

JRPP Ref No: 2010SYW022

Property: PROPOSED LOT 4002, NIJONG DRIVE, PEMULWUY

Proposal: CONSTRUCTION OF 83 RESIDENTIAL APARTMENTS IN FIVE x 3 STOREY RESIDENTIAL FLAT BUILDINGS OVER 3 BASEMENT PARKING AREAS IN 3 STAGES

Applicant: MEOW INVESTMENTS PTY LTD

Owner: STOCKLAND DEVELOPMENT (NSW) PTY LTD

Land Zoning: RESIDENTIAL - UNDER SEPP 59 – CENTRAL SYDNEY REGIONAL OPEN SPACE AND RESIDENTIAL

Application Number: 2010/163/1

File Number: DA 2010/163/1

Summary

This Application (DA2009/444/1) proposes the construction of 83 residential apartments in 5 x 3 storey residential flat buildings over 3 basement parking areas in 3 stages at Lot 2001, Nijong Drive, Pemulwuy.

During the notification period 1 submission was received by Council. The issues raised in the submission are discussed in the body of the report, however, they are not sufficient to warrant refusal of the application.

The application does not constitute a Staged Development Application under Section 83B of the *Environmental Planning & Assessment Act 1979*. However, the proposed development is intended to be carried out in a staged fashion, to allow for the construction and occupation of the development in 3 distinct stages. The details of the proposed staging are set out in the body of the report.

Pursuant to Section 91 of the *Environmental Planning & Assessment Act 1979*, the proposed development constitutes *Integrated Development* and requires the concurrence of the Office of Water under the *Water Management Act 2000*. The Office of Water has granted concurrence and has issued General Terms of Approval (GTAs).

The development site is on land to which *State Environmental Planning Policy No. 59 – Central Western Sydney Regional Open Space and Residential* (SEPP 59) applies. As such, the provisions of *Holroyd Local Environmental Plan 1991* do not apply. The proposed development complies with the relevant statutory provisions of the SEPP.

Part G – of Holroyd DCP 2007 applies to the site and provides site specific controls for the Residential lands under SEPP 59. The proposed development meets the relevant controls for residential flat buildings under Part G of the DCP.

The proposed development is considered to be acceptable and the application is recommended for approval.

Critical Dates/Application History

Date	Action
15/04/10	DA 2010/163/1 lodged. Preliminary assessment undertaken and letter sent to applicant requesting additional information with respect to the need for an APZ due to the site's bush fire hazard affectation and the need for an amended SEE to address the provisions of SEPP 59. WSJRPP advised of the application via website.
20/04/10	Internal & External referrals sent
22/04/10	Additional Information requested on 15/04/10 provided.
28/04/10 – 28/05/10	Application placed on public exhibition. 1 submission was received objecting to the proposal.
24/05/10	Deferral Letter sent to applicant requesting additional information with respect to: <ul style="list-style-type: none">• Stormwater & Drainage• Traffic & Parking• Landscaping & Tree Management• Bush Fire Safety• Waste Management
17/06/10	Additional Information lodged in response to Council's request on 24/05/10 and referred to internal departments.
25/08/10	Assessment of Application completed.
September 2010	DA 2010/163/1 referred to JRPP for determination.

Locality & Site Description

The subject site is located on the eastern side of Nijong Drive, Pemulwuy, to the north of Butu Wargun Drive. Lot 4002 is a 'superlot' under Stage 4B of the Pemulwuy Precinct Plan and forms part of the subdivision of Lot 671, which is a re-subdivision of Lot 496 in DP 1137079. The site has an area of 6,942m².

Together with the adjacent Lot 4001 (subject of a separate DA for a RFB containing 20 residential apartments) and Lot 4003, the site is encircled by roads and has a frontage of 134.275 metres to Nijong Drive and a secondary frontage to Barbra Crescent to the east. Lot 4003 separates Lots 4001 and 4002 and is a 574.5m² public reserve 10m in width. The public reserve has been landscaped and provides pedestrian access between Barbra Crescent and Nijong Drive.

To the immediate west of the subject site are single dwelling houses on smaller allotments. To the north, south and east of the site is the Greystanes Creek Woodland Corridor and lakes area.

The site is vacant and relatively flat, with a slight fall to the east away from Nijong Drive towards the Barbra Crescent frontage. There is no vegetation on the site, having recently been cleared and remediated.

Proposal

The proposed Development comprises:

- Five (5) x three-storey (incorporating attic space in 12 units), residential buildings containing 83 units, to be constructed in three (3) separate stages;
- Construction of three (3) separate basement car parking areas, with a separate basement for each stage of the project and a total of 107 resident (17 accessible spaces) and 21 visitor parking spaces (4 accessible spaces);
- Associated landscaping and external works;

It is proposed to construct and seek Occupation Certificates for the residential flat development in three (3) stages as follows:

Stage 1 – Buildings A and B – 26 Units

- Twenty-four (24) two-bedroom units (86 to 96 sqm);
- Two (2) three-bedroom units (110 to 116 sqm);
- Thirty-four (34) resident spaces;
- Seven (7) visitor spaces.

Stage 2 – Buildings C and D – 36 Units

- Thirty (30) two-bedroom units (86 to 96 sqm);
- Six (6) three-bedroom units (110 to 116 sqm).
- Forty-six (46) resident spaces;
- Ten (10) visitor spaces.

Stage 3 – Building E – 21 Units

- Seventeen (17) two-bedroom units (86 to 96 sqm);
- Four (4) three-bedroom units (110 to 116 sqm).
- Twenty-seven (27) resident spaces;
- Four (4) visitor spaces.

The basement areas comprise:

- One-hundred and seven (107) resident spaces (17 for Adaptable units);
- Twenty-one (21) visitor spaces (4 for disabled visitors);
- Eighty-three (83) storage units;
- Twenty-six (26) bicycle racks;
- Four (4) motorcycle bays;
- 3 x Car wash bays;
- Waste and Recycling bin areas;
- Garden equipment storage rooms.

The unit mix is as follows:

- 71 x 2 bedroom units
- 12 x 3 bedroom units

A summary of the development 'statistics' is provided below:

Site Area:	6,942m ²	
Gross Floor Area:	8,535m ²	
Floor Space Ratio:	1.23:1	
Building Area:	2,849m ²	
Site Coverage:	41%	
Soft Landscaping:	2,104m ²	(30%)
Deep Soil Area:	995m ²	(14%)
Total Landscaped Area:	2,624m ²	(38%)

Assessment

The application, as amended, was assessed against the matters for consideration listed under Section 79C (1) of the Environmental Planning & Assessment Act, 1979, as amended. The assessment is as follows:-

"S.79C (1) Matters for consideration – general"

(a) *The provisions of:-*

"(i) any environmental planning instrument, and"

Environmental Planning and Assessment Act 1979

Threatened Species

Section 5a of the *Environmental Planning and Assessment Act 1979* requires a consent authority to take into consideration whether the proposed development is likely to have a significant effect on any threatened species, populations or ecological communities, or their habitats.

However, there is no evidence to suggest that the site contains any threatened species, populations or endangered ecological communities, or their habitats.

Integrated Development

The proposed development is classified as *Integrated Development* under Section 91 of the *Environmental Planning & Assessment Act 1979* due to the need for further approvals under the *Water Management Act 2000*. The integrated approval provisions are triggered due to the proposed development over and in the vicinity of the concrete stormwater drainage channel known as Coopers Creek that runs across the south eastern corner and along the eastern side of the site.

The application was referred to the Office of Water and the Department has granted concurrence and issued General Terms of Approval (GTA).

The GTAs have been incorporated into the recommended conditions of consent and Council's obligations under Section 91 of the Act have been met.

State Environmental Planning Policy No. 55 – Remediation of Land

The intent of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) is to provide a consistent approach to the remediation of land across the State by specifying certain matters that consent authorities must consider when determining development applications on land which is potentially contaminated.

Under the provisions of Clause 7 of SEPP 55 the consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. If the land is found to be contaminated, the Consent Authority must be satisfied that the land is suitable in its contaminated state or can and will be remediated in order for it to be suitable for the purpose for which the development is proposed.

The subject site was formerly used as a CSIRO Research Centre for many years. However, the site has been cleared, remediated and partially filled as part of the Lakewood Estate Subdivision works carried out by the current owner of the site, Stockland Developments Pty Ltd. The site has been validated as being suitable for residential use. Having regard to the above, the site is considered to be suitable for the proposed use without the need for any further remediation and Council can be satisfied that it has fulfilled its obligations under SEPP 55.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP) came into force on 1 July 2004 and has been progressively implemented to the various types of residential development. The intent of the BASIX SEPP is to encourage sustainable residential development by requiring applicants to make commitments to incorporating sustainable design / building techniques in order to achieve more water and energy efficient residential buildings.

BASIX is an on-line program that assesses a residential dwelling against energy and water reduction targets. Designs must meet these targets before a BASIX Certificate can be issued. Commitments made during the BASIX assessment process must be shown on plans and adhered to during construction.

A BASIX Report / Certificate (No. 298821M) has been submitted with the application and indicates that the Sustainability Targets for water, thermal comfort and energy will be met if the development is constructed in accordance with the schedule of 'commitments' outlined on the BASIX Certificate. A condition has been included in the recommended conditions of consent to require the BASIX Commitments to be implemented during construction. As such, Council can be satisfied that the sustainability obligations under the SEPP have been / will be met.

State Environmental Planning Policy No. 59 – Central Western Sydney Regional Open Space and Residential

State Environmental Planning Policy No.59 – Central Western Sydney Regional Open Space and Residential (SEPP 59) applies to certain lands within the Holroyd and Fairfield local government areas that have been identified as suitable for regional open space and residential development. The SEPP establishes guiding principles for the development of the land to ensure the co-ordinated provision of infrastructure services and the staging of development throughout the entire precinct. The SEPP also sets out guidelines to be taken into consideration during the assessment of Development Applications on land to which the SEPP applies.

The subject site is zoned Residential under the provisions of SEPP 59. The proposed residential flat development is permissible within the zone.

The objectives of the Residential Zone are as follows:-

- (a) to ensure that development within the zone is primarily used for residential purposes and associated facilities, and*
- (b) to provide for a range of housing types, including medium density housing, in areas well served by public transport and near local shops, and*
- (c) to allow people to carry out a reasonable range of activities from their homes while maintaining neighbourhood amenity, and*
- (d) to allow for a variety of small scale local non-residential uses that primarily serve local residents and are compatible with the character of the living area, and*
- (e) to allow home-based occupations where such activities are unlikely to adversely affect the living environment of neighbours, and*
- (f) to prohibit development that is of an offensive, hazardous, noisy, intrusive or environmentally inappropriate nature, and*
- (g) to allow for local open space that is accessible and well located, that promotes the use and enjoyment of local open space for both residents and the workforce, that may include elements of the natural environment, and that provides for active and passive recreation.*

Comment: The proposed development is consistent with the zoning objectives, in particular objectives (a) & (b), providing medium density residential accommodation with a range of dwelling sizes. The site is within walking distance of the shops and facilities located to the south at the intersection of Greystanes Road and Butu Wargun Drive, as well as having access to open space areas and employment opportunities to the west of the site, Parramatta and other employment lands.

Clause10 – Matters for Consideration

Clause 10 of the SEPP requires a consent authority to take into consideration the following guiding principles in assessing and determining a development application to which the SEPP applies:

Economic development

- (a) the contribution the development makes to the economic development of Central Western Sydney.*

Comment - The proposed development will provide additional residential accommodation in proximity to the employment opportunities within Central Western Sydney, particularly to the west and north west of the site and in nearby Parramatta.

- (b) (repealed)*

Servicing

- (c) the timing, location and design of the development having regard to the orderly provision of infrastructure and services.*

Comment – A number of single dwelling houses have already been constructed and occupied opposite the site and all necessary services infrastructure is available for new development in the locality.

Extraction and rehabilitation

- (d) *the remaining resources which are of a high quality, regionally significant and identified in Sydney Regional Environmental Plan No 9—Extractive Industry, should be extracted while economically viable,*

Comment – The proposed development will not affect the extraction of any remaining resources in the area.

- (e) *(Repealed)*

Housing

- (f) *housing choice will be achieved by a wide range of housing types and lot sizes, with an overall density within a Precinct of at least 15 dwellings per hectare to meet the principles of the compact city as described in Cities for the 21st Century, published by the Department of Planning in January 1995.*

Comment - The proposed residential flat buildings will provide a range of medium density housing types that will be well in excess of the minimum required density of at least 15 dwellings per hectare, with a proposed density of 120 dwellings per hectare.

Environment

- (g) *(repealed)*

- (h) *development should be consistent with Action for Air, the New South Wales Government's 25 year Air Quality Management Plan, published by the New South Wales Government in March 1998, including all aspects of air quality, from assessing emissions from a development to transport and land use considerations,*

Comment – The proposed residential development will not contribute to or have an adverse impact on air quality.

- (i) *development should be consistent with the principles of total water cycle management, including minimising total water usage, minimising waste water requiring treatment and disposal, minimising stormwater impacts on the environment, and maximising water retention and reuse,*

Comment – As outlined in the BASIX Certificate and SEE, the proposed development is to incorporate a number of water saving measures, including a rainwater harvesting and re-use system, AAA rated fittings and fixtures, dual flush toilets and a hot water diversion system.

- (j) *development should be consistent with the principles of waste minimisation as set out in A Guide to the Waste Minimisation and Management Regulation, published by the Environment Protection Authority in 1996, and should ensure that waste is minimised through re-use, recycling and reprocessing, with disposal being the last resort option,*

Comment – As described in the Waste Management Plan that accompanies the application, construction waste is to be collected, sorted and stored on site and then either re-used, recycled or disposed of at approved waste and recycling facilities. Post construction waste management will make use of Council's waste and recycling facilities. This will ensure that where possible, waste will be recycled / reprocessed. This will significantly reduce the amount of waste going to landfill.

(k) *development should be planned to achieve maximum energy efficiency through such measures as building location, design and materials use, the selection of energy and water efficient building services, equipment and appliances,*

Comment – As described in the BASIX Certificate, the development will need to incorporate the following sustainability measures into the development: -

- Rainwater tanks to enable the reuse of rainwater captured from the development for use in irrigation;
- Energy efficient lighting, fittings and appliances;
- Solar hot water systems and hot water diversion systems;
- Landscaping using water tolerant and indigenous plant species.

The BASIX Certificate indicates that the development will meet the Targets for Water, Thermal Comfort and Energy Efficiency.

Heritage conservation

(l) *the conservation of items of heritage significance identified in this Policy or any other environmental planning instruments or subject to an order under the Heritage Act 1977,*

Comment – The site is not a listed heritage item and will not have any impact on the heritage significance of Prospect Hill to the west of the site, that is listed on the State Heritage Register.

(m) *the conservation of significant bushland and other natural features,*

Comment – The proposed development will have no impact on any bushland or natural features in the vicinity of the site.

(n) *development should be planned to minimise impacts on areas of high biodiversity or Aboriginal heritage significance and should seek to enhance the values of these areas,*

Comment – The proposed development will have no impact on any aboriginal heritage significance.

Cultural landscape and open space

(o) *the suitability of the site or part of the site for open space that will enhance and link the regional open space and special uses corridor and provide for the needs of the local community,*

Comment – The site is ‘earmarked’ for residential development under the Western Precinct Plan and is not required for open space.

(p) *the protection and improvement of the cultural landscape particularly that surrounding St Bartholomews Church and Prospect Reservoir,*

Comment – The site is located well away from St Bartholomews Church and the Prospect Reservoir and will have no impact on the cultural landscape surrounding them.

Transport

(q) *the range of permissible land uses, the design and layout of the site, and connections to existing transport networks should minimise vehicle kilometres travelled (VKT) while recognising the freight and transport requirements of the industry.*

Comment - The applicant has incorporated connections to proposed pedestrian promenades which link to the community facilities, linear parkway, and residential lands.

(r) development should provide for users of all modes of transport, including public transport, cycling and walking, with a recognition of the need to integrate the development into the surrounding network of each mode,

Comment – The proposed development will have good access to all modes of transport, with good road and pedestrian linkages and public transport options available in proximity of the site.

(s) the identification of freight links through the Greystanes Precinct from the land zoned “Employment” at Wetherill Park to the M4,

Comment – This consideration is not of relevance to this application. The identification of freight links were previously addressed in the preparation of the Precinct Plan and the subdivision DA for the Residential Lands of the Greystanes Estate.

(t) the identification of links to the Transitway identified in Action for Transport 2010, an Integrated Transport Plan for Sydney published by the NSW Government in November 1998,

Comment – This consideration is not of particular relevance to this application. Linkages to the Transitway were previously addressed in the preparation of the Precinct Plan and the subdivision DA for the Residential Lands of the Greystanes Estate.

Urban design

(u) development should ensure that the environmental and social quality of existing and future residential areas are safeguarded and that, in particular, noise and vibration from quarry operations is minimised,

Comment – This issue was previously addressed in the preparation of the Precinct Plan. The ongoing development of the Residential Lands of the Greystanes Estate in line with the Precinct Plan will result in a good environmental and social quality and amenity for future residents. It is unlikely that there would be any adverse impacts to future residents arising from any quarrying activities.

(v) development should be designed and located to ensure the best possible urban design outcomes including landscape quality and visual character,

Comment – The proposed development will achieve a suitable urban design outcome, with landscaping works softening the built form and providing an acceptable landscape quality and visual character.

(w) the scale and character of any development derived from an analysis of the site, having particular regard for its character when viewed from the M4, or the environs of Prospect Reservoir,

Comment – Views of the site from the M4 and/or Prospect Reservoir will be limited. The proposed scale and built form of the proposed development is consistent with that envisaged under the Precinct Plan and is considered acceptable given the sites context.

Community services

(x) development of the land will integrate community services with land use planning,

Comment – This issue was addressed in preparation of the Precinct Plan and a range of community service uses have been included within the Estate and adjoining Nelson’s Ridge.

(y) development of the land is to result in an attractive and safe built environment which satisfies a diverse range of community needs,

Comment - The CPTED principles were taken into consideration in the design of the proposed development. In line with the protocol between Council and Holroyd LAC, the application has been referred to the NSW Police for comment. The Crime Prevention Officer raised no objections to the proposal, subject to recommendations for the implementation of a number of additional measures aimed at improving the safety and security of the development. As such is considered to be consistent with this principle.

(z) the full range of human services and community facilities infrastructure appropriate to the changing needs of the community will be provided in a timely manner,

Comment – This issue was addressed in the preparation of the Precinct Plan.

(aa) the amenity of the region will be promoted through the provision of on-site services and facilities, and through complementing or augmenting existing service networks,

Comment – This issue was addressed in the preparation of the Precinct Plan.

(bb) equitable access to services and facilities will be promoted for all groups and individuals in the community,

Comment – This issue was addressed in the preparation of the Precinct Plan and future residents of the development will have equitable access to services and facilities in the vicinity of the site.

(cc) development will integrate the new community with existing adjoining communities,

Comment – The proposed development is located within a new residential area that adjoins Nelson’s Ridge to the south and the established residential neighbourhood along Greystanes Road and will integrate with these surrounding communities, making use of local services, facilities and recreational areas.

(dd) community participation will be encouraged in the identification of community services and facility needs.

Comment – This issue is not of particular relevance to this application and was addressed in the preparation of the Precinct Plan.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) is part of a suite of documents developed by the State Government in an effort to improve the quality of design in residential flat buildings. The Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

In accordance with the requirements of the SEPP, the application is accompanied by a Design Verification Statement and a description of how the design has incorporated the 10 design quality principles.

The proposed development has been assessed against the objectives and the ‘rules of thumb’ set out in the Residential Flat Design Code and satisfies the minimum design standards. The Table below provides a summary of the assessment against the ‘rules of thumb’.

Relevant Section of the Residential Flat Design Code	Compliance
Part 1 – Local Context	
Primary Development Controls Building Height <ul style="list-style-type: none"> Ensure future development responds to desired future scale and character of street and local area and allow reasonable daylight access to all developments and public domain. 	Complies: The development responds to the desired future scale and character of the local streetscape and wider character envisaged under the Precinct Plan, particularly in terms of the land use, public domain defining buildings, and proposed building heights. The built form, site configuration and orientation of buildings allows for good daylight access to the majority of units, the public domain and private and communal open space.
Building Depth <ul style="list-style-type: none"> Maximum internal plan depth should be 18 metres from glass line to glass line. 	Complies: The maximum depth of units is 15m.
Building Separation <ul style="list-style-type: none"> Suggested dimensions within development, for internal courtyards and between adjoining sites for buildings: <ul style="list-style-type: none"> - up to 4 storeys/12m 12m between habitable rooms/balconies 9m between habitable rooms/balconies and non habitable rooms 6m between non habitable rooms 	Generally Complies: The minimum separation between the non-habitable rooms of buildings A & B is 10m; between the non-habitable rooms of buildings B & C is 9m; between the balcony and non-habitable rooms of buildings C & D is 9.4m; and between the habitable rooms of buildings C/D & E is 12m. There is a minor non-compliance between the balconies and habitable rooms of buildings B & C, where the separation is only 9m. However, the living room windows in the 2 affected units are small windows only and an acceptable degree of privacy will be afforded. It is noted that these windows do not provide the main outlook from these rooms and serve mainly for access to natural light and articulation of the external façade.
Street Setbacks <ul style="list-style-type: none"> Should establish desired patterns along street, also recognising scale transition, privacy, surveillance and street landscape character. 	Complies: Setbacks from the street boundaries vary but satisfy the minimum 3m setback requirement set out in 3.7.8 and Figure 3.23 of Part G of Holroyd DCP 2007 and will establish the desired street character and scale transition.
Side and Rear Setbacks Minimise impact on light, air, sun, privacy, views and outlook for neighbouring properties.	Complies: The varying setbacks allows for an appropriate balance between light, air, sun and outlook for adjoining properties.

Part 2 – Site Design	
<p>Site Configuration</p> <p><i>Deep Soil Zones</i></p> <ul style="list-style-type: none"> <i>To assist in management of water table, water quality amenity and large scale landscaping</i> <i>25% of open space should have deep soil</i> 	<p>Non-compliance: Due to the extent of the basement levels over the site, opportunities for true deep soil zones (natural soil profile) are limited. Only 14% (995m²) of the site is suitable for true deep soil planting. However, 30% of the site will be soft landscaped area and the Landscape Plans indicate that there will be a number of on-slab planter boxes throughout the site that will have a 700mm soil depth that will sustain substantial trees.</p>
<p>Landscape Design</p> <ul style="list-style-type: none"> <i>Improve amenity of open space with landscape design which provides appropriate shade from trees or structures, accessible routes through site and between buildings</i> <i>Contribute to streetscape character visually softening bulk of large development for the person on the street</i> <i>Provide a sufficient depth of soil above paving slabs to enable growth of mature trees.</i> 	<p>Complies: The landscaping proposal for the site will provide appropriate shade and public amenity, will enhance and soften the streetscape and provide areas with sufficient depth to accommodate mature trees.</p>
<p>Open Space</p> <ul style="list-style-type: none"> <i>Area of communal open space required should generally be at least between 25 and 30% of site area</i> <i>Provide private open space for each apartment capable of enhancing residential amenity, in form of balcony, deck, terrace, garden, yard, courtyard and/or roof terrace</i> <i>Minimum recommended area of private open space for each apartment at ground level or on a structure, such as on a podium, is 25m²; minimum preferred dimension is 4m.</i> 	<p>Complies: Approximately 30% of site is landscaped and a portion of this will be provided as communal open space for residents. Facilities include a central area containing playground equipment and a BBQ/picnic area, as well as interconnecting pathways and seating</p> <p>Each unit has a private balcony/ies or terrace/courtyard totalling at least 6m².</p>
<p>Orientation</p> <ul style="list-style-type: none"> <i>Optimise solar access to residential apartments within development and adjacent development.</i> 	<p>Complies: The siting and layout of the 5 buildings should optimise solar access within site.</p> <p>A reasonable proportion of the units have a northerly or partially northerly aspect, with the units in buildings D & E having the best opportunities for high levels of solar access.</p>

<p><i>Planting on Structures</i></p> <ul style="list-style-type: none"> • <i>Encourage establishment and healthy growth of trees in urban areas.</i> 	<p>Complies: Proposed planting in on-slab planter boxes within the site will provide for the establishment of a range of trees and shrubs and will supplement the extensive perimeter plantings and provide an attractive landscape setting (refer to Landscape Plan).</p>
<p><i>Stormwater Management</i></p> <ul style="list-style-type: none"> • <i>Reduce volume impact of stormwater on infrastructure by retaining on site.</i> 	<p>Complies: The collection and re-use of storm water for landscape irrigation is proposed.</p>
<p><i>Site Amenity</i> <i>Safety</i></p> <ul style="list-style-type: none"> • <i>Ensure residential flat developments are safe and secure for residents and visitors and contribute to safety of public domain.</i> 	<p>Complies: The design provides for a clear definition between public and private space and communal areas and allows for passive surveillance of both the public and private domain surrounding the building. This will ensure that the site is safe and secure for occupants and visitors and users of the public domain.</p>
<p><i>Visual Privacy</i></p> <ul style="list-style-type: none"> • <i>Provide reasonable levels of visual privacy externally and internally, during day and at night and maximise outlook and views from principal rooms and private open space is without compromising visual privacy.</i> 	<p>Complies: Good levels of visual privacy are provided externally and internally.</p> <p>Outlook and views from living areas and balconies will be optimised without compromising visual privacy due to the orientation of living areas and balconies.</p>
<p><i>Site Access</i> <i>Building Entry</i></p> <ul style="list-style-type: none"> • <i>Create entrance which provides a desirable residential identity for development, orient visitor and contribute positively to streetscape and building facade design.</i> 	<p>Complies: Clearly identifiable residential entries to each of the buildings are proposed, creating a desirable identity and easy orientation for residents and visitors. It is noted that 24 of the ground floor units have individual entries that are clearly identifiable and make a positive contribution to the streetscape.</p>
<p><i>Parking</i></p> <ul style="list-style-type: none"> • <i>Minimise car dependency but provide adequate car parking for building's users and visitors.</i> • <i>Integrate location and design of car parking with design of site and building.</i> 	<p>Complies: Adequate on-site parking is proposed. The on-site parking is provided in 3 separate single level basements that are integrated into the overall site design.</p>

<p><i>Pedestrian Access</i></p> <ul style="list-style-type: none"> <i>Promote residential flat development that is well connected to street and contributes to accessibility.</i> <i>Barrier free access to at least 20% of dwellings.</i> 	<p>Complies: The site is well connected with the surrounding streets through appropriate built form, multiple address points and landscaping.</p> <p>Access to 20% of the units is barrier free, with 17 units of the 83 units being nominated as adaptable units. A lift between the central basement and the common area between buildings C & D provides access from the accessible car parking spaces in the central basement to the connecting paths between buildings. A stair inclinator is to be installed in the northern basement to provide access from these accessible spaces to building E. All public areas of the development will be accessible in accordance with AS1428.</p>
<p><i>Vehicle Access</i></p> <ul style="list-style-type: none"> <i>Integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety.</i> <i>Generally limit width of driveways to 6m maximum.</i> 	<p>Complies: Car parking and servicing access have been integrated without compromising the street character, landscape setting or pedestrian amenity and safety.</p> <p>Driveways to the southern and central basements are proposed from Barbra Crescent and the driveway to the northern basement is from Nijong Drive. The 3 driveways have a width of 5.5m.</p>
<p>Part 3 – Building Design</p>	
<p>Building Configuration</p> <p><i>Apartment Layout</i></p> <ul style="list-style-type: none"> <i>Single aspect apartments should be limited in depth to 8m from a window.</i> <i>Back of a kitchen should be no more than 8m from a window.</i> <i>Width of through apartments over 15m deep should be 4m or greater to avoid deep narrow apartment layouts.</i> <i>Affordable housing to be considered including small units & minimum sizes</i> 	<p>Complies: There are no single aspect units.</p> <p>The maximum depth between the back of a kitchen and a window is 8m.</p> <p>The maximum depth of through apartments is 15m.</p> <p>Various 2 & 3 bedroom unit sizes are proposed with the highest proportion being 2 bedroom units. This mix will allow for an acceptable degree of housing affordability, in line with current market trends.</p>
<p><i>Apartment Mix</i></p> <ul style="list-style-type: none"> <i>Provide a diversity of apartment types.</i> 	<p>Complies: A mix of 2 bedroom and 3 bedroom units in various configurations is proposed.</p>

<p>Balconies</p> <ul style="list-style-type: none"> • Provide all apartments with private open space. • Ensure balconies are functional and integrated with overall architectural design. • Provide primary balconies for all apartments with a minimum depth of 2m. 	<p>Complies: All units will have a private useable courtyard or balcony that is integrated into overall architectural form and accessed off living rooms. All balconies are at least 2m deep.</p>
<p>Ceiling Heights</p> <ul style="list-style-type: none"> • 2.7m for habitable rooms in residential flats. 	<p>Complies: The minimum ceiling height for all habitable rooms is 2.7m.</p>
<p>Flexibility</p> <ul style="list-style-type: none"> • To promote 'long life, loose fit' buildings and encourage adaptive re-use to save embodied energy expended in building demolition. 	<p>Complies: The design has the potential for future modification to the internal layout, although re-use other than residential is considered unlikely.</p>
<p>Ground Floor Apartments</p> <ul style="list-style-type: none"> • Contribute to streetscape and active safe streets by designing front gardens or terraces while ensuring privacy. 	<p>Complies: 24 of the 27 ground floor units have individual access from the street and contribute to the streetscape though small landscaped front yards.</p>
<p>Internal Circulation</p> <ul style="list-style-type: none"> • 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. 	<p>Complies: Double loaded corridors are not proposed. The majority of units are accessed via staircases shared by 2 units per floor, with a maximum of 4 units per floor accessed via common stairs.</p>
<p>Storage</p> <ul style="list-style-type: none"> • 6m³ per studio per 1 bedroom unit. • 8m³ per 2 bedroom unit. • 10 m³ per 3 bedroom unit 	<p>Complies: Individual storage 'cages' of 10m³ for the 2 bedroom and 12m³ for the 3 bedroom units are provided in the basements. This will exceed the suggested storage requirements.</p>
<p>Building Amenity Acoustic Privacy</p> <ul style="list-style-type: none"> • Ensure high level of amenity by protecting privacy of residents within residential flat buildings both within the apartments and in private open spaces. 	<p>Complies: Sound insulation is proposed in the walls, ceilings and between floors that the applicant states will provide adequate acoustic privacy to achieve the BCA requirements in relation to noise transmission at <i>Part F5 – Sound Transmission and Insulation</i>. Sound absorbing duct work will protect the services and no services will be connected through Party Walls.</p>

<p>Daylight Access</p> <ul style="list-style-type: none"> • <i>Living rooms and private open space for at least 70% of apartments should receive a minimum of 3 hours direct sunlight between 9 am and 3 pm mid winter. 2 hours acceptable in dense precincts</i> • <i>Limit number of single aspect apartments with southerly aspect to maximum 10% of total.</i> 	<p>Complies: In excess of 70% of the units are likely to receive 3 hours sun between 9.00am and 3.00pm during mid winter.</p> <p>Complies: There are no single aspect units.</p>
<p>Natural Ventilation</p> <ul style="list-style-type: none"> • <i>Building depths, which support natural ventilation typically range from 10 to 18 metres.</i> • <i>60% of residential units should be naturally cross ventilated.</i> • <i>25% of kitchens within a development should have access to natural ventilation.</i> 	<p>Complies: The average unit depth is approximately 14m and the maximum depth is 15m. All of the units are dual aspect and therefore achieve excellent cross ventilation. In all units, the kitchens are generally within 8m from windows and will also benefit from some degree of natural ventilation.</p>
<p>Building Form Facades</p> <ul style="list-style-type: none"> • <i>Promote high architectural quality in residential flat buildings, ensure new developments have facades which define and enhance public domain and desired street character and that building elements integrated into overall building form and facade design.</i> 	<p>Complies: The facade designs are of a high architectural quality and establish an appropriate character and streetscape for the urban context of the site.</p>
<p>Roof Design</p> <ul style="list-style-type: none"> • <i>Provide quality roof designs, which contribute to overall design and performance of residential flat buildings, integrate as part of overall design.</i> 	<p>Complies: The proposed roof forms are integrated with overall design and provide an appropriate 'top' to each of the buildings.</p>
<p>Building Performance Energy Efficiency</p> <ul style="list-style-type: none"> • <i>Reduce the necessity for mechanical heating and cooling reducing reliance on fossil fuels and minimize greenhouse gas emissions.</i> 	<p>Complies: The installation of energy efficient plant, equipment and appliances will assist in reducing energy usage. Cross ventilation and appropriate choice of glazing and shading devices will reduce the need for mechanical heating and/or cooling.</p>
<p>Water Conservation</p> <ul style="list-style-type: none"> • <i>Reduce mains consumption of potable water and quantity of urban stormwater runoff.</i> 	<p>Complies: A number of water conserving measures such as the collection and reuse of rain water and the installation of water efficient fixtures and fittings will reduce the consumption of potable water.</p>

“(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved),”

There are no exhibited draft Environmental Planning Instruments applying to the land to which this application relates.

“(iii) Any development control plan, and”

Holroyd Development Control Plan 2007

As required under SEPP 59, a Precinct Plan was prepared to guide the planning and development of the Eastern Precinct Residential Lands of the former CSIRO site. The Precinct Plan was prepared in consultation with Council, relevant State Agencies and the community and was adopted as a deemed DCP under amendments to the EP&A Act in 2006 and subsequently became Part G of Holroyd DCP 2007.

The application has been assessed against the relevant controls of Holroyd Development Control Plan 2007 – Part G “Pemulwuy Eastern Precinct SEPP 59 Residential Lands”, as summarized in the Compliance Table below:-

Compliance Table

Control	Requirement	Proposal	Compliance
Housing Type	<ul style="list-style-type: none"> Residential Flat Building - Type D Apartments 	<ul style="list-style-type: none"> Type D Apartments 	Complies
Access & Address	<ul style="list-style-type: none"> Clear pedestrian access Individual access to 50% of ground floor units Separate vehicular access Driveways to be a maximum of 6m wide Minimise visual impact of on-site parking to the street 	<ul style="list-style-type: none"> Access to individual units 24 out of the 27 (88%) ground floor units have individual access Separate driveway access to each basement Driveways are 5.5m wide Landscaping and screen walls are provided 	Complies
Landscaped Area	<ul style="list-style-type: none"> Minimum 30% distributed to private and public areas Provide privacy between units 	<ul style="list-style-type: none"> 2,624m² (38%) landscaped area Screening proposed 	Complies

Control	Requirement	Proposal	Compliance
Setbacks	<ul style="list-style-type: none"> • 3.0m to east and west • 1.5m to north and south • Garages to be 5.5 from front boundary 	<ul style="list-style-type: none"> • 3m minimum • 1.5m minimum • Basement parking proposed 	Complies
Private Open Space	<ul style="list-style-type: none"> • Provide an active street frontage and surveillance of public areas • Minimum 10% of GFA of unit • Courtyards minimum 3m depth • Balconies minimum 2.4m • Secondary balconies 1.2m 	<ul style="list-style-type: none"> • Balconies and courtyards located along street frontages • All exceed 10% of GFA • Minimum 3m depth to all courtyards • Balconies minimum depth of 2.5m • Secondary balconies 1.2m 	Complies
Built Form	<ul style="list-style-type: none"> • Maximum three storeys + attic • Maximum external wall height of 10m • Maximum building height of 12.5m 	<ul style="list-style-type: none"> • Maximum three storeys + attic • Maximum external wall height 10m • Building height 12.5m 	Complies
Visual Privacy / Building Separation	<ul style="list-style-type: none"> • 6m – between non-habitable rooms • 9m – between habitable room & non-habitable • 9m – between habitable room & balcony • 12m – between habitable rooms 	<ul style="list-style-type: none"> • 9m – non-habitable • 10m – habitable & non-habitable • 12m – habitable & balcony • 12m – habitable & habitable 	Complies
Solar Access	<ul style="list-style-type: none"> • Minimum 4 hours between 8am and 4pm in mid-winter 	<ul style="list-style-type: none"> • Solar access complies 	Complies
Front Fences	<ul style="list-style-type: none"> • 1.2m maximum height 	<ul style="list-style-type: none"> • 1.2m fence proposed 	Complies
SEPP 65 Compliance	<ul style="list-style-type: none"> • SEPP 65 Principles are to be complied with 	<ul style="list-style-type: none"> • Refer to previous Table providing comments on the 10 SEPP 65 Design Principles 	Complies

Control	Requirement	Proposal	Compliance
Adaptable Housing	<ul style="list-style-type: none"> Minimum 20% of units to comply with AS4299 – Type D 	<ul style="list-style-type: none"> 17 of the 83 units (20%) comply with AS4299-Adaptable Housing – Type D Class 	Complies
Parking – provide not more than	<ul style="list-style-type: none"> 1.25 spaces per two bedroom unit 1.5 spaces per three or more bedroom unit 0.25 spaces per unit (visitors) <p>(127.75 spaces generated)</p>	<ul style="list-style-type: none"> 71 x 1.25 (88.75 spaces) 12 x 1.50 (18.00 spaces) 83 x 0.25 (20.75 spaces) 128 spaces proposed 	Complies
Driveway Aisle Width	<ul style="list-style-type: none"> Minimum 6m aisle widths 	<ul style="list-style-type: none"> 7m minimum driveway aisle width 	Complies
Storage space	<ul style="list-style-type: none"> Two bed unit – 10m³ Three bed unit – 12.5m³ 	<ul style="list-style-type: none"> Two bed units – 10m³ Three bed units – 12m³ 	Complies
Vehicle car wash bay	<ul style="list-style-type: none"> One bay required 	<ul style="list-style-type: none"> One bay proposed in each basement area 	Complies
Clothes Drying Areas	<ul style="list-style-type: none"> Provide Clothes Drying Areas 	<ul style="list-style-type: none"> One (1) area designated for external clothes drying – all laundries to have clothes dryers installed 	Complies
Energy Efficiency	<ul style="list-style-type: none"> 20 ABSA points minimum 	<ul style="list-style-type: none"> 20 ABSA points minimum 	Complies

From the Table it can be seen that the proposed development complies with the DCP requirements.

Part A of Holroyd DCP 2007 applies to all developments and provides overall guidance for the development of land in the City of Holroyd. However, Part G of the DCP is a comprehensive (and formerly stand alone) document that provides site specific controls for development within the SEPP 59 Residential lands of Pemulwuy Estate. As such, all of the matters in Part A of the DCP have been addressed under the Part G controls. As such, no further assessment of the proposed development against the Part A controls is necessary.

"(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and"

There are no planning agreements applicable to the proposed development.

"(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph) that apply to the land to which the development application relates,"

The proposal is consistent with the requirements of the Environmental Planning and Assessment Regulations, 2000.

"(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,"

Traffic and Parking

The application was accompanied by a Traffic Report prepared by Traffic Solutions Pty Ltd that provides an assessment of the proposed parking and traffic implications of the proposed development. This assessment references the likely traffic generation rates provided in the RTA's *Guide to Traffic Generating Development – Section 3 – Landuse Traffic Generation* and estimates a peak hour traffic generation of 34-43 trips to/from the site. The assessment concludes that this likely traffic generation will not have an adverse impact on the operation of the surrounding road network and would have been anticipated in the Master Planning for the area.

The assessment acknowledges that the proposed on-site parking provision complies with the required rates under Part G of Holroyd DCP.

Further, the assessment indicates that the geometric design requirements for the car park layout, aisle widths, bay dimensions, ramps and gradients comply with the requirements of AS/NZS 2890.1.

Council's Traffic Engineer has reviewed the application and the Traffic and Parking Assessment and advises that the proposal is satisfactory with respect to traffic and parking.

Crime Prevention

Crime Prevention Through Environmental Design (CPTED) is a relevant matter for consideration under the EP&A Act in the assessment of development proposals. Having regard to the protocol established between Council and the Holroyd Local Area Command, the application was referred to the Crime Prevention Officer for comment.

The Crime Prevention Officer has reviewed the application and has advised that the police have no objections to the proposed development. However, in the interests of achieving the best outcome with respect to the CPTED principles, the Crime Prevention Officer has recommended a number of measures to be implemented such as security lighting, electronic access controls, prominent street numbering and letterbox locations and avoiding the use of 'flat' or porous finishes on walls etc in public areas. The SEE accompanying the application indicates that a number of these measures are already proposed to be incorporated. Notwithstanding, the recommendations of the Crime Prevention Officer will be incorporated into the conditions of approval if consent is granted.

The orientation of the buildings and internal layouts mean that the pedestrian entry to the individual and common entries to the units are visible and easily identifiable from the street. The majority of units have good opportunity for casual surveillance to the surrounding streets and internal communal areas. There is a clear delineation between public and private space and the internal pedestrian paths and common areas are clearly identifiable. Electronically operated roller shutters are proposed at the entries to each basement parking area, pedestrian access to the common entries / stairways is also proposed to be electronically secured and it is assumed that good quality locks will be installed to the entry doors of each unit.

Having regard to the above, the proposed development is considered to be acceptable from a CPTED point of view.

Bush Fire Prone Land

The site is not identified (mapped) as bushfire prone land for the purposes of Section 100b of the *Rural Fires Act 1997*. However, the Rural Fire Service has nominated the vegetation within the riparian corridor to be a low risk bushfire hazard. This is acknowledged in the adopted Eastern Precinct Plan for the Pemulwuy Estate (April 2004).

Accordingly, Clause 3.7.11 in Part G of Holroyd DCP 2007 stipulates that a 20m Asset Protection Zone (APZ) must be provided between residential development and the potential bushfire hazard of the adjoining riparian corridor to the east of the site. It is noted that a number of the units on the eastern side of the site closest to Barbra Crescent will not meet the required separation distances to the bushfire prone vegetation within the riparian corridor.

The applicant has submitted a Bushfire Hazard Assessment report. This report has been assessed by Council's Building Fire Safety Officer, who advises firstly, that the report incorrectly assumes that Council will be managing the APZ for bushfire purposes, and secondly, that the report fails to identify where the APZ is to be located and what portions of the affected buildings are to be constructed to the required bushfire construction standards. As such, the report does not adequately address the local bushfire threat issues.

To address the outstanding issues in the consultant's Bushfire Hazard Assessment report, Council's Building Fire Safety Officer has carried out an assessment of the proposal and identified the portions of the buildings that interface with the bushfire hazard and require passive bushfire protection measures to be installed as part of the construction. The required measures are recommended conditions of consent that would be imposed if consent is granted. In this way, the requirements of the *BCA, AS 3959-2009 – Construction of Buildings in Bushfire Prone Areas and Planning for Bushfire Protection 2006* will be met.

Natural Environment

The site does not contain or provide a habitat for any endangered flora and fauna and does not have a significant landscape character that would be diminished as a consequence of the proposed development.

The site will be landscaped in accordance with the approved Landscape Plan. This will soften the impact of a proposed development on its surrounds and minimising the negative impact of the development on the natural environment. There are no trees to be removed from the site, however, the new plantings will embellish the landscape character and quality of the site. In this regard, the proposed development is considered to be satisfactory with regard to the natural environment.

Built Environment

The proposed development is in accordance with the residential flat building built form envisaged under the Western Precinct Plan. It will have a suitable streetscape presentation and the overall bulk and scale of the development is acceptable in terms of the site's context and relationship to adjoining development.

"(c) the suitability of the site for the development,"

The site is considered to be suitable for the proposed development with respect to the site context, surrounding land uses and built form.

"(d) any submissions made in accordance with this Act or the regulations,"

The application was advertised in the Parramatta Advertiser and adjoining and affected owners and occupiers were notified by letter dated 23 April 2010. The results of the public exhibition are detailed below:

Consultation

Exhibition dates: 28/04/2010 – 28/05/2010

One (1) submission was received objecting to the DA. The commentary below provides a response to the issues raised in the submissions.

Issues/Comments

- *The proposed units will block our view and were not shown on Stockland's Plan when we bought our land. Stockland promised us that we would have a view and they would build single storey development on this land.*

Comment: The proposed development is in accordance with the built form / building height controls under the Precinct Plan which forms Part G of Holroyd DCP 2007.

- *The blocks of units will cause increased traffic and parking problems and the land should be used for parks and recreation like they have in Nelson's Ridge.*

Comment: The impact of the likely traffic generation on the road network was considered in the preparation of the Western Precinct Plan, as well as in the assessment of this application and the proposed residential density will not have an unreasonable traffic or parking impact.

"(e) the public interest".

The proposed development is considered to be in the wider public interest for the following reasons:

- it is consistent with the objects of the Environmental Planning and Assessment Act 1979, specifically because it represents the economic and orderly development of land;
- the proposed built form is in accordance with the zoning objectives and the proposal is generally consistent with the planning framework intended to guide development of the site, namely SEPP 59 and Holroyd Development Control Plan 2007 – Part G Western Precinct Plan.

External Referrals

NSW Police

The Holroyd Local Area Command has assessed the proposal and raised no concerns, subject to the imposition of appropriate conditions of consent. In order to reduce the risk of crime and improve the safety and security of the development, a number of crime prevention measures such as keyed remote access control to the basement car parks and building lobbies, warning signage and appropriate lighting etc were recommended for implementation. The need for implementation of these measures has been included in the recommended conditions of consent.

Office of Water

The application was referred to the Office of Water as it constitutes ‘Integrated Development’ pursuant to Section 91 of the EP&A Act. The Department has issued its General Terms of Approval (GTA), which have been included in the recommended conditions of consent.

Internal Referrals

Building Services

Council’s Building Services Unit raised no objections to the proposed development subject to the imposition of conditions of consent.

Building Fire Safety Officer

As discussed earlier in the report, in order to address the requirement to protect the proposed development from the adjoining bushfire hazard, Council’s Building Fire Safety Officer has identified the portions of the buildings that interface with the bushfire hazard and require passive bushfire protection measures to be installed as part of the construction. In this way, the requirements of the BCA, AS 3959-2009 – *Construction of Buildings in Bushfire Prone Areas* and *Planning for Bushfire Protection 2006* will be met.

Landscape Officer

Council’s Landscape Officer raised no objections to the proposed development subject to the imposition of conditions of consent.

Traffic Engineer

Council’s Traffic Engineer raised a number of issues in relation to the proposal. However, these have now been addressed in amended plans or documentation. As such, no objection is raised to the proposed development subject to the imposition of conditions of consent.

Development Engineer

Council’s Development Engineer raised a number of issues in relation to the proposal. However, these have now been addressed in amended plans and documents and no objection is raised to the proposed development subject to the imposition of conditions of consent.

Environmental Health

Council’s Environmental Health Unit raised no objections to the proposed development, from an acoustic and contamination perspective, subject to the imposition of appropriate conditions.

Community Development

Council’s Social Planner has assessed the proposal against Council’s social impact assessment requirements and raises no concern with the proposal subject to the imposition of a number of recommended conditions of consent, including conditions relating to the need to prepare a Construction Management Plan and other mitigation measures recommended in the SIA that accompanied the application.

Waste Management

Council's Waste Officer has reviewed the proposal and accompanying documents and raises no objection, subject to a number of recommended conditions of consent.

Conclusion

DA 2010/163/1 proposes the construction of 83 residential units in 5 x 3 storey residential flat buildings over three separate basements in 3 stages at Lot 4002, Nijong Drive, Pemulwuy.

The proposal has been assessed against the relevant objectives and provisions of State Environmental Planning Policy No. 59 – Central Western Sydney Regional Open Space and Residential and Holroyd Development Control Plan 2007 – Part G Western Precinct Plan and is considered satisfactory. Accordingly the proposal is recommended for approval.

During the notification period 1 submission was received objecting to the proposal. The issues raised in the objection have been outlined and discussed in this report.

The Development Application is referred to the Western Sydney Joint Regional Planning Panel for determination and is recommended for approval.

Report Recommendation

That the Western Sydney Joint Regional Planning Panel approve DA 2010/163/1 subject to the conditions contained in the Draft Notice of Determination Approval Letter (i.e., "Draft Conditions of Consent") attached to this report.