



**Ashfield
Council**

Interim Development Assessment Policy 2013

Part C5

Multi-Unit Development - Residential Flat Zones

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PART C5- MULTI-UNIT DEVELOPMENT - RESIDENTIAL FLAT ZONES

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SECTION 1 PRELIMINARY

Introduction

Ashfield Local Environmental Plan (LEP 2013) is Council's main planning control for development in the Ashfield Council Local Government Area.

Part C5 of Ashfield Interim Development Assessment Policy 2013 supports the LEP by providing additional objectives and development standards to achieve well-designed housing. This is essential if Ashfield is to maintain a high standard of residential amenity whilst accommodating additional development. Development controls in Part C5 include height, setbacks, urban design, amenity and landscaping.

Part C5 of Ashfield Interim Development Assessment Policy 2013 applies to all land zoned R3 - Medium Density Residential, and applies to the following building types:

- residential flat development and ancillary buildings and structures
- multi dwelling housing (townhouses) and ancillary buildings and structures

Part C5 of Ashfield Interim Development Assessment Policy also applies to land at 328-338 Liverpool Road zoned B4 - Mixed Use, and applies to the following building types:

- residential flat development, including where it is part of shop top housing

This Part needs to be read in conjunction with the provisions of **Part C7 - Haberfield Conservation Area** and **Part C10 - Heritage Conservation Areas**.

The development standards of **Part C7** and **Part C10** (Heritage Controls) prevail if there is an inconsistency with any other development standard/provision in this Policy.

Objectives

The objectives of **Part C5** of Ashfield Interim Development Assessment Policy 2013 are:

- a) to establish new standards for development permitted in the R3 - Medium Density Residential zones under the [Ashfield Local Environmental Plan 2013](#);
- b) to ensure new development has a high standard of urban design and site landscaping and contributes to the established character and residential amenity of Ashfield's housing neighbourhoods;
- c) to ensure residential design follows an appropriate process and meets all those criteria necessary for the creation of good living environments;
- d) to ensure that new development does not cause loss of residential amenity for neighbours;
- e) to conserve and reinforce Ashfield's residential heritage;

- f) to ensure new development is ecologically sustainable, and incorporates principles of passive solar design and adequate tree planting.

Part C5 also contains objectives for each design element.

How to use this Part of Ashfield Interim Development assessment Policy 2013

Ashfield Interim Development Assessment Policy 2013 is a multi-layered document. Figure 1 outlines the structure of the Policy.

The objectives and development standards of this Part of Ashfield Interim Development Assessment Policy 2013 cannot be read in isolation. A development application must consider all relevant Parts of Interim Development Assessment Policy 2013.

Part A contains an index of the parts and sections in the Ashfield Interim Development Assessment Policy 2013 and guidelines on how to use the Policy; including the steps you need to follow before you prepare your development application.

Relationship of Part C5 to other planning documents:

Council will assess a development application according to:

- (a) Section 79C of the Environmental Planning and Assessment Act, 1979;
- (b) State Environmental Planning Policies;
- (c) Ashfield Local Environmental Plan 2013;
- (d) Ashfield Development Assessment Policy 2013 (this policy);
- (e) Section 94 Contribution Plans;
- (f) Ashfield Stormwater Management Code;
- (g) Other policies, legislation or studies adopted or recognised by Council that are relevant to the development application.

Lodging a Development Application

Our development application forms can be downloaded (www.ashfield.nsw.gov.au) or contact Council on 9716 1800. The form contains a self-assessment checklist to help you complete your application. You should also check whether your proposal is 'exempt' (no application required) or is a 'complying development' (can be certified by Council or an accredited private certifier).

Note 1: If you are proposing a major or complex development or if your proposal is likely to have significant heritage impacts, you should make an appointment to see our pre-lodgement development

advisory panel or use our heritage advisory service before you lodge your development application.
Ring Council

Note 2 : Certain residential and commercial development as specified in **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008** and **Ashfield LEP 2013** may be carried out without the need for development consent subject to meeting specific requirements .For more information please visit :

- [http://www.ashfield.nsw.gov.au/page/ashfield local environmental plan lep 2013.html](http://www.ashfield.nsw.gov.au/page/ashfield%20local%20environmental%20plan%20lep%202013.html)
- <http://housingcode.planning.nsw.gov.au/>
- <http://commercialandindustrialcode.planning.nsw.gov.au/>

SECTION 2 THE RESIDENTIAL DESIGN PROCESS

- 2.1** The objectives of the residential design process are:
- a) to ensure appropriate community consultation;
 - b) to identify the opportunities and constraints of the development site;
 - c) to ensure that the design process accommodates the complexity of issues affecting multi-unit sites;
 - d) to encourage creativity, innovation, and the exploration of options in residential design;
 - e) to encourage sustainable residential development;
 - f) to improve neighbourhood amenity.

Mandatory Site Analysis

- 2.2** Certain development applications including applications for flats are required to be accompanied by a Site Analysis in the form of a comprehensive report and supporting plans showing the opportunities and constraints of the site and any adjacent development likely to be affected by the proposal.

The Site Analysis must demonstrate a sound town planning approach, and show that the environmental impact of the development has been fully considered, and clearly set out how any potential impacts have been resolved.

- 2.3** The Site Analysis is to be used as a tool to address site concerns at the beginning of the design process. Proper attention to achieving a successful site analysis will result in a less contentious proposal and a quicker approval process.
- 2.4** Documentation to be submitted in the analysis of issues affecting adjacent land must include photographs, basic building envelope plans, streetscape elevations and plans of adjoining buildings showing location of all relevant windows, doors and balconies, and sketch plans sufficient to clearly show the development site in its local and neighbourhood context, and able to illustrate the necessary design parameters for achieving a good “fit” between the new development and existing development.

Refer to **Part B** of Ashfield Interim Development Assessment Policy 2013 for further details of what you need to consider.

Urban design requirements for multi-unit development

- 2.5** The design process for multi-unit developments must commence with a pre-lodgement meeting with Council planners to discuss the design and site analysis.
- 2.6** Proposals for most multi-unit developments will need to be prepared by a qualified architect. The level of urban design and practical experience is to be communicated to Council at the start of the design process.

Access and Mobility

Refer to **Part C1** of this Interim Development Assessment Policy for the matters that need to be addressed to meet reasonable current and future needs of people with disabilities and/or to allow residents to “age in place”.

SECTION 3 PREFERRED DEVELOPMENT**Design objectives**

3.1 Council's design objectives for new housing are:

- a) to ensure there is a creative, sensitive, and consultative design process;
- b) to greatly improve residential design;
- c) to ensure the style of new housing fits with the established streetscape character and Council's long-term vision for Ashfield's residential neighbourhoods.

Ashfield's Housing Character

3.2 Ashfield's housing heritage also includes flats, which have been built in considerable numbers since the 1920s. Ashfield is now one of the most densely populated suburbs in Sydney. During the 1960s and 1970s, when many of these flats were built, the standard of design and siting was poor. A characteristic of many streets in Ashfield is poor flat design in conflict with the previously established suburban streetscape. However existing inappropriate design is not to be taken as a precedent for bland or poor design outcomes.

3.3 To respond to the distinguishing elements of Ashfield's housing character, proposals for new housing in the residential neighbourhoods of Ashfield must meet the following criteria:

- a) the defining characteristics of the site, its streetscape, community, and neighbourhood locality are understood;
- b) the proposed architectural style is suitable for the site;
- c) the proposed development has the potential to contribute to Ashfield's housing heritage.

Streetscape and Landscape

3.4 An assessment of the streetscape is to be provided with each application showing:

- a) the street reserve and indicative locations of the carriageway, street trees, parking bays, footpaths, traffic control devices, driveways, bus stops, street lights, service pits and substations;
- b) existing vegetation to be removed or conserved;
- c) the location, species and general character of tree planting and hard and soft landscape treatment;
- d) the existing streetscape character given by building bulk and scale, roof pitch, front fences, and building materials;

- e) the indicative building form given by the proposed front setbacks, front elevations, garage locations and front gardens.

This assessment is to be provided in the form of photographs and sketch plans able to demonstrate a satisfactory understanding of the streetscape context of the proposed development.

Building Appearance and Neighbourhood Character

3.5 The following tests will be applied to submitted designs:

- a) Buildings at the front must be orientated to the principal street frontage, and dwellings adjacent to a public street must address the street by having a front door or living room or kitchen windows facing the street;
- b) The building generally conforms with the building line on adjoining land and in the immediate locality;
- c) Building facades are to have the following characteristics:
- a clearly defined base-middle-top;
 - well-balanced vertical and horizontal proportions;
 - modulation, including breaking up large horizontal facades into smaller articulated sections, which are also compositionally integrated with the whole building;
 - architectural features which give human scale at street level, such as entry porches, pergolas and fences.
- d) Building design, roof form, detailing and materials visible from public areas and adjoining properties are not in strong visual contrast with any positive and characteristic features of neighbouring properties. Generally the materials and finishes of the building are to be similar to the traditional finishes predominating in Ashfield. Buildings will usually be in bichromatic (two colour) face brick with gabled/hipped terra cotta tiled pitched roof forms. Avoid the use of reflective materials that may cause glare.
- e) Building design enables individual dwellings to be identified from public streets.
- f) Carports and garages are compatible with the building design and do not dominate the street frontage.
- g) The entry to underground parking must not be visible from the street front.

Fences and Walls

3.6 Fences and walls are to comply with the following standards:

- a) Front fences and walls are compatible with the streetscape, in particular those of the immediate neighbours (assuming neighbouring structures are themselves in character);
- b) Front fences and walls are no more than 1.2m high if solid and forward of the building line. This height may be increased to 1.8m if the fence has openings which make it not less than 50% transparent;
- c) Solid front fences and walls to 1.8m high are limited to where the main private open space is in front of the dwelling, or where traffic volumes exceed 6000 vehicles per day. Where private open space fronts the street, the width is limited to a maximum of 75% of the frontage. Some surveillance is to be maintained from the dwelling, and fences are not to exceed 10m in length without some articulation or detailing to provide visual interest.

Heritage Conservation

- 3.7** All new multi-unit proposals must demonstrate that they have the potential to contribute to Ashfield's housing heritage through their fit with existing significant housing, and by the general value of the design as a creative and sensitive solution for the site. A small number of Heritage Conservation Areas and Heritage Items are within include the R3 Medium Density Residential Zone. In these cases maintaining the heritage significance of conservation areas/items takes precedence when designing any development
- 3.8** Heritage items are listed in **Part C10** of this Policy and in the Ashfield LEP 2013 or visit www.ashfield.nsw.gov.au to view more information.
- 3.9** Where one or several houses remain in an area which has undergone significant redevelopment, consideration must be given to the contribution of those houses to neighbourhood character.

SECTION 4 HOUSING DENSITY

4.1 Allowable development density is a balance between achieving broader objectives of a more compact city and maintaining:

- quality of life amenity for existing and future residents;
- amenity by way of conserving heritage and other characteristics of an area;
- a choice of housing type, size, tenure and construction cost.

Density objectives

4.2 The objectives for housing density controls in Ashfield LEP 2013 are:

- a) limit the density of housing to reflect the constraints and opportunities of the established subdivision and development pattern;
- b) ensure that development density contributes to the streetscape character and amenity of established residential neighbourhoods;
- c) create certainty about site development potential by setting standards for floor space ratio, subdivision, and dwelling size;
- d) encourage a mix of dwelling types.

Floor Space Ratios

4.3 The specific objectives of the floor space ratio controls in Ashfield LEP 2013 are:

- a) reduce the bulk and scale of development relative to that of the surrounding neighbourhood, so introducing a more acceptable degree of openness for the benefit of existing and future residents;
- b) prevent the overdevelopment of small sites, which due to the constraints created by their size, shape, width, orientation and relationship to neighbouring land, are incapable of achieving acceptable standards of internal and external amenity, at higher densities;
- c) provide greater certainty as to permissible densities and to ensure that uniform built densities are achieved on sites of equivalent size and shape; and
- d) give due weight to heritage considerations for properties in heritage conservation areas or which are heritage items.

4.4 Permissible floor space ratio in the R3 Medium Density Residential Zone are shown on the relevant Map in Ashfield LEP 2013.

- 4.5** A small number of heritage conservation Areas and heritage items are in a R3 Medium Density Residential Zone. In these cases compliance with heritage conservation requirements applicable to these conservation areas/items and maintaining the heritage significance of the conservation area and/or item takes precedence. Refer to **Part C10** of this Policy.

Subdivision

- 4.10** The minimum strata subdivision size for other types of dwellings such as residential flats and townhouses will be considered on its merits based on:
- ♦ compliance with other provisions of this Plan
 - ♦ retention of the heritage significance of individual heritage items or properties within Conservation Areas.

Maximum dwelling size

- 4.11** A mix of apartment sizes to cater for a variety of individual housing needs addressing a spectrum of affordability is preferred within the R3 Medium Density Residential Zone. As a guide the maximum gross floor area of a dwelling should not exceed 125 sqm. Smaller apartments are encouraged.

SECTION 5 SITING, BUILDING HEIGHT AND SOLAR ACCESS**Siting**

5.1 Siting and orientation are important. It is not possible to specify specific setbacks or envelopes that will be appropriate in every case. The optimum siting of a building will depend upon a complex range of factors, including:

- lot size and shape;
- good streetscape principles (i.e. being similar to typical setbacks in the street, front and side);
- solar access for varying orientations;
- visual and acoustic privacy;
- the need for planting to screen and soften developments;
- the need to provide an open and attractive outlook to new and existing dwellings, and to avoid overbearing neighbouring properties;
- the need to achieve minimum standards of daylight and ventilation; and
- obstruction of views.
- compliance with the provisions of SEPP65 (Design Quality of Residential Flat Development) and the requirements of the accompanying **Residential Flat Design Code**.

5.2 New development which is “aligned” down the site with principal orientation to side boundaries rather than the street will find it difficult to achieve an acceptable design outcome. This form of development, sometimes referred to as “carriage style” development, is strongly discouraged and is out of character with established development in residential zones. It tends to create problems in terms of privacy and outlook, irrespective of setbacks and screen planting.

As a general rule, as many units as possible in new developments should be given a northerly orientation, subject to urban character considerations, and the desirability of avoiding “carriage style” development and excessive overshadowing.

Siting Objectives

5.3 The objectives for building design and siting are:

- (i) to optimise competing considerations in the design and siting of new buildings;
- (ii) to ensure building setbacks and building height are appropriate for a site and the streetscape; and
- (ii) to maximise solar access to living areas and private open space.

Front Setback

5.4 The distance of any building works from the front boundary shall be consistent with the predominant setback of the buildings in the street.

Orientation and Siting

- 5.6** Side and rear setbacks will be determined by amenity and urban design considerations. For residential flat development affected by the provisions of SEPP 65 (Design Quality of Residential Flat Development) the specific requirements of the accompanying **Residential Flat Design Code** also apply. Buildings should be sited and orientated to minimise adverse impacts on neighbouring properties and achieve compatibility in terms of urban character. New development should not significantly affect adjoining property or resident amenity by: -
- a) increased overshadowing,
 - b) reduction in the level of privacy,
 - c) obstruction of views,
 - d) reduction in levels of daylight and ventilation.
- 5.7** Streetscape and urban character shall also be taken into account, in terms of the established pattern of spacing between buildings in the street, and their siting and orientation.
- 5.8** Rear setbacks must include adequate provision of green space between adjoining properties (see also **Clause 5.6** above).

Building Height

- 5.9** The maximum-building height for R3 Medium Density Residential Zones for sites shown as Code M on the Ashfield LEP 2013 Height maps is 12.5m, and as follows;
- a) a maximum of 3 storeys
 - b) use of a maximum 30 degree pitched roof as a 4th attic storey, in accordance with Clause 5.12
- 5.10** a) The number of levels has been calculated by making allowance for technical building design considerations as follows;
- a zone to account for varying ground level slopes, access and along the site;
 - a zone to ensure a minimum 300mm freeboard clearance for a ground floor level above natural ground clearance to allow for waterproofing;
 - 3 metre floor to floor heights enabling 2.7m high ceilings and a zone for the floor slab or framing)
 - A roof zone to allow a space for a traditional 30 degree pitched roof in order to give a defined “top” or “crown” to the building composition.

- b) A level does not include a roof used as an uncovered garden, terrace or deck (note that the need to address overlooking concerns still applies).
 - c) A level includes a mezzanine.
- 5.11** The height of the finished floor level of the first floor, not being a floor at ground level, is not to exceed a height of 3.4 metres measured vertically above any point at natural ground level, in order not to have overly exposed basement carparking
- 5.12** Utilisation of roof space may be permitted as a level additional to clause 5.9 if:
- a) it is consistent with the principles and controls of any conservation area listing of the property;
 - b) the space is wholly contained within a pitched roof plane which has a roof pitch does not exceed a slope of 30° (with the exception of dormer windows); no lower than 22° and whose roof ridge does not exceed the maximum building height.
 - c) sunlight, privacy, views and ventilation concerns are adequately addressed; and
 - d) the proposal fully complies with the height limit in the *Ashfield Local Environmental Plan 2013* which is 12.5 m as measured from natural ground level.
- 5.13** The intent of the roof space provision is to permit rooms within otherwise unused roof space. It does not permit the creation of additional *de facto* levels through increased external wall heights or the addition of roof protrusions larger than a typical dormer window.
- 5.14** The design of any attic level to be used as a habitable room should consider the need for adequate light and ventilation and include provisions in the plans to meet these requirements.

Solar Access

- 5.15** New developments must seek to achieve 80% of units having at least one living room window with a northerly aspect. This is subject to urban character considerations, and the desirability of avoiding “carriage style” development and excessive shadowing of neighbouring properties.
- 5.16** In assessing the adequacy of solar access the Council will use the following standards as the *maximum* amount of overshadowing:
- a) Sunlight to at least 50% (or 35m² with minimum dimension 2.5m, whichever is the lesser area) of the principal private area of ground level private open space (see definition at Section 8.2) of adjacent properties is not reduced to less than three (3) hours between 9am and 3pm on 21 June. Where existing overshadowing by buildings and fences is greater than this, sunlight is not further reduced by more than 20% at any one time.

- b) Any private courtyard within a development should also achieve 3 hours of sunlight over 50% of its area, between 9am and 3pm on 21 June.
- c) Existing solar access should be maintained to at least 40% of the glazed areas of any neighbouring north facing living room/dining room windows, for a period of at least three (3) hours between 9am and 3pm in mid winter (on 21 June). If existing solar access is already less than this standard, it should not be further reduced by more than 20% at any one time.
- d) North facing windows within a new development should achieve the same standard of solar access.

SECTION 6 PRIVACY, VIEWS AND OUTLOOK**Objectives**

6.1 The objectives for privacy are:

- a) to ensure housing design provides adequate privacy for residents;
- b) to protect the visual and acoustic privacy of neighbours.

6.2 The objectives for views and outlook are:

- a) to maintain any existing distant views wherever possible, in keeping with the principles of view sharing;
- b) to provide all new units with an open outlook, preferably to landscaping and open space;
- c) to maintain any existing open outlook from the major habitable rooms of any adjoining property.

Visual privacy

6.3 The level of visual privacy is required to meet the following standards, both within developments as well as across boundaries:

- a) At ground level direct facing windows shall be placed a minimum of 9 metres apart or, where screening devices or planting are used, 6 metres apart. Direct facing includes an arc of 45° on either side of a window. If screening is used, the view of the area overlooked must be restricted within 9 metres and beyond an angle of 45° from the plane of the wall containing the opening, measured from a height of 1.7m above floor level.
- b) As an alternative to 6.3 (a), windows are to have minimum sill heights of 1.7m above floor level, or have fixed obscure glazing in any part of the window below 1.7m above floor level.
- c) Balconies, terraces and decks shall be placed a minimum 12 metres away from any facing window or other balcony.
- d) Windows and balconies shall not overlook adjoining areas of private open space. An outlook from windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a development is to be obscured or screened where a direct view is available into adjoining areas of private open space.
- e) no screening is required where:

- windows are in bathrooms, toilets, laundries, storage rooms or other non-habitable rooms and they have translucent glazing or sill heights of at least 1.7m;
- windows are in habitable rooms and they have sill heights of 1.7m or more above floor level or translucent glazing to any part of a window less than 1.7m above floor level.

6.4 It is emphasised that these standards must be achieved within developments, as well as across boundaries.

Acoustic Privacy

6.5 The level of acoustic privacy is required to meet the following standards, both within developments as well as across boundaries:

- a) bedroom windows are to be at least 3 metres from shared streets, driveways and parking areas of other dwellings.
- b) bedrooms of one dwelling are not to share walls with living rooms or garages of adjacent dwellings.
- c) shared walls and floors between dwellings are to be constructed in accordance with the noise transmission and insulation requirements of the *Building Code of Australia*.

6.6 New development is to be designed to internalise the adverse effects of:

- a) emission of noise and vapours from exhaust fans, air conditioning units and the like;
- b) emission of noise and vapours from other mechanical equipment, e.g., swimming pool pumps, drainage pump outs and the like;
- d) vehicle noise from driveways and ramps.

6.7 Any shared walls, floors and ceilings must meet acceptable standards for acoustic amenity.

Views and outlook

6.8 Where distant views are available from neighbouring properties, these should be maintained wherever possible, in keeping with principles of view sharing.

6.9 The same principle applies to neighbour's outlook. High walls in close proximity to neighbours' windows or open space can be overbearing. These should be reasonably set back, *irrespective* of shadowing or privacy impacts.

6.10 All dwellings within new developments should have an open outlook to an area of landscaping or open space. Outlook should not be compromised by measures taken to improve neighbours' privacy, such as obscure glazing and privacy screens.

SECTION 7 ON-SITE CARPARKING AND ACCESS

Refer to **Part C11** of this Policy for Council's requirements

SECTION 8 OPEN SPACE AND LANDSCAPING

This section sets minimum standards for open space, both private and communal, and landscaping. Open space and landscaping are separate concepts, although many areas may count towards both requirements. A **landscape concept plan** should be prepared and submitted with the development application. Depending on the type of development proposed and site circumstances, Council may also apply conditions of consent requiring a detailed landscaping plan to be prepared when a development is approved (refer to Council's development application form for more information about landscape concept plans & detailed landscape plans). Landscaping will need to be implemented prior to occupancy of the building.

Open space may be allocated for the exclusive use of individual units, or provided for communal use and enjoyment. Where some, but not all, units in a development have an area of ground level private open space, there should be a *pro rata* allocation of ground level open space. The allocation of the majority of a development's open space to a minority of units is unacceptable.

Landscaped area requirements and the stipulation of a minimum amount of ground level open space can serve several functions:

- (a) to control maximum site coverage of buildings, driveways, service areas etc;
- (b) to ensure that residents are provided with a useable outdoor area;
- (c) to provide sufficient area for screening and softening the development by planting;
- (d) to allow on-site absorption of stormwater.

Communal open space should not be limited to narrow peripheral areas. There should be a large area set aside, generously proportioned, to provide an open outlook for units within the development and to provide space for active and passive recreation, including a children's play area. These areas may also provide an open outlook for neighbouring development, like the traditional backyard. Failure to comply with this requirement will be considered a sufficient ground for refusal, on its own.

It is Council's policy that each dwelling is to be provided with its own private useable outdoor area (whether as courtyard, balcony or deck).

Landscaped areas may include paving areas, in children's play areas in particular, but a high proportion of the total should be soft landscaping. Adequate areas should be available for deep planting, particularly where screen planting is required.

These are minimum standards. Designers of developments may find they need to have more open space in order to achieve acceptable building setbacks from adjoining properties (to retain the amenity of those properties) and residential amenity for the new units particularly those likely to be occupied by households with children.

Objectives

8.1 The objectives for open space and landscaping are:

- a) to ensure that the private and communal open spaces provided for dwellings are clearly defined and useable, and meet resident requirements for privacy, access, outdoor activities and landscaping;
- b) to ensure landscaped areas are designed as an integral part of the building and the streetscape.

8.2 The specific objectives of the controls in this section are:

- to make a distinction between open space and landscaped area and to set standards for both;
- to set specific requirements for soft landscaping and deep planting;
- to ensure that developments achieve a high standard of landscaped presentation;
- to ensure that sufficient landscaping is provided to screen and soften developments when viewed from the street or neighbouring properties, including the rear;
- to ensure useable areas of outdoor space are provided for the enjoyment of all residents of a development, and to prevent a disproportionate area being alienated for the exclusive use of particular units;
- to maintain a large useable area of communal open space, where units have no private ground level open space, which is available for active and passive use, and which provides an open outlook for residents and neighbours, much like a traditional back yard;
- to ensure that private ground level open space is useable, and above all, *private*;
- to ensure all units with no private ground level open space have a balcony which is reasonably sized and proportioned, has an attractive outlook and does not overlook the private open space of other dwellings;
- where possible, to retain existing significant trees.

Definitions

8.3 “*Principal private area*” means an area of private open space which is directly accessible from the main living areas of the dwelling it serves, with an average slope no greater than 1 in 5.

8.4 “*Landscaped Area*” is defined in Ashfield LEP 2013 as a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area. It does not include the following;

- vehicular driveways,
- parking areas,
- paved clothes drying areas,
- pathways,
- verandahs,
- structures excavated below ground level line, such as basement garages

- 8.5** An area is considered “capable of *deep planting*” if it is water permeable and there is no structure below within 3 metres of the natural ground surface.

“*Hard paving*” means any impermeable surface.

Private and Communal Open Space

- 8.6** Each dwelling in a multi-unit development is to be provided with a useable private outdoor area which:-

- a) does not encroach upon the front setback requirement (see Section 5.2);
- b) is directly related to the main living areas;
- c) is private and protected from overlooking by neighbouring units or properties;
- d) meets solar access standards (see Section 5.5);
- e) minimises overlooking of neighbouring properties;
- f) is able to accommodate various uses;
- g) is accessible by someone with a disability.

- 8.7** Where the private outdoor area is to be provided at ground level, the minimum area and dimensions shall be in the R3 Medium Density Residential Zone : 35m² with a minimum dimension of 3.0 metres at any point, to include a principal private area with a minimum dimension of 4.0 metres at any point.

- 8.8** Where a unit has no private outdoor area at ground level:

- a) the private outdoor area is to be provided by way of a balcony or deck, with a minimum area of 10m², and a minimum dimension of 2 metres at any point. No balcony shall overlook private courtyards in the same development, in any circumstances.
- b) In addition, an area of communal open space must be set aside. The allocation of the majority of a development’s open space to a minority of units is unacceptable.

- 8.9** Communal open space shall be provided exclusive of any drying or service areas. It shall include a single open area with minimum dimensions of 10 metres by 12 metres. Where there are more than 6 units, the communal area shall be increased by 5m² per unit. The communal area should be adapted for active and passive recreation and may include children's play areas, barbeque areas and the like. As many above ground units as possible within the development should enjoy an outlook over this space. This is a mandatory requirement and non-compliances will not be permitted.

Landscaping Standards

- 8.10** The minimum amount of landscaped area to be provided on a site shall be 35% of the site area. This landscaped area shall be at finished ground level and have a minimum width of 2 metres-

Tree Preservation

- 8.11** Council has a Tree Preservation Order covering all trees over 5 metres in height and with a trunk girth of 350mm at ground level, excluding Leyland Cypress Pine, privet, oleander, umbrella trees, cotoneaster, rubber trees, citrus and mulberry trees. Any developments must ensure preservation of trees to which the Order applies.

Note: Leyland Cypress Pine trees (*Cupressocyparis leylandii*) must not be planted in residential areas. This potentially massive tree kills other plants, degrades the soil, creates heavy shade and devalues property. Council has no objection to removal of these trees and as part of assessment of development proposals will require their removal by condition of development consent.

- 8.12** Smaller trees not covered by the Tree Preservation Order (other than Leyland Cypress Pine trees, privet, oleander, umbrella trees, cotoneaster, rubber trees, citrus and mulberry trees) should be retained wherever possible to assist in:
- a) retaining and enhancing streetscapes;
 - b) climate control;
 - c) enhancing the visual amenity of the new development;
 - d) ameliorating privacy and building bulk impacts of the new development.
- 8.13** The design of a development will need to retain sufficient curtilage around existing trees to ensure their practical retention and health by not damaging the root system or altering drainage and water-table levels. A report from a qualified arborist may be required to respond to this requirement.
- 8.14** An applicant shall ensure that the proposal will not require the removal or significant modification of any existing street tree along the frontage of the site, or in the vicinity of the site.

SECTION 9 SAFETY AND SECURITY**Objectives**

9.1 The objectives for safety and security are:

- a) to provide personal and property security for residents and visitors and enhance perceptions of community safety;
- b) to ensure that private and communal spaces are planned for security and able to be managed.

Security

9.2 Buildings adjacent to public or communal streets or open space are to have at least one habitable room window with an outlook to that area.

9.3 Building design is to allow visitors who approach the front door to be seen without the need to open the door.

9.4 Shared entries are to serve a maximum of eight dwellings and be lockable.

9.5 The following guidelines are to be used in design for safety:

- maintain privacy, but place windows or activity rooms and locate entries to maximise natural surveillance of the site;
- ensure that the enclosure of private open space will not prevent surveillance;
- clearly delineate public space, community space, and private space;
- identify territorial zones for each dwelling to assist residents identify intruders;
- limit the number of dwellings using a shared entry to foster acquaintance and a sense of ownership;
- open car parks should be small and within view of some residences;
- design the lighting of footpaths and driveways to provide a sense of warmth, variety and brightness, rather than overall even illumination;
- dwelling numbers legible, both at street level and within the development;
- avoid designs that might assist entry via the roof or upper-storey windows;
- provide sturdy doors and locks, but avoid obvious problem materials such as heavy-duty mesh, cyclone fencing or grilles;
- large multi-unit developments are to be referred to the NSW Police for comment.

SECTION 10 DESIGN FOR CLIMATE**Objectives**

10.1 The objectives in designing for climate are:

- a) to facilitate energy conservation through the use of passive solar design;
- b) to facilitate water conservation;
- c) to establish ecologically sustainable residential environments;
- d) to ensure site design and internal layout optimise climate control and minimise the adverse impacts of traffic noise.

Energy Conservation

A “**BASIX** “ Certificate must be obtained for the development and submitted with your application.

Water Conservation

A “**BASIX** “ Certificate must be obtained for the development and submitted with your application.

10.2 Dwellings are encouraged to be fitted with:-

- a) dual flush toilets;
- b) water conservation shower roses.

10.3 Low-flow water regulators are encouraged in multi-unit dwellings.

10.4 A mixing valve is encouraged to be fitted to the water heater outlet to ensure the temperature of the water delivered does not exceed 55°C.

10.5 The installation of rain-water tanks for non-potable purposes is encouraged.

10.6 The installation of "insinkerator" waste disposal devices are prohibited.

10.7 Garden design should seek to minimise water consumption by:

- selecting species taking into account water requirements, height and spread, colour, productive capacity, and influence on thermal characteristics of the building;
- grouping of plants to reduce water usage;
- using efficient irrigation systems;
- directing run-off from impervious areas and water tanks;
- minimising the area of land covered by concrete and paving blocks.

Air movement

10.8 Buildings are to be designed to harness cooling breezes and provide fresh air indoors during warmer months;

Refer to requirements for a BASIX Certificate.

10.9 Warm air is to be allowed to escape rooms through openings and ceiling vents.

Refer to requirements for a BASIX Certificate.

10.10 Car park areas are to maximise natural ventilation and have minimal mechanical ventilation.

Services, lighting and appliances

10.11 Dwelling design should encourage energy efficiency by:

- choosing solar hot water systems, and ensuring that the roof pitch and orientation facilitate solar collection;
- insulating hot water pipes, placing the hot water tank/heater close to rooms where most hot water will be used, and grouping hot-water rooms together;
- locating cooking tops away from windows and fridges and freezers;
- using 'task' lighting (i.e. focus lights on particular area where lighting is required instead of trying to illuminate the whole of the room) and using energy-efficient globes;
- using natural internal colour schemes, and maximising opportunities for natural lighting, taking into consideration the above measures;
- providing outdoor clothes drying spaces with good solar access.

Refer to requirements for BASIX Certificate.

10.12 New development should be designed to avoid light spillage onto adjoining property by such installations as:

- (i) entry and security lighting;
- (ii) tennis court and swimming pool lighting;
- (iii) decks and outdoor recreation areas.

10.13 Council may view favourably the spillage of lighting onto the public footpath if it will increase public safety and not be detrimental to the appearance of the streetscape.

Building materials

- 10.14** The use of Australian and imported rainforest timbers is not encouraged.
- 10.15** Wherever possible, materials are to be:
- manufactured from abundant or renewable resources and be energy-efficient with low contained energy;
 - non-polluting and recyclable;
 - manufactured by environmentally acceptable production methods;
 - durable with low maintenance requirements
 - non-reflective.

Refer to requirements for BASIX Certificate.

Noise on rail/traffic routes

- 10.16** On sites where road or rail traffic noise is a significant issue, buildings are to be sited in a manner which:
- minimises the infiltration of noise into the buildings and the lot;
 - provides an acoustic barrier for private and communal open space;
 - reduces reflection of noise on to other buildings;
 - ensures affected windows are acoustically treated from road or rail noise.

Reference is to be made to Transport NSW requirements for building adjacent to railway lines.

<http://www.transport.nsw.gov.au/content/building-near-railway>

- 10.17** Front fences and walls are to be designed to:
- supplement the noise control of the building façade;
 - enable some outlook to the street;
 - highlight entrances;
 - provide continuity and visual interest to the streetscape.
- 10.18** Higher side boundary fences and walls are to be designed or treated to reduce the angle of view to the noise source and minimise reflection on to the façade.
- 10.19** The room layout within buildings is to be arranged to reduce the ambient levels and impact of any noise on the rooms which generate most noise (such as bathrooms, hallways/stairways, storage rooms, and garages).
- 10.20** Balconies and other external building elements are to be located, designed and treated to minimise infiltration and reflection of noise onto the façade.
- 10.21** The building plan, walls, windows, doors and roof are to be designed and detailed to reduce intrusive noise levels.

10.22 The integrity of the wall as a barrier to noise is to be maintained while providing adequate cross-flow ventilation and allowing natural light to penetrate the building.

10.23 Noise levels and vapours from mechanical equipment such as exhaust fans, air conditioning units, and swimming pool pumps are to be considered in dwelling design and siting, and the design is also to take into account vehicle noise from ramps and access ways.

SECTION 11 STORMWATER DRAINAGE

Objectives

11.1 The objectives for stormwater drainage are:

- a) to provide safety for the public in major storm events, and protect property from damage by flooding;
- b) to ensure adequate stormwater detention and run-off controls are provided for site drainage;
- c) to improve urban amenity through maintenance of natural drainage lines;
- d) to protect and maintain existing infrastructure of the LGA.

Site drainage

11.2 Hard paving on the site is to be minimised to:-

- allow greater landscaped area;
- allow natural, on-site absorption of rainwater;
- limit the flow of stormwater onto adjacent properties and into the local stormwater drainage system.

11.3 Where roof water cannot be adequately disposed of on-site it should be piped to an approved stormwater drainage system or, partially, to a rain water tank.

11.4 An approved stormwater drainage system will generally comprise either the street gutter or a drainage easement. Other methods will be considered by Council on their merits.

11.5 On-site detention of stormwater will be required as part of an approved stormwater drainage system to limit discharges to pre-development conditions. A conceptual On-Site-Drainage scheme is to be submitted with the development application.

11.6 Reference is to be made to Council's **Stormwater Management Code (1996)** in respect to requirements for:

- detailed design and construction of stormwater disposal systems;
- construction over existing stormwater systems.

SECTION 12 SITE FACILITIES**Objectives**

12.1 The objectives for the provision of site facilities are:

- a) to ensure that site facilities provide easy access to dwellings, are visually attractive, blend in with the development and the streetscape, and require minimal maintenance;
- b) to ensure that waste disposal meets the needs of residents and that waste collection areas are well-designed.

Waste management

12.2 Common storage and/or collection points are to be located close to the street frontage with the area being:

- not located forward of the building line;
- designed to integrate with the main building structure or site landscaping;
- of sufficient size for garbage and recyclables storage but small enough to discourage dumping of material. Bin requirements for multi-units are as follows:
 - one 240 litre mobile garbage bin per 2 units
 - one 240 litre mobile recycling bin per 2 units
 - one 240 litre garden waste service bin (optional)
- located away from windows, doors and private useable open space (on both the subject property and adjacent properties);
- provided with hot and cold water taps and drainage to the sewer.
- easily accessible for collection vehicles with provision in clearways to allow vehicles partly on private property;
- for larger developments the permanent bin storage area shall be provided within the building(s) and a secondary area provided at the property boundary for temporary placement of the bins on collection days;
- designed to allow the operation of a 4 metre lifting arm;
- adequately ventilated and with sufficient lighting.

12.3 Ashfield Council does not permit the installation of "insinkerator" waste disposal devices.
Refer to BASIX Certificate.

12.4 Provision is to be made for composting of vegetable waste and other green matter. Manufactured composting bins can be obtained from Council or other suppliers.

12.5 A management plan illustrating how demolition material and construction waste is to be disposed of is to be submitted and approved by Council prior to works commencing on site.

Contaminants

- 12.6** Attention is drawn to the requirements of *State Environmental Planning Policy No.55*. Many properties in Ashfield have had past activities which have been known to cause soil contamination. Where this is the case, Council will require appropriate remediation in consultation with the NSW Environment Protection Authority. It is the responsibility of applicants to determine whether a site contains contaminants.
- 12.7** Any work must not cause lead contamination or air or ground. Contamination can come from removal of lead paint or disturbance of dust in roof cavities.

Storage

- 12.8** A space of 8 cubic metres per dwelling is to be set aside exclusively for storage. This space may form part of a carport or garage, e.g. an overhead "storage tray"

Mailboxes

- 12.9** Individual mail boxes are to be located close to each ground-floor dwelling entry, or a mail box structure is to be located close to the major pedestrian entrance to the site. A communal mailbox with boxes large enough to store periodicals is also to be provided to avoid this material blocking stormwater drains.

Clothes drying

- 12.10** Open air, communal clothes drying facilities are to be easily accessible to all residents and be visually screened from public streets and from communal streets and recreational areas.
- 12.11** An external clothes-drying area shall be provided at the rate of 1.5 square metres per unit.

Television aerials

- 12.12** Only one television reception device, e.g. aerials, dishes, etc. (whether for free-to-air or pay systems) will be approved in a strata title development. Installations should be positioned to the rear of properties and/or screened from public view.
Refer to "Codes SEPP"

Solid Fuel Heating**12.13**

Council will not approve this form of heating because residential wood burning causes up to 40 per cent of winter air pollution in the Sydney metropolitan area. Residents who currently have this form of heating are strongly encouraged to replace solid fuel heaters with a cleaner heating alternative. Note that that Council is able make orders to control the use of solid fuel heating appliances where wood smoke pollution is a problem.

APPENDICES

DEVELOPMENT GUIDELINES FOR SPECIFIC SITES

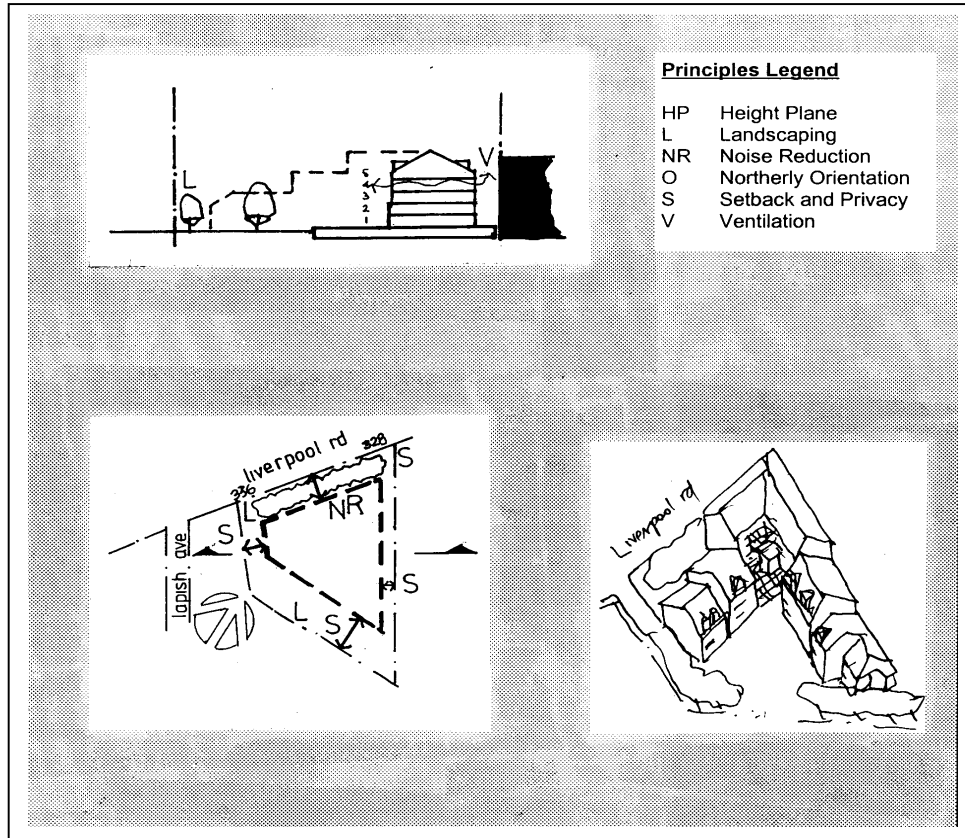
Explanatory Note:

Appendices 1&2 below contain development guidelines for two (2) sites identified in former Ashfield LEP 1985 (Amendment No.61)

Updated controls which complement standards in Ashfield LEP 2013 are retained for

1. **328-336 Liverpool Road and,**
2. **55-57 Smith Street Summer Hill.**

DIAGRAMS + CONTROLS FOLLOW

Appendix 1- Development Guidelines - 328-336 Liverpool Road:**Explanatory Note:**

These sites are zoned B4 Mixed Use and development controls for maximum Height and maximum FSR are found in the Ashfield LEP 2013. A new DCP for the B4 zoned land extending along Liverpool Road, from Thomas Street to Wetherill Street will be produced in the near future. In the interim the guidelines below may be used.

328- 336 Liverpool Road**Desired Outcomes**

- 1- Setback off Liverpool Road to create 6 metre wide landscape (Boulevard) path.
- 2- Acoustic treatment to rooms exposed to noise from Liverpool Road.
- 3- Possible 5 storey building at east end of site (5th storey within roof space), reducing to 2 storeys near perimeter of site.
- 4- Living areas oriented to middle of site (away from traffic noise).
- 5- External landscaped communal area.
- 6- Strong visual presence in terms of architectural design on Liverpool Road including articulation of base, middle and top.
- 7- All dwellings to have cross ventilation and shielding from western sun.

Appendix 2 - Development Guidelines - 55-75 Smith Street Summer Hill:

Explanatory Note: These Sites are zoned R3 Medium Density Residential and the max 0.7:1 FSR control and the maximum 12.5 m Building Height in Ashfield LEP 2013 applies. In addition the following site specific controls are retained .

A. Relevant planning Provisions

The provisions of **Part C5** apply to the land to which this Appendix applies in addition to the site-specific development controls listed below.

B. Site Specific development controls**Context**

- 1 A Conservation Management Plan shall be submitted for the heritage item at 67 Smith Street. It shall advise on the extent of retention of the house, and surrounding gardens, and the extent of open space curtilage, that would retain the cultural significance of the heritage item.

Advisory note: Prior to its finalization it is advisable to consult with Council's heritage adviser, as this matter will have a significant bearing on the site layout.

- 2 Housing/dwellings along Smith Street shall be designed to appear as if they are terrace houses, and take architectural cues, or mimic, the forms of adjacent and nearby historic dwellings, in order to complement the character of the street.
- 3 The footpath/verge area along the northern part of Smith Street shall be widened to 3.5 metres in order to provide tree planting along the street, and complement existing tree planting along the south side of Smith Street and the vista toward the Summer Hill shopping centre, and to allow adequate room for pedestrian paths.
 - *Advisory note: Enquiries should be made with Councils engineers to ascertain the location of any existing services in the street, and whether they will impact on the future footpath design and location of trees.*
- 4 Deep soil areas shall be provided around the perimeter of the site, generally in the positions shown in Diagram 1 in order to provide a tree buffer for adjoining dwelling allotments, and to protect root zones for adjoining trees.

Density

- 5 A floor space ratio as specified in Ashfield LEP 2013 applies to the site.

Building height

5A A building height of 12.5metres as specified in Ashfield LEP 2013 applies to the site.

Resource Energy And Water Efficiency

6 The majority of dwellings, in the range of 90% of all dwellings on the site, shall have a northerly orientation and cross ventilation.

Landscape

7 The landscape area requirements of **Part C5** apply. In addition, communal open space areas shall be provided generally in the locations, and to the sizes shown on Diagram 1. This is in order to provide a central focal area for the establishment of large trees, and to maximize the usability of the common area.

8 Deep soil areas shall be provided along the Smith Street frontage shown in Diagram 1 including for the establishment of trees and for reasons of amenity and streetscape.

9 Street trees of an advanced height of 1.8m shall be provided along Smith Street at the site owner's expense to meet Council's requirement. To allow this to occur, the Smith Street property boundary shall be repositioned to provide a 3.5 m wide footpath area.

10 Dwellings along Smith Street shall have a front garden area, with deep soil planting area of approx. 5m in width, with a minimum of hard paved areas, and also provide a fence to demarcate the garden areas.

11 Areas around the perimeter of the communal spaces, which abut the facades and windows of ground level dwellings, shall be designed in a manner that provides a visual landscape vegetation buffer for privacy for occupants of the adjacent dwelling.

Amenity

12 Development on the site shall have windows or balconies that do the following :

12.1 do not face the eastern boundary of 77 Smith Street - this is in order to avoid overlooking of windows and middle garden areas;

12.2 do not face the western boundary with 53 Smith Street - this is in order to avoid overlooking of the house;

12.3 do not face the eastern boundary of houses at 7-19 Fleet Street - this is in order not to overlook the private gardens of adjacent houses;

12.4 where any windows or balconies near the above boundaries have the ability to overlook adjacent properties sideways, they shall have screens constructed to obstruct such views so as only to have views onto the site.

- 13 Floor levels of dwellings along Smith Street shall be a minimum of 600mm above footpath level in order to maintain privacy for occupants. In order to comply with Clause 17, access paths 1:14 maximum gradient may be provided to the rear of these dwellings.
- 14 A private rear garden area shall be provided for the heritage-listed house at 67 Smith Street, covering the width of the house and being a minimum of 8m in depth.
- 15 Vehicular driveways off Smith Street shall be generally in the location shown in attached Diagram 1 and as follows:
- be generally flat for a distance of 20 metres from the Smith Street boundary, having a gradient no steeper than 1:20;
 - have their pavements with a coloured finish;
 - have a minimum width of 5m in order to allow two cars to pass each other;
 - have an adjacent deep soil zone for tree planting, which is 2.5m wide, in order to provide a buffer to adjacent dwellings
 - have the area forward and adjacent any new dwellings designed in a way which has its landscape design providing a buffer for adjacent dwellings, with regard to ameliorating the visibility of vehicles entering and exiting the site, and impacts of the positioning of garbage bins, and recycling bins along the Smith Street footpaths.
- 16 Dwellings located adjacent the vehicular driveways off Smith Street shall be designed to minimise the impacts of the adjoining driveways by having a landscape design and building design which adequately responds to that relationship, and also meets the other aesthetic and streetscape requirements.

Access

- 17 All ground level dwellings shall be accessible for people with a disability from Smith Street as required by the Building Code of Australia and also have "Universal Design Principles" applied to their interior design, in order to allow those dwellings to be accessible and easily adaptable.

Advisory note. Prior consultation should occur with Council's planning department to ascertain the general spatial requirements for "Universal Design".

Housing Affordability

- 18 A minimum of 10% of dwellings shall be no larger than 60sqm in order to provide lower cost affordable housing.

Aesthetics

- 19 A contemporary/abstract building design style is appropriate only when a very high standard of architectural composition is achieved. This is in order to avoid bland or

minimalist forms intended to facilitate simple building construction methods or simply to express the building structure.

A high contemporary standard is considered one which uses any “abstract” architectural “language” in a “dynamic” way, with use of different building components and materials as credible compositional devices which relate to the “whole” and give the building a “unity” and “complexity”, and which also demonstrate sympathy with the historic existing architectural character of the streetscape. With regard to the existing architectural character, this shall include making reference to forms, rhythms and articulation of that character.

20 If a high contemporary architectural standard in accordance with clause 19 cannot be achieved, a traditional architectural language shall be required which takes more mimetic architectural cues from nearby conservation areas.

21 The level of architectural documentation shall be as follows:

- One that ensures that the constructional aspects of the proposal have been taken into account in the architectural portrayal of the proposal, so as to make it a realistic and constructible one.
- A level of documentation that ensures the Development Application concept is carried through to construction stage.

The objective of this clause is to overcome misinterpretation, or discretionary design decisions being made, at construction certificate approval stage, or construction stage, which may significantly compromise the architectural intent of the DA approval.

Advisory Note

Applicants should meet with Councils SEPP 65 advisory architect prior to the finalising the proposal.

Once the design has been finalised, the production of larger scale “ typical design” detail drawings will facilitate meeting the requirements of Clause 21. It is also a requirement of SEPP 65 that an architect must ensure compliance with the objectives stated in Clause 21 during the construction phases of the development. Examples of considerations include:

- *Have general rule of thumb structural engineering issues been taken into account for areas above car parking basements, in relation to adequate clearance and depth been made for topsoil, waterproofing membranes and slab falls for drainage, and the location of pathways ?*
- *Have site levels been taken into account, including for general rule of thumb site drainage reasons, and do the site levels allow adequate disabled access gradients?*

- Have the façade details been produced which make it clear the critical datum points for the set out and construction of elevations, showing brickwork dimensions, and facade fenestration sizes and surrounding details?
- Do the elevations adequately denote materials and finishes?

DIAGRAM 1 FOLLOWS

