

## **ATTACHMENTS**

## **Attachment 1**

List of Parties who appeared at the Panel Hearing on 30 May 2008

1. Burwood Council  
Mr Ian Dencker  
Mr Brian Olsen
2. Burwood Community Voice  
Ms Lesley Fureaux-Cook
3. Ms Katherine Ballard
4. Dr Susan McGrath-Champ

## **Attachment 2**

### **Suggested Conditions of Consent**



**BURWOOD COUNCIL**

heritage ■ progress ■ pride

URBAN ASSESSMENT  
RECEIVED

11 JUN 2008

12/6/08  
n/b

Mr. Michael Woodland  
Director, Urban Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

File No: 077.0001.00

6 June 2008

Dear Mr. Woodland

1-17 Elsie Street and 45-49 George Street Burwood  
Major Project MP 07-0076

Reference is made to the hearing on 30 May 2008 of Independent Panel of Experts constituted by the Minister for Planning pursuant to Section 75G of the Environmental Planning & Assessment Act 1979 in respect of the assessment of the concept plan application of the above major project.

At the above hearing Council addressed the Panel on the matters raised in letters dated 27 February 2008 and 12 March 2008 relating to the development concept. The Panel subsequently requested clarification on several matters relating to Council's submission and to the inventory of development conditions prepared by Council and sent to the Department of Planning on 10 April 2008. In response to the clarification sought by the Panel I would advise the following:

1. The matters raised in Council's letter dated 12 March 2008 relating to the car parking layout of Council's public car park area on Basement levels 1 & 2 of the site has since been resolved and is no longer at issue.
2. Condition 6 – Public Domain Bond \$157,181.00. This condition is to be read in conjunction with Public Domain condition 1 under the heading Engineering. The figure stated in the draft conditions is the difference between the applicants existing Bond that has been paid to Council and the total value of the streetscape improvement works as required under Part 35 of Burwood Consolidated Development Control Plan No. 35 for the 3 street frontages of the development. The streetscape improvement works and their costs are set out in Public Domain Condition 1. The Bond for the original consent related to footpath, kerb and gutter and road works only. The other items nominated in Public Condition 1 are attributed to the new development.
3. In its submission of 27 February 2008 Council raised issue with 3 pedestrian crossings indicated in Elsie Street on the concept plans. The concern was based on the loss of on street parking in Elsie Street and that the crossings would not meet the warrants of the Roads & Traffic Authority. If there is to be a pedestrian crossing in Elsie Street, Council is of the view that it would be better sited closer to George Street because of the greater number of pedestrian movements in that area.


2 Conder Street Burwood NSW 2134 PO Box 240 Burwood NSW 1805  
phone: 9911 9911 facsimile: 9911 9900 email: council@burwood.nsw.gov.au  
website: www.burwood.nsw.gov.au

4. The Section 94 Contributions indicated on the draft conditions are based on Council's current Section 94 Plan 2006 and Section 94 Contributions Plan No. 1 - Roads & Traffic Facilities. The contributions sought are not based on the draft Contributions Plan 2007 for the Burwood Town Centre. The applicant has paid \$725,326.00 to Council in respect of Section 94 contributions required on the original development consent. Council would expect that credit would be given to the development for the monies already paid to Council.

I would also refer you to Council's letter dated 10 April 2008 where Council requested reimbursement for the resources expended in preparing its submission to the Department of Planning regarding this application as well as preparing the draft conditions. Council has not received a reply to date and Council would appreciate your further consideration of this matter.

I trust that the above information is of sufficient clarification for the independent Panel and should you require further information please contact me on 99119911 during business hours.

Yours faithfully



Brian Olsen  
Manager Building & Development

### **Attachment 3**

- Letter seeking further information in relation to the calculation of GFA and FSR dated 13 August 2008.
- Letter to the Department of Planning seeking clarification of the nature of the project dated 18 June 2008.
- Letter to Burwood Council requesting additional information dated 19 June 2008
- Letter to the proponent dated 19 June 2008 seeking clarification and further amendment to the proposal.



INDEPENDENT EXPERT PANEL (s75G EP&A Act)  
RESIDENTIAL DEVELOPMENT AT ELSIE & GEORGE STREETS BURWOOD

13 August 2008

Mr Sarkis Nassif  
Managing Director  
Kavlyn Pty Ltd  
19 Victoria Ave  
CONCORD WEST NSW 2138

Dear Mr Nassif,

Panel Meeting on Friday, 15 August 2008

The Panel requests additional information be provided in relation to the actual FSR of the proposal having regard to:

- a) the existing definition of GFA under the BPSO ;and
- b) one which may exclude the public car park as GFA.

This calculation should not assume that the existing public car park and the calculations done by Council in its previous decisions are correct. The calculation should be carried out, de novo, having regard to the existing approved uses, the existing car parking rates and the existing definitions. In this respect, the calculation of GFA should have reference to the 'required' parking for the development for the time of approval and the required parking under controls applicable at this time; it will affect what is and what isn't GFA. An alternate calculation should then be provided having regard to the potential new controls/definitions which, at present, do NOT exclude the public car park as GFA.

Please also provide a basis for further exceeding the FSR of 2:1 under the BPSO; the previously advertised max GFA of 5:1 in the BTCLEP 2007; and the currently anticipated max of 4.5:1 under the BTCLEP 2008 where the proposed development has a purported max FSR of 5.28:1 which would appear to **exclude** the public car park component.

In this respect, it should be noted in the amended EA that the variation in the FSR above that indicated by BTCLEP 2008 is due to 'public domain improvements'. Please also explain why these public domain improvements were not the basis for the exceedance of the FSR from 2:1 under BPSO to what was approved by Council at a nominated 3.82:1 (not including the public car park) via a SEPP1.

The Panel would appreciate the information be provided at this Friday's meeting. Thank you for your attention.

Yours sincerely

Paula Poon  
Panel Secretariat

PANEL SECRETARIAT  
23-33 BRIDGE STREET SYDNEY, NSW 2000  
GPO BOX 38, SYDNEY, NSW 2001  
TELEPHONE (02) 8226 6516 FAX (02) 8226 6311  
Paula.poon@planning.nsw.gov.au



INDEPENDENT EXPERT PANEL (s75G EP&A Act)  
RESIDENTIAL DEVELOPMENT AT ELSIE & GEORGE STREETS BURWOOD

18 June 08

Mr Sam Haddad  
Director-General  
Department of Planning  
GPO Box 39  
Sydney NSW 2000  
(Attn Mr Jason Perica)

Dear Mr Haddad,

**Clarification of the nature of the application**

Following the Panel hearing on 30 May 2008 and a review of all documentations provided to the Panel by the Department, the Panel seeks clarification as to the nature of the application before the Minister.

The Panel notes the DGRs describe a Project Application for the whole property but the EA refers to a Concept Plan Application. The Panel understands that residential development, other than in conjunction with commercial development under the Burwood Planning Scheme Ordinance, is prohibited. To address the issue of permissibility, the proposal would need to be a Concept Plan application. If this is the case, the DGRs do not relate to the proposal sought and should be amended. The question is whether the amendment to the DGRs would require re-notification.

The Panel is of the view that any Concept Plan or Project Application should apply to the whole development on the site, being the existing, approved and proposed. The assessment of the residential component can not be divorced from its integration with the current building and approval. The proposal, as it stands, concerns only the 3 residential towers rather than the whole site.

Your advice on these two issues will be greatly appreciated.

Please also be advised that the Panel's preliminary assessment of the proposal indicated that substantial additional information is required before the Panel can properly assess the proposal. The Panel Secretariat has written to the proponent to seek the requested information.

Yours sincerely



Sue Francis  
Panel Chair

PANEL SECRETARIAT  
23-33 BRIDGE STREET SYDNEY, NSW 2000  
GPO BOX 39, SYDNEY, NSW 2001  
TELEPHONE (02) 9228 6516 FAX (02) 9228 6311  
Paula.poon@planning.nsw.gov.au





INDEPENDENT EXPERT PANEL (s75G EP&A Act)  
RESIDENTIAL DEVELOPMENT AT ELSIE & GEORGE STREETS BURWOOD

19 June 08

Mr Pat Romano  
General Manager  
Burwood Council  
PO Box 240  
BURWOOD nsw 1805

(Attn Mr Ian Dencker)

Dear Mr Romano,

**Request for Additional Information**

Following the conclusion of the Panel hearing on 30 May 2008, and a review of documentations provided by the Department including the Concept Plan, EA & associated documents and submissions, the Panel considers it will assist its assessment of the proposal if Council can make available copies of the documents that formed the previous applications on the site. These include:

1. DA379/01 of 6 December 2002;
2. DA379/01 Section 96 modification of 21 November 2005;
3. DA379/01 Section 96 modification of 26 July 2006; and
4. DA379/01 Section 96 modification of 19 April 2007.

The documents required for these applications include the notice of determination, approved plans and council report on each application.

I would appreciate it very much if you can arrange to have 3 hard copies of the documents (for the approved plans 2 sets of A3 and 1 set of A1 size) available for pick-up by the Panel members next Wednesday, 25 June 2008, at the Council Offices, and one electronic copy emailed to me for record purpose. Please send me an invoice for the printing cost of the documents.

If you have any questions, please call me on 9228 6516.

Thank you for your assistance and co-operation.

Yours sincerely

Paula Poon  
Panel Secretariat



INDEPENDENT EXPERT PANEL (s75G EP&A Act)  
RESIDENTIAL DEVELOPMENT AT ELSIE & GEORGE STREETS BURWOOD

19 June 2008

Mr Sarkis Nassif  
Managing Director  
Kavlyn Pty Ltd  
19 Victoria Ave  
CONCORD WEST NSW 2138

Dear Mr Nassif,

**Additional Information Required**

Following the Panel meeting with you and your consultants on 22 May 2008, the Panel hearing on 30 May 2008 and a review of all documentations including the EA & related documents and submissions made to the EA, the Panel requires the following additional information to assist its assessment of the concept plan:

1. Copies of the documents that formed the previous applications on the site: DA379/01 of 6 December 2002; DA379/01 Section 96 modification of 21 November 2005; DA379/01 Section 96 modification of 26 July 2006; and DA379/01 Section 96 modification of 19 April 2007. The Panel has received the Notice of Determination that was given to each of these applications, but the approved plans are required to assist the Panel in determining the differences between the proposal and the approved development.
2. A table of compliance and discussion of any non-compliance with the Burwood Town Centre Local Environmental Plan 2008 as forwarded to the Department on 17 April 2008. Although this plan was made public following the receipt of the subject application by the Minister, the Panel is of the view that it is now a relevant consideration.
3. The CPTED report is inadequate. For example, the narrow footpath to the north of the site and the dead end landscaped area on the western part of the site are not discussed. The Panel considers that both these areas may present safety issues. Further study may also indicate other areas of concern. Moreover, the report does not cover the issues raised in the Director General's Requirements.
4. The compliance table is inadequate (see 2 above).
5. The Statement of Commitments is inadequate. It makes no commitments in relation to the contributions arrangements through s94 or VPA for the proposed development but rather seeks to rely on the existing lower level development for its contribution. If, as sought, the development seeks to excise itself from the lower, already approved and/or built development, then the proposal cannot seek to benefit from the contributions paid in respect of a separate and approved development. Alternatively, were the two developments on the site integrated not only physically but also from a proposal perspective, more flexible arrangements may be possible – both physically and financially. This aspect of the proposal needs to be reconsidered by the proponent.

PANEL SECRETARIAT  
23-33 BRIDGE STREET SYDNEY, NSW 2000  
GPO BOX 39, SYDNEY, NSW 2001  
TELEPHONE (02) 9228 6516 FAX (02) 9228 6311  
Paula.poon@planning.nsw.gov.au

6. There is no indication that the car parking arrangements meet the requirements of the relevant Australian Standards. This should be provided. The Panel cannot find any indication of the exact location of the additional car parking spaces described. This needs to be demonstrated and justified.
7. The illustration and description of overshadowing and sun access of the surrounding area is inadequate and is not sufficient for the panel to form an understanding of its extent. The drawings that show the overshadowing should show clearly the extent of any additional loss or gain of sun access to surrounding residential properties at mid winter when compared to the existing situation and the existing approved development.
8. The description and illustration of the compliance to the Residential Flat Building Design Code is inadequate. For example, there does not appear to be any evidence that shows sun access to living rooms, private open space or shared open space. In addition, building separation does not appear to comply yet it is claimed that it does comply. This table should be revised by the proponent and resubmitted.
9. Despite the quantum of development proposed there appears to be no proposal to improve the surrounding public domain. There appears to be reliance on that part of the site already developed and approved for any such upgrades. There is no commitment in the current proposal before the Minister to address further impacts. In particular, the footpath to the north of the site remains unreasonable narrow. There should be an accessible path of travel along Victoria Street both in terms of width and grade. Moreover, pedestrian access should be available to the 'colonnade' from the point of the vehicle entry/exit along Victoria Street – this is currently blocked by a masonry wall and fire services which may be required to be moved.
10. The Wind Effects Statement is an opinion only based on experience and recommends a wind tunnel test to verify its conclusions and requirements for structures to mitigate adverse effects. This should be submitted for consideration prior to any determination of the proposal.
11. The Statement of Heritage Impact does not discuss the impact on the various heritage items in the locality as listed in the Director General's Requirements rather it focuses on the adjoining terraces only. This should be submitted for consideration prior to any determination of the proposal.
12. It appears that the car parking complies with the current controls.. However, given the proximity of the railway station and the co-location of the public car park it maybe a better planning outcome to limit the car parking (particularly visitor parking) to substantially less than the number proposed. This should be considered in light of the responses from the Minister of Transport and the RTA (attached to the DGRs), as well as the expectations of the Burwood Town Centre Panel (expressed in minutes to their meetings last year) to reduce the parking requirements for commercial uses in the town centre from 1 space/50m<sup>2</sup> to 1 space/120m<sup>2</sup>.
13. Although a visual analysis is provided there is little evidence of how the proposal was formed in order to minimise any adverse effects of the bulk.

Having regard to the above, the Panel finds the proposal, as submitted, inadequate. If a revised proposal is to be prepared to address the Panel's concern, the following planning and design criteria should guide the revised proposal:-

1. Improvements to the Public Domain – in particular, to the footpaths and street planting in the surrounding area. This is likely to extend beyond the areas immediately

adjacent to the site. These should provide a high level of pedestrian amenity connecting the site to Burwood Road and Burwood Station and improving the areas in front of surrounding properties affected by the development.

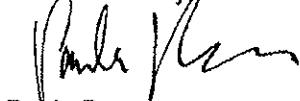
2. Sun access in mid winter between 9am and 3pm to open spaces and living room windows of surrounding affected areas should be improved when compared to the effects of the existing approved development. These improvements need to be shown in a level of detail that clearly illustrates the effects. Diagrams at minimum interval of one hour are required and further intervals may be required depending on the circumstances. Further survey work and expert verification may also be required.
3. The height limited by the requirements of BYCLEP2008 – see report on agenda 17 April 2008.
4. Maximise setbacks from the western boundary and demonstrate measures to minimise overlooking of adjacent residential private open space and windows to habitable rooms. Reduced or zero setbacks to the east may result and this is likely to be considered acceptable.
5. Minimise car parking. The number to be determined by a parking demand and traffic study that considers the proximity and availability of public transport, the co-location of the public car park and the most recent traffic counts.
6. Careful reconsideration and improvement of the western part of the site to improve its use, safety and ameliorate any adverse effects on adjoining properties. This may require relocation and redesign of the substation.
7. Residential accommodation to comply with the Rules of Thumb of the RFDC.
8. An improved relationship to the heritage items to the west of the site on George Street. This may require adjustments to the existing construction.
9. New reports, amendments and compliance summaries where required in relation to the Director General's Requirements and BTCLEP2008.

Furthermore, the Panel is of the view that any increase in FSR above 4.5:1 would not generally be supported in the absence of:-

1. addressing the above planning and design requirements;
2. improvement in the public domain, particularly on George and Victoria Streets;
3. reduction in carparking; and
4. improvement in amenity impacts to adjoining properties when compared to the original approvals.

The Panel is prepared to meet with you and your consultants to clarify the above request for additional information and the planning and design criteria, if required. If you have any questions, please call me on 9228 6516.

Yours sincerely



Paula Poon  
Panel Secretariat

## Attachment 4

### Documents Relied Upon

#### List of Submissions Received by Panel

No	Name	Documents
1.	Mr Robert Tartak	a. Undated statement opposing the proposal
2.	Dr Susan McGrath-Champ	a. A set of photographs showing the character of the area
3.	Burwood Council	a. Development Application Assessment report by Planning Ingenuity Pty Ltd, 15 Mar 2002 b. Notice of Determination dated 6 Dec 2002 for D379/01 c. A set of 22 plans da00 to da16, da18 to da19 (all version D), survey plan, sw01 to sw02. d. S96 Modification Application Assessment Report by Planning Ingenuity Pty Ltd, 19 Nov 2005 e. Notice of Determination dated 21 Nov 2005 for s96 Modification to DA No 379/2001 f. A set of 6 plans Dwg Nos CC01(A), CC02(D), CC03(D), CC04(D), CC05(C), and CC06(B) g. S96 Modification Application Assessment Report by Planning Ingenuity Pty Ltd, 19 June 2006 h. Report by Acting Director Planning & Environment for Extraordinary Council Meeting (18 July 2006) i. Notice of Determination dated 26 July 2006 for s96 Modification to DA No 379/2001 j. A set of 9 plans Dwg Nos CC02 TO CC10 all issue B k. S96 Modification Application Assessment Report by Planning Ingenuity Pty Ltd, 19 April 2007 l. Notice of Determination dated 19 April 2007 m. A set of 6 plans Dwg Nos da06 to da08 and da14 to da16 (version F)
3.	Kavlyn Pty Ltd	a. Elsie & George Streets Proposed Residential Development Addendum Report prepared by The Planning Group NSW Pty Ltd, Aug 2008 b. Additional Information prepared by TPG as requested by the Panel (received 19 Aug 2008) c. Pedestrian Wind Environment Study by Windtech, 12 Aug 2008 d. BASIX Assessment prepared by Vipac Engineers & Scientists Ltd, 6 Aug 2008 e. A set of 5 plans lodged with Burwood Council (March 2007) Dwg Nos S96-07(D), S96-08(C), S96-08(C), S96-15(C), S96-16(C)

## **Attachment 2**

Further Information Request dated 2 December 2008



INDEPENDENT EXPERT PANEL (s75G EP&A Act)  
RESIDENTIAL DEVELOPMENT AT ELSIE & GEORGE STREETS BURWOOD

11 December 2008

Mr Sarkis Nassif  
Managing Director  
Kavlyn Pty Ltd  
19 Victoria Ave  
CONCORD WEST NSW 2138

Dear Mr Nassif,

**Additional Information Required**

The Panel has reviewed the Preferred Project Report and requests clarification on the following issues:

1. Provide a comparison between the August 2008 plans and the preferred project rather than the 'original project' generally but specifically in relation to table 2. Please also provide RLs for all the buildings referred to in that table and other references for consistent comparison of like with like.
2. Provide a calculation of the residential FSR (GFA) separate from the total FSR(GFA) proposed.
3. In the recount of Appendix B for the winter sun, provide details as to what hours are being counted in the 'Y' notation. That is, what period of hours - ie 9am-11am 2pm-4pm because the Panel's preliminary calculation indicates less than 70% (not 81.4%) provision.
4. Provide an argument for why, on p16 para 2.5.1, 1st paragraph, the height is calculated from the podium and not the ground. The reason for our need for expansion on this point is because if the calculation is taken from the ground it MAY improve (3) above.
5. Provide confirmation of the minimum footpath width to Victoria St.
6. Clarify that the floor area of the tenancies 7/8 are reduced, not increased as specified. Our viewing of the August 08 plans show the tenancies as larger.
7. Provide the landscape plan/details for the ground level along the western boundary.
8. Please recalculate (if necessary) the S94 contribution based on the new residential mix.
9. Confirm from Appendix B, table Building 'C', level 9 whether 6 or 7 units are proposed. It would appear the plans and the table are inconsistent.

I would appreciate it very much if the information can be provided by 4pm Monday, 15 December 2008.

If you have any questions regarding the request, please call me on 9383 2101.

Yours sincerely

Paula Poon

PANEL SECRETARIAT  
Level 13, 301 GEORGE STREET SYDNEY, NSW 2000  
GPO BOX 3415, SYDNEY, NSW 2001  
TELEPHONE (02) 9383 2100 FAX (02) 9299 9635  
Paula.poon@epandamp.nsw.gov.au

### **Attachment 3**

SEPP 65 Analysis



**Table: State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (Principles)**

Principle	Design Quality	Proposal	Compliance
Principle 1	<b>General approach</b>		
	" Good design is a creative process which, when applied to towns and cities, results in the development of great urban places; buildings, streets, squares and parks.	The proposal widens the footpath on Victoria Street which is a minor improvement to the local area.	Satisfactory
	" Good design is inextricably linked to its site and locality, responding to the landscape, existing built form, culture and attitudes. It provides sustainable living environments, both in private and public areas.	The proposal anticipates the future character of its locality.	Satisfactory
	" Good design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic and environmental challenges.	Innovation is not present.	Satisfactory
	" These design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.		Satisfactory
Principle 2	<b>Context</b>		
	" Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.	The tower forms are derived from the existing core locations and the programmatic requirements of apartments. They step up in height away from Burwood Park.	Satisfactory
	" Responding to context involves identifying the desirable elements of a location's current character or in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.	The proposal does not fully meet the amenity requirements for apartment buildings.	NO
Principle 3	<b>Scale</b>		
	" Good design provides an appropriate scale in terms of bulk and height that suits the scale of the street and the surrounding buildings.	The heights are appropriate but the depth and lack of separation result in inappropriate bulk.	NO
	" Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.		NO
Principle 4	<b>Built form</b>		
	" Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and manipulation of building's elements.	The building alignments have poor separation and the proportion is too squat. The type is appropriate and the manipulation of the building elements is appropriate.	NO

Principle	Design Quality	Proposal	Compliance
	" Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	N/A	N/A
Principle 5	<b>Density</b> " Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).	The floor space ratio is considered appropriate.	YES
	" Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.		YES
Principle 6	<b>Aesthetics</b> " Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should also relate to the context, particularly responding to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired futures character of the area.	The composition of building elements, textures, materials and colours reflect the use, internal design and structure of the development.	YES
Principle 7	<b>Amenity</b> " Good design provides amenity through the physical, spatial and environmental quality of a development.		YES
	" Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts, outlook and ease of access for all age groups and degrees of mobility.	Amenity is compromised due to excessive building depth and poor building separation.	NO
Principle 8	<b>Resource, energy and water efficiency</b> " Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.		Satisfactory
	" Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.		YES

Principle	Design Quality	Proposal	Compliance
Principle 9	<b><i>Social dimensions</i></b> * Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.		Satisfactory
	* New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or in the case of precincts undergoing transition, provide for the desired future community.	There is a limited mix of housing provided.	NO
Principle 10	<b><i>Safety and security</i></b> * Good design optimises safety and security, both internal to the development and for the public domain.	Improvements to ground level safety is provided.	YES
	* This is achieved by maximising overlooking of public and communal spaces whilst maintaining internal privacy, avoiding dark and non visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private open space.	Overlooking of public and communal spaces whilst maintaining internal privacy is achieved. Dark and non visible areas are avoided. Clear, safe access points are provided. Quality public spaces that cater for desired recreational uses are not provided. Clear definition between public and private open space is provided.	YES

## State Environmental Planning Policy No 65 - Residential Flat Design Code – Rules of Thumb

Principle	Design Quality	Proposal	Compliance
Building depth	* In general, an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory daylighting and natural ventilation are to be achieved.	The proposal exceeds the 18 metre building depth. In some apartments this results in poor daylighting.	NO
Building separation	* For buildings nine storeys and above (over 25 metres): <ul style="list-style-type: none"> <li>- 24 metres between habitable rooms/balconies</li> <li>- 18 metres between habitable rooms/balconies and non-habitable rooms</li> <li>- 12 metres between non-habitable rooms</li> </ul>	Building separation is less than the required 24 metres.	NO
Deep soil zones	* A minimum of 25 per cent of the open space area of a site should be a deep soil zone; more is desirable.	More than 25 per cent of the open space area of a site is a deep soil zone	YES

Principle	Design Quality	Proposal	Compliance
Open space	<ul style="list-style-type: none"> <li>" The area of communal open space required should generally be at least between 25 - 30 percent of the site area.</li> <li>" The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25m<sup>2</sup>; the minimum preferred dimension in one direction is 4 metres.</li> </ul>	<p>The area of communal open space required is be at least 25 - 30 percent of the site area.</p> <p>The area of private open space for each apartment at the podium is at least is 25m<sup>2</sup> for each apartment and the minimum dimension in one direction is 4 metres.</p>	YES
Safety	<ul style="list-style-type: none"> <li>" Carry out a formal crime risk assessment for all residential development of more than 20 new dwellings.</li> </ul>	The CPTED report is inadequate. However measures are proposed to reduce crime risk.	YES
Pedestrian access	<ul style="list-style-type: none"> <li>" Follow the accessibility standards set out in Australian Standard AS 1428 as a minimum.</li> <li>" Provide barrier free access to at least 20 percent of dwellings in the development.</li> </ul>	Barrier free access is available to a majority of apartments.	YES
Vehicle access	<ul style="list-style-type: none"> <li>" Generally limit the width of driveways to a maximum of 6 metres.</li> <li>" Locate vehicle entries away from main pedestrian entries and on secondary frontages.</li> </ul>	<p>The width of driveways is more than of 6 metres as the car park is shared with other uses.</p> <p>The vehicle entries are located away from main pedestrian entries and on secondary frontages.</p>	YES
Apartment layout	<ul style="list-style-type: none"> <li>" Single-aspect apartments should be limited in depth to 8 metres from a window.</li> <li>" The back of a kitchen should be no more than 8 metres from a window.</li> <li>" The width of cross-over or cross-through apartments over 15 metres deep should be 4 metres or greater to avoid deep narrow apartment layouts.</li> <li>" Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory daylighting and natural ventilation can be achieved, particularly in relation to habitable rooms.</li> <li>" As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability: 1 bedroom apartment - 50m<sup>2</sup> 2 bedroom apartment - 70m<sup>2</sup> 3 bedroom apartment - 95m<sup>2</sup></li> </ul>	<p>Single-aspect apartments are greater in depth to 8 metres from a window.</p> <p>Generally the back of a kitchen is more than 8 metres from a window.</p> <p>N/A.</p> <p>Satisfactory daylighting and natural ventilation is not demonstrated.</p> <p>These areas are generally exceeded.</p>	<p>NO</p> <p>NO</p> <p>NO</p> <p>YES</p>

Principle	Design Quality	Proposal	Compliance
Balconies	<ul style="list-style-type: none"> <li>▪ Provide primary balconies for all apartments with a minimum depth of 2 metres. Development which seeks to vary from the minimum standards must demonstrate that negative impact from the context-noise, wind-can not be satisfactorily mitigated with design solutions.</li> <li>▪ Require scale plans of balcony with furniture layout to confirm adequate, useable space when an alternate balcony depth is proposed.</li> </ul>	Balconies for all apartments have a minimum depth of 2 metres.	YES
Ceiling heights	<p>The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL). These are minimums only and do not preclude higher ceilings, if desired.</p> <ul style="list-style-type: none"> <li>▪ In mixed use buildings: 3.3 metre minimum for ground floor retail or commercial and for first floor residential, retail or commercial to promote future flexibility of use</li> <li>▪ In other residential floors in mixed use buildings</li> <li>▪ In general, 2.7 metre minimum for all habitable rooms on all floors, 2.4 metres is the preferred minimum for all non-habitable rooms, however 2.25 metres is permitted</li> <li>▪ For two storeys units, 2.4 metres minimum for second storey if 50 percent or more of the apartments has a 2.7 metres minimum ceiling heights</li> <li>▪ For two-storey units with a two storey void space, 2.4 metre minimum ceiling heights</li> <li>▪ Developments which seek to vary the recommended ceiling heights must demonstrate that apartment will receive satisfactory daylight.</li> </ul>	A ceiling height of 2.7 metres is shown with a 3 metre floor to floor height.	YES
Ground floor apartments	<ul style="list-style-type: none"> <li>▪ Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.</li> <li>▪ Provide ground floor apartments with access to private open space, preferably as a terrace or garden.</li> </ul>	N/A	N/A

Principle	Design Quality	Proposal	Compliance
Internal circulation	<p>" In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to 8. (Exceptions may be allowed for adaptive reuse buildings, where developments can demonstrate the achievement of the desired streetscape character and entry response, where development can demonstrate a high level of amenity for common lobbies, corridors and units.)</p>	There are generally 7 units/ core.	YES
Storage	<p>" In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> <li>- studio apartments - 6m<sup>3</sup></li> <li>- one-bedroom apartments - 6m<sup>3</sup></li> <li>- two-bedroom apartments - 8m<sup>3</sup></li> <li>- three plus bedroom apartments - 10m<sup>3</sup></li> </ul>	Storage volumes are achieved.	YES
Daylight access	<p>" Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of 3 hours direct sunlight between 9 am and 3 pm in mid winter. In dense urban areas, a minimum of 2 hours may be acceptable.</p> <p>" Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10 percent of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standard and how energy efficiency is addressed.</p>	<p>134 of the 210 (less than 70%) apartments living rooms and private open spaces receive a minimum of 2 hours direct sunlight between 9 am and 3 pm in mid winter. This varies from the 180 stated in the application. The difference is due to counting 46 apartments as receiving sunlight at 11am. The drawings show at this time the sunlight is glancing at an angle of incident that would not provide effective sunlight.</p> <p>Less than 5% of apartments have a single southern aspect.</p>	<p>NO</p> <p>YES</p>
Natural ventilation	<p>" Building depths, which support natural ventilation typically, range from 10 – 18 metres.</p> <p>" 60 percent of residential units should be naturally cross ventilated.</p> <p>" 25 percent of kitchens with in a development should have access to natural ventilation.</p>	<p>Building depths, are greater than 18 metres.</p> <p>64 percent of residential units are naturally cross ventilated.</p> <p>Less than 25 percent of kitchens with have access to natural ventilation.</p>	<p>NO</p> <p>YES</p> <p>NO</p>
Waste management	<p>" Supply waste management plans as part of the development application submission as per the NSW Waste Board.</p>	Not supplied	NO

Principle	Design Quality	Proposal	Compliance
Water conservation	" Rainwater is not to be collected from roofs coated with lead – or bitumen-based paints, or from asbestos-cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	N/A	N/A