or 1.8m where 9m is required; or 6.8m where 12m is required and does not comply - 5th and 6th storeys provides 4.4m instead of 9m; or 0m to 1.1m where 13.5m is required; and does not comply. The result is a poorly designed irregular core where outlooks are obstructed and the building is cramped with inadequate separation distances.	No
	Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties	Setbacks from gallery access: - 13m to east boundary and 12m to south boundary at first four storeys where 9m is required and complies	Yes

		- 13m to east boundary and 12m to south boundary at 5 th and 6 th storey where 12m is required and complies	
	<u>Design guidance</u> 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	The built form does not incorporate any steps.	No
	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	Commercial buildings such as the service station and fast food premises, or the golf club are located on opposite sides of the roads and ample separation distance is achieved to any non-residential development.	Yes
	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) • on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4)	Privacy for units within the same building that are facing one another has not been adequately addressed.	No
	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	The development does not achieve this criteria as already noted in the beginning of this section.	No

	3F.5) Direct lines of sight should be avoided for windows and balconies across corners No separation is required between blank walls	Achieved. Whilst the ADG allows no separation between blank walls, the site context is not one that can support no separation or reduced separations between any proposed blank walls. The context is one of low scale, detached, single and double storey dwellings characterised by substantial setbacks and smaller building footprints that should be respected by the development. As such, the variation to setbacks are not supported. The architectural plans seek variations to the setback controls to the east boundary and the south boundary, by treating the eastern and southern elevations of the proposed building as a 'blank wall' (such as by way of solid walls or 1.8 window sills that do not enable outlooks other than of the sky). Whilst these measures address the potential impacts of visual and acoustic privacy, the measures do not address the scale of the development compared to the	Yes No
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		surrounding neighbours; and diminishes the design quality of the external elevations; and diminishes the internal amenity for future occupants by preventing any views over the eastern and southern. It is considered that the proposed building, in order to preserve the lower scale of adjoining properties and adjoining lower density zones	
3F-2 Visual Privacy	Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space <u>Design guidance</u> 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	Outlook and views from habitable rooms and private open spaces has been compromised at the southern and eastern elevations which is not appropriate for a site that is not otherwise constrained. This is a result of the building designed to not-comply with setback distances of the ADG and the consequent inclusion of privacy screening to windows such as 1.8m high sills where only an outlook to the sky is possible, and south facing units having no view of the proposed multi dwelling housing development. This in turn has diminished the quality of the external appearance of the southern elevation as viewed from Orange Grove Road.	No

	• 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 Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas 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 Recessed balconies and/or vertical fins should be used between adjacent balconies	The same applies to the eastern elevation which is visible from Cabramatta Road West.	
3G-1 Pedestrian Access and Entries	Building entries and pedestrian access connects to and addresses the public domain <u>Design guidance</u> Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge 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 Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with	A major concern is that there are no pathways proposed within the private circulation road which is intended to be shared with two-way traffic, pedestrians, cyclists and service vehicles. This is not considered to be an acceptable solution. Appropriate design response is achieved to the classified roads however the response to the private domain internal to the site is problematic. The main building entry and pedestrian access is provided from the south to the	No

	clear sight lines and pathways to secondary building entries	rear of the building, however the building does not appropriately address the southern public domain. The site layout and the design does not provide a sense of entry or belonging with much of the ground floor and pedestrian access occupied by services, waste, open gym with no clear identity or purpose. Amended plans have now further diminished the quality of the ground/street level by replacing solid wall of the expansive waste collection room with a 1.4m screen that is visible from the circulation road.	
3G-2 Pedestrian Access and Entries	Access, entries and pathways are accessible and easy to identify <u>Design guidance</u> Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces 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	Rear access to the building is not easy to identify and is obstructed by the wall of the basement into the driveway which is also not integrated into the building design. Ramping is minimised. Achieved. Capable of being	No Yes Yes Yes

	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	achieved. Capable of being achieved.	Yes
3G-3 Pedestrian Access and Entries	Large sites provide pedestrian links for access to streets and connection to destinations <u>Design guidance</u> Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport 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	There are no pathways proposed within the private circulation road and no pedestrian access to the site from Links Avenue which is the main entry and exit. It is concerning that the circulation road is intended to be shared with two-way traffic, pedestrians, cyclists and service vehicles. This is not considered to be an acceptable solution.	No
3H-1 Vehicle Access	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes <u>Design guidance</u> 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 facade • where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed Car park entries should be located behind the building line	Car park access is not integrated with the building's overall facade. Not achieved.	No No

	Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout	Acceptable in terms of site levels and length.	Yes
	Car park entry and access should be located on secondary streets or lanes where available	Located off a private road which is located on a secondary street being Links Avenue.	Yes
	Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided	No standing areas are proposed.	Yes
	Access point locations should avoid headlight glare to habitable rooms	Not achieved. The finished levels of the western circulation road are on par with the window levels of southern residences who will be impacted by headlight glare. A 2.4m fence is proposed however does not comply with Council's controls, is uncharacteristic in a residential area and has not been demonstrated to be a sufficient measure.	No
	Adequate separation distances should be provided between vehicle entries and street intersections	Achieved.	Yes
	The width and number of vehicle access points should be limited to the minimum	1 access point provided into the basement.	Yes
	Visual impact of long driveways should be minimised through changing alignments and screen planting	Achieved.	Yes
	The need for large vehicles to	Servicing of the site	Yes

	enter or turn around within the site should be avoided Garbage collection, loading and servicing areas are screened 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	will be required to be undertaken on-site from the at-grade loading bay, via Heavy Rigid Vehicles such as for weekly waste collections. No truck access is required or provided within the basement. Waste collection areas at ground level are no longer appropriately screened as a result of amended plans submitted in July 2024 which replace solid wall with a 1.4m screen which is insufficient and results in a range of adverse impacts. Council's Traffic Engineer has raised concern with the sight lines. None identified. No textures used to identify a pedestrian/cycleway. Separate pedestrian access has not been provided.	No No No No
3J-1 Bicycle and Car Parking	1. 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	Council's DCP rate as specified in Chapter 12 of Fairfield CityWide DCP 2013 requires: 1 space per dwelling plus 1 visitor space per 4 dwellings	Yes

	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 <u>Design guidance</u> Where a car share scheme operates locally, 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	85 units generates a requirement for: - 85 residential parking spaces, and - 21.25 visitor spaces Total 106.25 spaces required rounded up to 107 spaces The July 2024 amended plans provide: - 85 x residential spaces, including 9 adaptable spaces (complies), and - 22 x visitor spaces including 2 accessible spaces (complies) All parking is within the basement. No car share spaces are proposed. Parking complies; and Council does not issue parking permits.	Yes Not applicable Yes
3J-2 Bicycle and Car Parking	Parking and facilities are provided for other modes of Transport <u>Design guidance</u> Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters Secure undercover bicycle parking should be provided that is easily accessible from both the	No motorbike parking spaces are proposed but there is sufficient space in the basement to achieve this with amended plans. A total of 63 bicycle parking spaces will be provided as follows:	No Yes

	public domain and common areas Conveniently located charging stations are provided for electric vehicles, where desirable	- 30 residential bicycle parking spaces in Basement 01 - 24 residential bicycle parking spaces in Basement 02 - 9 visitor bicycle parking spaces at ground level Electric car charging bays are designated as follows: - 3 of the visitor spaces in Basement 01 are car charging bays - Residential car charging bays proposed to be installed as needed.	Yes
3J-3 Bicycle and Car Parking	Car park design and access is safe and secure <u>Design guidance</u> 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 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	The proposal is capable of achieving these requirements.	Yes

3J-4 Bicycle and Car Parking	Visual and environmental impacts of underground car parking are minimised <u>Design guidance</u> Excavation should be minimised through efficient car park layouts and ramp design Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles 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 Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design	Achieved. Achieved, although aisles are not double loaded. The basement does not protrude above the ground level according to the architectural plans. Capable of being achieved and must comply with the BCA. Achieved.	Yes Yes Yes Yes Yes
3J-5 Bicycle and Car Parking	Visual and environmental impacts of on-grade car parking are minimised <u>Design guidance</u> 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	No on-grade car parking is proposed for the residential flat building.	Yes

	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 Bicycle and Car Parking	Visual and environmental impacts of above ground enclosed car parking are minimised <u>Design guidance</u> 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	No aboveground enclosed parking is proposed for the residential flat building and all parking is within the basement.	Not applicable
Part 4 Designing the Building			
Amenity			
4A-1 Solar and	To optimise the number of apartments receiving sunlight to		

Daylight Access	habitable rooms, primary windows and private open space		
	<u>Design criteria</u>		
	1. 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	64 out of 85 units achieve the minimum solar access equal to 75.30%	Yes
	2. 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	Not relevant	Not applicable
	3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter	There are 12 out of 85 units that would get no sunlight, equal to 14.11%.	Yes
	<u>Design guidance</u> The design maximises north aspect and the number of single aspect south facing apartments is minimised	Achieved.	Yes
	Single aspect, single storey apartments should have a northerly or easterly aspect	Achieved where appropriate.	Yes
	Living areas are best located to the north and service areas to the south and west of apartments	Achieved where appropriate.	Yes
	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	Dual aspect and shallow apartments utilised.	Yes

	apartments • bay windows To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m² 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	Capable of complying. Greater amenity could have been achieved by orienting the living areas away from the noisy classified roads however the proposed design ensures that solar access is achieved to 75% of units. A total of 27 out of 85 units have been oriented to the south and away from the noise source. Whilst these units will generally receive none or less than 2 hours solar access in mid-winter, these units will be better positioned away from the noise source. The objective is met.	Yes Yes Yes
4A-2 Solar and Daylight Access	Daylight access is maximised where sunlight is limited <u>Design guidance</u> Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms	The following units do not comply with this requirement, having a 1.8m high window sill for their principle light source:	No

		- B2 in Unit A205 - B2 in Unit A206 - B2 in Unit A208 - B2 in Unit A305 - B2 in Unit A306 - B2 in Unit A308 - B2 in Unit A405 - B2 in Unit A406 - B2 in Unit A408 - B1 in Unit A505 - B1 in Unit B506 - B1 in Unit B508 - B2 in Unit A605 - B1 in Unit B606 - B1 in Unit B608	
	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	Courtyards have been used as sources of sunlight for habitable rooms and do not comply with this control. The courtyards also do not comply with the separation distance requirements. This is capable of being achieved.	No Yes
4A-3 Solar and Daylight Access	Design incorporates shading and glare control, particularly for warmer months <u>Design guidance</u>	Amended design adequately incorporates shading features such as screens where	Yes

	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 • 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)	necessary.	
4B-1 Natural Ventilation	All habitable rooms are naturally ventilated <u>Design guidance</u> The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms 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 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	The development is capable of achieving these requirements.	Yes

	• windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors		
4B-2 Natural Ventilation	The layout and design of single aspect apartments maximises natural ventilation <u>Design guidance</u> Apartment depths are limited to maximise ventilation and airflow (see also figure 4D.3) 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 development is capable of achieving these requirements.	Yes
4B-3 Natural Ventilation	The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents <u>Design criteria</u> 1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartment at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural	51 out of 85 units are naturally cross-ventilated equal to 60% Not relevant as proposal is up to 6 storeys.	Yes Not applicable

	ventilation and cannot be fully enclosed 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line <u>Design guidance</u> The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths 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 (outlet side) (see figure 4B.4) Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow	Amended plans submitted in July 2023 have amended the depth of two central units at typical levels 2, 3 4 also 2 units on level 5 and 2 units at level 6 to reduce the depth to comply with the maximum 18m. Achieved. Capable of being achieved. Achieved. Achieved.	Yes Yes Yes Yes Yes
4C-1 Ceiling Heights	Ceiling height achieves sufficient natural ventilation and daylight access <u>Design criteria</u> 1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	2.7m minimum.	Yes

	<table><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</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 used 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 <u>Design guidance</u> Ceiling height can accommodate use of ceiling fans for cooling and heat distribution	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	Capable of being achieved	Yes
Minimum ceiling height for apartment and mixed use buildings															
Habitable rooms	2.7m														
Non-habitable	2.4m														
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area														
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope														
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use														
4C-2 Ceiling Heights	Ceiling height increases the sense of space in apartments and provides for well proportioned rooms <u>Design guidance</u> 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 • well proportioned rooms are provided, 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	Capable of being achieved.	Yes												
4C-3 Ceiling Heights	Ceiling heights contribute to the flexibility of building use over the life of the building <u>Design guidance</u> Ceiling heights of lower level	Site is not in a neighbourhood centre and does not require flexibility for conversion to non-residential uses.	Not applicable												

	apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses (see figure 4C.1)												
4D-1 Apartment Size and Layout	The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity <u>Design criteria</u> 1. Apartments are required to have the following minimum internal areas: <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> 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 12m² each 2. 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 <u>Design guidance</u> Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space) A window should be visible from any point in a habitable room	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	All units meet the minimum internal areas. Units with a second bathroom are provided with an additional 5m² of area. No 4 bedroom units. Capable of being achieved Achieved. Achieved.	Yes Yes Not applicable Yes Yes Yes
Apartment type	Minimum internal area												
Studio	35m ²												
1 bedroom	50m ²												
2 bedroom	70m ²												
3 bedroom	90m ²												

	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. These circumstances would be assessed on their merits	Minimum areas and room dimensions are met.	Yes
4D-2 Apartment Size and Layout	Environmental performance of the apartment is maximised <u>Design criteria</u> 1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height 2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window <u>Design guidance</u> Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths All living areas and bedrooms should be located on the external face of the building	Achieved. Achieved. Not proposed. Achieved.	Yes Yes Not applicable Yes
4D-3 Apartment Size and Layout	Apartment layouts are designed to accommodate a variety of household activities and needs <u>Design criteria</u> 1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) 2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space) 3. Living rooms or combined living/dining rooms have a minimum width of:	Achieved. Achieved. Achieved.	Yes Yes Yes

	by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms																	
4E-1 Private Open Space and Balconies	Apartments provide appropriately sized private open space and balconies to enhance residential amenity <u>Design criteria</u> 1. 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 apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table> The minimum balcony depth to be counted as contributing to the balcony area is 1m 2. 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 15m² and a minimum depth of 3m <u>Design guidance</u> Increased communal open space should be provided where the number or size of balconies are reduced Storage areas on balconies is 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	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	The proposal provides All apartments comply with the minimum balcony sizes and depths. Achieved. More than the minimum required COS is provided. Achieved. Balcony use will be limited for units facing the classified roads. Wintergardens would have been appropriate however the proposal is at its maximum FSR limit and the current design cannot support	Yes Yes Yes Yes No
Dwelling type	Minimum area	Minimum depth																
Studio apartments	4m ²	-																
1 bedroom apartments	8m ²	2m																
2 bedroom apartments	10m ²	2m																
3+ bedroom apartments	12m ²	2.4m																

	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	the increased GFA.	
4E-2 Private Open Space and Balconies	Primary private open space and balconies are appropriately located to enhance liveability for residents <u>Design guidance</u> Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space Private open spaces and balconies predominantly face north, east or west 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	Capable of being achieved.	Yes
4E-3 Private Open Space and Balconies	Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the Building <u>Design guidance</u> 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	Design of balcony balustrades is appropriate, varied and aesthetic.	Yes

	Full width full height glass balustrades alone are generally not desirable Projecting balconies should be integrated into the building design and the design of soffits considered 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 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	All balconies are integrated into the design of the building. Achieved. Achieved. Low balustrades proposed at communal corridors is not considered a safe outcome. Capable of being achieved. Air-conditioning units will be located on the roof or integrated in the balconies. Capable of being achieved. No terraces proposed on top of apartments. Capable of being achieved.	Yes Yes Yes No Yes Yes Yes Yes Yes
4E-4 Private Open Space and Balconies	Private open space and balcony design maximises safety <u>Design guidance</u> Changes in ground levels or landscaping are minimised Design and detailing of balconies	Achieved. Achieved.	Yes Yes

	avoids opportunities for climbing and falls		
4F-1 Common Circulation and Spaces	Common circulation spaces achieve good amenity and properly service the number of apartments <u>Design criteria</u> 1. The maximum number of apartments off a circulation core on a single level is eight 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40 <u>Design guidance</u> 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 Daylight and natural ventilation should be provided to all common circulation spaces that are above ground Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors 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	10 at ground level however they share two lifts and are acceptable despite exceedance. Maximum 8 units at upper levels, complies Maximum 6 storeys proposed. Achieved at the ground level where the exceedance occurs. Achieved. Achieved. 24m long corridors proposed but are articulated appropriately.	Yes Not applicable Yes Yes Yes

	Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments Achieving the design criteria for the number of apartments off a circulation core may not 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 Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level 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	Dual aspect apartments have been maximised based on the current circulation design. The development achieves the design criteria therefore these guidelines are not relevant. Design criteria 1 is achieved and therefore this guideline is not relevant. Achieved.	Yes Yes Yes Yes
4F-2 Common Circulation and Spaces	Common circulation spaces promote safety and provide for social interaction between residents <u>Design guidance</u> Direct and legible access should	Achieved.	Yes

	be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines Tight corners and spaces are avoided Circulation spaces should be well lit at night Legible signage should be provided for apartment numbers, common areas and general wayfinding 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 Where external galleries are provided, they are more open than closed above the balustrade along their length	Achieved. Capable of being achieved. Capable of being achieved. No space for seating is provided in corridors. 85 units proposed within the RFB and 53 in the multi dwelling housing development. This is a large development yet no community room for activities has been provided. Annotations on plans indicate that any external galleries will have a balustrade with a maximum height of 1.4m.	Yes Yes Yes No No Yes
4G-1 Storage	Adequate, well designed storage is provided in each apartment <u>Design criteria</u> 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:	Achieved.	Yes

	Dwelling type	Storage size volume		
	Studio apartments	4m³		
	1 bedroom apartments	6m³		
	2 bedroom apartments	8m³		
	3+ bedroom apartments	10m³		
	At least 50% of the required storage is to be located within the apartment		All units are provided with storage in the apartments and 75 out of 85 units are provided with storage in the basements.	Yes
			Achieved.	Yes
	<u>Design guidance</u> Storage is accessible from either circulation or living areas		Storage on balconies is in addition to the minimum area of balconies.	Yes
	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		None of the units contain staircases.	Not applicable
4G-2 Storage	Left over space such as under stairs is used for storage			
	Additional storage is conveniently located, accessible and nominated for individual apartments		Storage is provided in apartments however additional space for 75 out of the 85 units is proposed in the basements.	Yes
	<u>Design guidance</u> Storage not located in apartments is secure and clearly allocated to specific apartments		Achieved	Yes
	Storage is provided for larger and less frequently accessed items		Achieved.	Yes
	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		Provided in cages.	Yes
	If communal storage rooms are provided they should be		Within walking distance of the lifts.	Yes

	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	Achieved.	Yes
4H-1 Acoustic Privacy	Noise transfer is minimised through the siting of buildings and building layout <u>Design guidance</u> 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 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 Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources The number of party walls (walls shared with other apartments) are limited and are appropriately insulated 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	Adequate building separation is not provided. Not achieved. Generally achieved with exception of units adjoining the lifts and the waste room. Not achieved to units that are facing the classified roads. Achieved. Not achieved as noise sources are located directly adjacent to bedrooms of certain units.	No No No No Yes No
4H-2 Acoustic	Noise impacts are mitigated within apartments through layout		

Privacy	and acoustic treatments <u>Design guidance</u> 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 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	Certain bedrooms are located directly adjacent to the lifts, and a ground floor unit has primarily habitable rooms adjacent to the waste room, and are unsuitable. Capable of being achieved for most units in the development.	No Yes
4J-1 Noise Pollution	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings <u>Design guidance</u> To minimise impacts the following design solutions may be used: • physical separation between buildings and the noise or pollution source • 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	The site is considered to be situated in a hostile environment due to the site fronting two classified roads. The design does not adhere to the design guidance in this criteria. For example, alternative solutions such as orienting non-habitable spaces to the classified roads, or dual-aspect units, or providing two-storey units at the ground floor where bedrooms and living areas can be positioned on the upper level away from	No

	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, nonhabitable 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	the classified road to protect against any potential collisions has not been explored. Amended plans have slightly improved the situation by introducing a solid acoustic barrier to provide some measure of physical separation for ground floor units and assist in reducing the excessive noise, however due to the lack of sufficient physical separation, these spaces will remain noisy and likely unusable. Dust and air pollution is also likely to be an issue for these units.	
4J-2 Noise Pollution	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission <u>Design guidance</u> Design solutions to mitigate noise include: • limiting the number and size of openings facing noise sources • providing seals to prevent noise transfer through gaps • using double or acoustic glazing, acoustic louvres or	The Acoustic Report submitted with the application addresses the impact of noise to and from the development and concludes that subject to compliance with the recommendations of the report, acoustic criteria for indoor spaces will be met. This has been assessed by council's Public Health &	Yes

	enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits	Environment Section who raised no issues with the proposal. It is noted whilst indoor spaces will be capable of being engineered to achieve acoustic amenity criteria, the private open spaces and external areas cannot be significantly shielded unless an alternative site layout is explored.	
4K-1 Apartment Mix	A range of apartment types and sizes is provided to cater for different household types now and into the future <u>Design guidance</u> 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	A variety of apartment types and sizes are provided.	Yes
4K-2 Apartment Mix	The apartment mix is distributed to suitable locations within the building <u>Design guidance</u> Different apartment types are	Achieved.	Yes

	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	Achieved.	Yes
4L-1 Ground Floor Apartments	Street frontage activity is maximised where ground floor apartments are located <u>Design guidance</u> 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	Direct entry has not been provided and this control is not considered appropriate for this site due to the hazards associated with the classified road frontage. The variation is considered acceptable. Achieved. Retail is not permitted in the residential zones. Capable of being achieved.	No Yes Not applicable Yes

	to ceiling heights and ground floor amenities for easy conversion		
4L-2 Ground Floor Apartments	Design of ground floor apartments delivers amenity and safety for residents <u>Design guidance</u> 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	Due to the location of the site fronting two classified roads the amenity of the ground floor units is unsuitable. Bedrooms and living spaces are proposed to be located 6m from the boundary to the classified roads, and private open spaces run along the classified road. Whilst the design enables compliance with solar access for 75% of units, the design does not deliver safety and amenity.	No
4M-1 Facades	Building facades provide visual interest along the street while respecting the character of the local area <u>Design guidance</u> 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	The proposed building façade to the north and west facing the classified roads achieves a high quality and aesthetic presentation. The acoustic barrier required to provide safety and reduce noise levels at the frontages of the building will be provided with a public art/mosaic wall to treat an otherwise blank exterior wall. However it is noted that the detailed design and extent of the artwork has not been	No

	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	submitted for Council to consider. The facade to the south and west does not achieve the same level of architectural detailing and sense of identity that the northern and western façade presents partly arising from the location of building services and waste rooms occupying a large footprint of the ground floor. Additionally, the entry into the basement has not been integrated into the overall façade. The building does not achieve the minimum required setbacks under the ADG to the eastern R2 zoned properties and the southern R3 zoned multi dwelling housing development, resulting in the design incorporating a blank façade consisting of high sill windows and no outlook to the new development being proposed over the southern part of the site.	
4M-2 Facades	Building functions are expressed by the facade <u>Design guidance</u> Building entries should be clearly defined Important corners are given visual prominence through a change in articulation, materials	Achieved. Achieved.	Yes Yes

	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	Achieved.	Yes
4N-1 Roof Design	Roof treatments are integrated into the building design and positively respond to the street <u>Design guidance</u> 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	Roof Plan is appropriate and incorporates service elements.	Yes
4N-2 Roof Design	Opportunities to use roof space for residential accommodation and open space are maximised <u>Design guidance</u> 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	No habitable rooms are provided in the roof space as a flat roof is proposed. No open space is proposed on the roof	Not applicable Not applicable

	and acoustic privacy, comfort levels, safety and security considerations	as there is adequate space at the ground level.	
4N-3 Roof Design	Roof design incorporates sustainability features <u>Design guidance</u> Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include: • the roof lifts to the north • eaves and overhangs shade walls and windows from summer sun Skylights and ventilation systems should be integrated into the roof design	The roof design is acceptable however there are minimal sustainability features. Skylights incorporated to certain units.	Yes
4O-1 Landscape Design	Landscape design is viable and sustainable <u>Design guidance</u> 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	The proposed deep soil zone is 740.45m² and according to Table 4 in the ADG can accommodate 9 large trees or 18 medium trees. The proposed new planting will exceed the minimum and will contribute to providing high quality new landscaping along the frontages of the site and within the COS. Notwithstanding that new planting is proposed which will contribute positively, the overall landscape design is not considered to be sustainable as it does not maximise preservation of existing trees that are located at the perimeters of the site and are capable of being retained and protected.	No

	Tree and shrub selection considers size at maturity and the potential for roots to compete (see Table 4) Table 4 Recommended tree planting in deep soil zones <table><tr><th>Site area</th><th>Recommended tree planting</th></tr><tr><td>Up to 850m²</td><td>1 medium tree per 50m² of deep soil zone</td></tr><tr><td>Between 850 - 1,500m²</td><td>1 large tree or 2 medium trees per 90m² of deep soil zone</td></tr><tr><td>Greater than 1,500m²</td><td>1 large tree or 2 medium trees per 80m² of deep soil zone</td></tr></table>	Site area	Recommended tree planting	Up to 850m ²	1 medium tree per 50m ² of deep soil zone	Between 850 - 1,500m ²	1 large tree or 2 medium trees per 90m ² of deep soil zone	Greater than 1,500m ²	1 large tree or 2 medium trees per 80m ² of deep soil zone	Further, the existing trees are taller than the proposed buildings and will instantly achieve an appropriate scale along the western elevations, where the proposed trees are smaller and medium trees which will not achieve the same height and scale as the large trees that are required to scale against the building; and will take years to fully mature.	
Site area	Recommended tree planting										
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4O-2 Landscape Design	Landscape design contributes to the streetscape and amenity <u>Design guidance</u> 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 design is not considered to be appropriate as it does not maximise preservation of existing trees that are located at the perimeters of the site and are capable of being retained and protected. The loss of trees results in unacceptable loss of amenity and diminishing the quality of the streetscape.	No								
4P-1 Planting on Structures	Appropriate soil profiles are provided <u>Design guidance</u> Structures are reinforced for additional saturated soil weight Soil volume is appropriate for plant growth, considerations include:	These matters have been reviewed by Council's Landscape Advisor and Tree Preservation Officer and no issues have been raised regarding planting on structures.	Yes								

	• 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 Table 5 Minimum soil standards for plant types and sizes <table><tr><th>Plant type</th><th>Definition</th><th>Soil volume</th><th>Soil depth</th><th>Soil area</th></tr><tr><td>Large trees</td><td>12-16m high, up to 16m crown spread at maturity</td><td>150m³</td><td>1,200mm</td><td>10m x 10m or equivalent</td></tr><tr><td>Medium trees</td><td>8-12m high, up to 8m crown spread at maturity</td><td>35m³</td><td>1,000mm</td><td>6m x 6m or equivalent</td></tr><tr><td>Small trees</td><td>6-8m high, up to 4m crown spread at maturity</td><td>9m³</td><td>800mm</td><td>3.5m x 3.5m or equivalent</td></tr><tr><td>Shrubs</td><td></td><td></td><td>500-600mm</td><td></td></tr><tr><td>Ground cover</td><td></td><td></td><td>300-450mm</td><td></td></tr><tr><td>Turf</td><td></td><td></td><td>200mm</td><td></td></tr></table>	Plant type	Definition	Soil volume	Soil depth	Soil area	Large trees	12-16m high, up to 16m crown spread at maturity	150m³	1,200mm	10m x 10m or equivalent	Medium trees	8-12m high, up to 8m crown spread at maturity	35m³	1,000mm	6m x 6m or equivalent	Small trees	6-8m high, up to 4m crown spread at maturity	9m³	800mm	3.5m x 3.5m or equivalent	Shrubs			500-600mm		Ground cover			300-450mm		Turf			200mm			
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Turf			200mm																																			
4P-2 Planting on Structures	Plant growth is optimised with appropriate selection and maintenance <u>Design guidance</u> 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																																					
4P-3 Planting on Structures	Planting on structures contributes to the quality and amenity of communal and public open spaces <u>Design guidance</u> 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		
4Q-1 Universal Design	Universal design features are included in apartment design to promote flexible housing for all community members <u>Design guidance</u> Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features	The applicant has stated that 17 out of 85 units (equal to 20%) will achieve Livable Housing Silver Level.	Yes
4Q-2 Universal Design	A variety of apartments with adaptable designs are provided <u>Design guidance</u> 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 Fairfield CityWide DCP 2013 requires 1 accessible unit per 10 units. The proposal provides 9 out of 85 units and complies with the DCP.	Yes
4Q-3 Universal Design	Apartment layouts are flexible and accommodate a range of lifestyle needs <u>Design guidance</u> Apartment design incorporates	Proposed apartment layouts are considered to be flexible.	Yes

	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		
4R-1 Adaptive Reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place <u>Design guidance</u> 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	The application is for a new development and does not involve extensions/additions.	Not applicable
4R-2 Adaptive Reuse	Adapted buildings provide residential amenity while not precluding future adaptive reuse <u>Design guidance</u> 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	The proposal does not involve adaptive reuse of a building.	Not applicable

	• 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		
4S-1 Mixed use	Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement <u>Design guidance</u> Mixed use development should be concentrated around public transport and centres Mixed use developments positively contribute to the public domain. Design solutions may include: • development addresses the street	Only residential accommodation is proposed.	Not applicable

	• 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 Mixed use	Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents <u>Design guidance</u> 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	Only residential accommodation is proposed.	Not applicable
4T-1 Awnings and Signage	Awnings are well located and complement and integrate with the building design <u>Design guidance</u> 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	Site is not in a neighbourhood centre and does not have a high pedestrian activity or active frontage.	Not applicable

	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		
4T-2 Awnings and Signage	Signage responds to the context and desired streetscape character <u>Design guidance</u> 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 Signage is limited to being on and below awnings and a single facade sign on the primary street frontage	No signage is proposed for this site.	Not applicable
4U-1 Energy Efficiency	Development incorporates passive environmental design <u>Design guidance</u> Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access)	Not all habitable room receive adequate natural light as identified earlier in this	No

	Well located, screened outdoor areas should be provided for clothes drying	table. Capable of being achieved.	Yes
4U-2 Energy Efficiency	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer <u>Design guidance</u> 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 development must comply with the BASIX certificate which contains numerous requirements relating to energy efficiency. However it is noted that the BASIX Certificate for this development is outdated and an amended certificate has not been submitted to reflect the revised proposal and to verify that original recommendations are still relevant.	No
4U-3 Energy Efficiency	Adequate natural ventilation minimises the need for mechanical ventilation <u>Design guidance</u> 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	Achieved.	Yes

4V-1 Water Management and Conservation	Potable water use is minimised <u>Design guidance</u> 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 for this development is outdated and an amended certificate has not been submitted to reflect the revised proposal. Notwithstanding this, the original certificate did not make any recommendations for alternative water source to be installed at the site and none have been included in the design. An updated certificate is required to verify that these requirements are still relevant to the amended design.	No
4V-2 Water Management and Conservation	Urban stormwater is treated on site before being discharged to receiving waters <u>Design guidance</u> 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	Council's Development Engineers have assessed this aspect of the proposal and raise no issues.	Yes
4V-3 Water Management and Conservation	Flood management systems are integrated into site design <u>Design guidance</u> Detention tanks should be located under paved areas, driveways or in basement car parks	The site is not flood affected.	Not applicable

	On large sites parks or open spaces are designed to provide temporary on site detention basins		
4W-1 Waste Management	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents <u>Design guidance</u> Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park Waste and recycling storage areas should be well ventilated Circulation design allows bins to be easily manoeuvred between storage and collection points Temporary storage should be provided for large bulk items such as mattresses A waste management plan (WMP) should be prepared	Waste storage areas are no longer located discreetly and occupy a large part of the ground floor footprint. Additionally the waste area is not appropriately screened. Council's Waste Management Section has raised a number of concerns with the proposal. Capable of being achieved. Capable of being achieved. Provided at ground level instead of in the basement. An amended WMP was submitted in March 2024 and has been reviewed by Council's Waste Management Section who raised a number of concerns with the proposal. These issues with waste management are discussed in the Key Issues section of	Yes Yes Yes No Yes

		the report.	
4W-2 Waste Management	Domestic waste is minimised by providing safe and convenient source separation and recycling <u>Design guidance</u> 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 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	Capable of being achieved. Provided at each residential level, plus in the basement and at ground level. Residential only. Capable of being achieved.	Yes Yes Not applicable Yes
4X-1 Building Maintenance	Building design detail provides protection from weathering <u>Design guidance</u> 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	The development is capable of complying with these requirements.	Yes
4X-2 Building Maintenance	Systems and access enable ease of maintenance <u>Design guidance</u> Window design enables cleaning from the inside of the building Building maintenance systems	The development is capable of complying with these requirements.	Yes

	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 Building Maintenance	Material selection reduces ongoing maintenance costs <u>Design guidance</u> 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 development is capable of complying with these requirements.	Yes