

Proposal: Demolition of existing structures; removal of trees; construction of a mixed residential / commercial development comprising 1 x 8 storey mixed use building and 2 x 7 storey residential flat buildings above 3 levels of basement car parking, accommodating 154 residential units, 3 commercial tenancies with a total gross leaseable floor area of 530.2sqm and 216 parking spaces; and use of the commercial tenancies for the purpose of 'business premises'.

Location: 1-9 Florence Street & 19-23 Quinn Street, South Wentworthville

Lot 19, DP 793928	1 Florence Street
Lot 17, DP 8773	3 Florence Street
Lot 18, DP 8773	5 Florence Street
Lot 19, DP 8773	7 Florence Street
Lot 2, DP 516861	9 Florence Street
Lot B, DP 376698	19 Quinn Street
Lot A, DP 376698	21 Quinn Street
Lot 20, DP 8773	23 Quinn Street

Proponent: Mackenzie Architects International

**Capital
Investment**

Value: \$33,070,000

File No: DA 2013/493/1

Author: Mark Stephenson, Senior Development Planner
Holroyd City Council

RECOMMENDATION

1. That the application proposing the demolition of existing structures; removal of trees; construction of a mixed residential / commercial development comprising 1 x 8 storey mixed use building and 2 x 7 storey residential flat buildings above 3 levels of basement car parking, accommodating 154 residential units, 3 commercial tenancies with a total gross leaseable floor area of 530.2sqm and 216 parking spaces; and use of the commercial tenancies for the purpose of 'business premises', be approved subject to a deferred commencement provision requiring the submission to Council of an indicative design of the proposed future road and subject to conditions as outlined in Attachment G of this report.

SUPPORTING DOCUMENTS

AT-A	Site Locality Plan
AT-B	Architectural Plans
AT-C	Statement of Environmental Effects (incl. Clause 4.6 Variation)
AT-D	Design Verification Statement
AT-E	Traffic Reports
AT-F	Submission
AT-G	Draft Conditions of Consent

EXECUTIVE SUMMARY

This report summarises the key issues associated with the development application and provides an assessment of the relevant matters of consideration in accordance with the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No. 65 – Residential Flat Development, the Holroyd Local Environmental Plan 2013 and the Holroyd Development Control Plan 2013.

The application was placed on public exhibition for a period of thirty (30) days, wherein letters were sent to adjoining and surrounding owners and occupiers, an advertisement was placed in the local paper and a notice was placed on site. The application was subsequently amended and renotified as a result for a period of fourteen (14) days. In response, two (2) submissions were received from the same submitter requesting clarification of the directional flow of the proposed future road.

The application was referred to Council's Building Services Section, Development Engineering Section, Traffic Section, Landscaping Section, Environmental Health Unit, Waste Management Section, Strategic Planning Section, Community Services Section (Social Planning and Accessibility) and Consultant Urban Design Advisor. In addition, the application was referred externally to Roads and Maritime Services, NSW Police Holroyd LAC and Endeavour Energy. All issues raised by the internal and external bodies have been satisfactorily resolved and no further objections have been raised, subject to the implementation of conditions.

The application is referred to the Sydney West Joint Regional Planning Panel for consideration pursuant to Clause 23G of the Environmental Planning & Assessment Act 1979, as the development has a capital value in excess of \$20 million.

The proposed development exceeds the maximum height requirements contained within the Holroyd LEP 2013, and in this regard, a written application pursuant to Clause 4.6 of the LEP has been submitted. The submitted Clause 4.6 variation is considered to be well founded and is supported.

It is considered that the proposed development is appropriate for the site and for the locality and will have minimal impact on the surrounding environment. Based on an assessment of the application, it is recommended that the application be approved subject to a deferred commencement provision requiring the submission to council of an indicative design of the proposed future road, and subject to conditions as outlined in Attachment G of this report.

SITE DESCRIPTION AND LOCALITY

The subject site encompasses a number of allotments, which are identified as follows:

Lot 19, DP 793928	1 Florence Street
Lot 17, DP 8773	3 Florence Street
Lot 18, DP 8773	5 Florence Street
Lot 19, DP 8773	7 Florence Street
Lot 2, DP 516861	9 Florence Street
Lot B, DP 376698	19 Quinn Street
Lot A, DP 376698	21 Quinn Street
Lot 20, DP 8773	23 Quinn Street

The subject site is situated on the western side of Centenary Road in South Wentworthville, approximately 50 metres to the south of the Great Western Highway and 20 metres to the north of the M4 motorway.

The subject site is bounded on 3 sides by Centenary Road to the east, Florence Street to the west and Quinn Street to the south. The site is irregular in shape and has a combined area of approximately 6,127sqm. The site currently accommodates 8 single-storey residential dwellings and associated outbuildings.

The subject site is located between and in close proximity to two major transport thoroughfares, being the M4 Motorway and the Great Western Highway. This section of land is zoned B6 Enterprise Corridor in order to promote mixed use development along main roads.

Directly to the north of the site is Hungry Jacks fast food outlet; to the north-east is Aldi Supermarket; to the east is the Holroyd zone electricity substation; to the south is the M4 Motorway; to the west is single-storey residential development; and to the north-west is Dan Murphys bottleshop.

The Liverpool to Parramatta Transitway is just to the south-east of the site and a Transitway bus stop is located approximately 335 metres to the east. The Wentworthville Town Centre is also in close proximity, located approximately 580 metres to the north. Other commercial enterprises are located to the east and north-east of the site, which form part of the B2 Local Centre zone for South Wentworthville.

Specific details of the proposed development are as follows:

Residential component

The proposal incorporates the construction of 154 residential units within 3 residential buildings, comprising the following mix

- Building A
 - 6 x 1 b/r units
 - 48 x 2 b/r units
- Building B
 - 35 x 2 b/r units
- Building C
 - 15 x 1 b/r units
 - 50 x 2 b/r units
- Total
 - 21 x 1b/r units
 - 133 x 2 b/r units
- The proposal includes 25 adaptable units

Commercial component

The proposal comprises 3 commercial tenancies located on the ground floor of Building C, with following floor areas:

- Tenancy 1: 241.59sqm
- Tenancy 2: 231.92sqm
- Tenancy 3: 56.69sqm
- Total Gross Leaseable Floor Area: 530.2sqm

The proposal also includes the use of the commercial tenancies for the purpose of 'business premises'.

Parking

The proposal includes 3 levels of basement parking under the three buildings. Access to the basement is provided along Florence Street, adjacent to the Hungry Jacks entrance.

A total of 216 parking spaces are proposed, with the following breakdown:

- 185 residential spaces (including 18 visitor spaces and 25 accessible spaces)
- 31 commercial (including 6 stacked spaces, 3 visitor spaces and 1 accessible space)

In addition, 102 bicycle spaces are provided.

Servicing

- There are 2 loading bays located within the basement of Building C capable of accommodating light commercial vehicles.
- There are 3 garbage collection points: 1 along Florence Street and 2 along Quinn Street. A platform lift is proposed to carry bins from the storage area within each basement level to the street.

Communal Open Space

- 1530sqm of communal open spaces areas provided throughout the site.
- 1830sqm of soft and hard landscaped area.
- 400sqm of deep soil area.

Tree Removal

Of the 46 trees identified on the site, there are 37 trees recommended for removal and 9 trees recommended for retention.

SECTION 79C OF THE EP&A ACT

The application has been assessed against the relevant matters for consideration under Section 79C(1) of the *Environmental Planning and Assessment Act, 1979* as amended. The assessment is as follows:

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) *the provisions of:*

(i) *Any environmental planning instrument*

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

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

A BASIX Certificate (No. 516867M, dated 27 November 2013) has been submitted with the application and demonstrates that the proposed development meets the required water, thermal comfort and energy targets. The BASIX Commitments specified in the BASIX Certificate and nominated on the architectural drawings will need to be incorporated into the construction and fit-out of the development. A condition to require the BASIX commitments to be implemented in the construction of the development will be included in the recommended conditions of consent. As such, Council is satisfied that the sustainability obligations under the SEPP 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.

Given the use of the site has been residential for quite some time and there is no evidence of any market gardens or industrial activities occurring, Council's Environmental Health Unit indicated that a Preliminary Contamination Assessment was not required and the site was suitable for its intended purpose.

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

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.

The Policy identifies 10 quality design principles which are applied by consent authorities in determining development applications for residential flat buildings. The design principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merits of the proposed solutions.

By virtue of its height and number of dwellings, the proposed development is subject to SEPP 65 considerations. A design verification statement has been submitted from the registered architect who designed the building. The design verification statement demonstrates that the proposal is consistent with the 10 design principles. The design verification statement has been assessed as being acceptable.

In addition, the application was forwarded to Council's urban design consultant who also considers the proposed development to be satisfactory from an urban design perspective.

Clause 30(2) of SEPP 65 requires Council to take into consideration the Department of Planning's publication titled *Residential Flat Design Code*. An assessment of the proposal against the main provisions of the *Residential Flat Design Code* is presented in the following table:

Part 1 – Local Context

Primary Control	Guideline	Provided	Compliance
Building height	To ensure the proposed development responds to the desired scale and character of the street and local area and to allow reasonable daylight access to all developments and	The Holroyd LEP stipulates a maximum height of 26m (south-east corner) and 23m (remaining portion). The proposed development exceeds the maximum height	No, but considered satisfactory. See below Clause 4.6 Variation

	the public domain.	slightly due to the topography of the site.	provided within LEP assessment
Building depth	Generally, an apartment building depth of 10 – 18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	Buildings B & C comply. Building A has a depth ranging from 19 metres to 21 metres (average depth of 20 metres)	No, but considered satisfactory. Refer to further details provided at the end of this table.
Building separation	Up to four storeys / 12 metres <ul style="list-style-type: none"> • 12m between habitable rooms/balconies; • 9m between habitable rooms/balconies and non-habitable rooms; and • 6m between non-habitable rooms Five to eight storeys / up to 25 metres <ul style="list-style-type: none"> • 18m between habitable rooms/balconies; • 13m between habitable rooms/balconies and non-habitable rooms; and • 9m between non-habitable rooms 	Minimum separations achieved. Minimum separations achieved.	Yes
Street setbacks	To establish the desired spatial proportions of the street and define the street edge. To relate setbacks to the area's street hierarchy.	Part N of the DCP requires a 5 metre setback for all three street frontages. Whilst a 5 metre setback is provided for Florence Street, only 2.5 metres is provided for Centenary Road and 3 metres for Quinn Street.	No, but considered satisfactory. Refer to further details under DCP assessment table
Side and rear setbacks	To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings. Test side and rear setbacks with building separation, open space, deep soil zone requirements and overshadowing of adjoining properties.	No side setback requirement, as per Part C of DCP. By virtue of the design, there are no rear boundaries.	Yes
Floor Space Ratio (FSR)	To ensure that development is in keeping with the optimum capacity of the site and the local area. (FSR is not specified in the Design Code).	The Holroyd LEP 2013 stipulates an FSR of 2.2:1. The proposed development has an FSR of 2.19:1	Yes

Part 2 – Site Design

Primary Control	Guideline	Provided	Compliance
Deep soil zones	A minimum of 25% of the open space area of a site should be a deep soil zone, more is acceptable.	400sqm deep soil zone is proposed. This represents 26% of the open space area as recommended by SEPP 65.	Yes
Fences and walls	To define the edges between public and private land.	N/A	N/A
Landscape design	To add value to residents' quality of life within the development in the forms of privacy, outlook and views, and provide habitat for native indigenous plants and animals.	The landscape design has been assessed by Council's Landscaping and Tree Management Officer and is considered satisfactory.	Yes
Open space (Communal)	Provide a communal open space which is appropriate and relevant to the context of the buildings setting. An area of 25% to 30% of the site is to be provided as communal open space.	1,530sqm of communal open space area is provided, which is 25% of the site area.	Yes
Orientation	To protect the amenity of existing development, and to optimise solar access to residential apartments within the development and adjacent development.	<p>The development does not overshadow any residential development. The shadow falls mainly over the M4 motorway adjoining the site to the south.</p> <p>The development is designed in a 'U' shape in order to achieve optimal solar access to the dwellings.</p>	Yes
Stormwater management	To ensure adequate stormwater management.	The drainage design has been assessed by Council's Development Engineer and is considered satisfactory.	Yes
Safety	To ensure residential developments are safe, and contribute to public safety.	The application has been assessed by the NSW Police who have recommended the implementation of design features to enhance safety and security.	Yes
Visual privacy	To provide reasonable levels of visual privacy externally and internally, during the day and at night.	As discussed in this report, visual privacy is maintained through the use of appropriate building separation.	Yes
	To maximise outlook and views from principal rooms and private open space without compromising privacy.	Units are orientated toward external view corridors.	Yes

Building Entry	To create entrances with identity and assist in orientation for visitors.	All entrances are visible.	Yes
Parking	To minimise car dependency, whilst still providing adequate car parking.	Parking is considered satisfactory	Yes
Pedestrian access	Connect residential development to the street. Provide barrier free access to 20% of dwellings.	Direct pedestrian access is provided to the residential and commercial spaces. The combination of pathways, ramps and lifts provide barrier free access to all of the units. 25 units are nominated as adaptable.	Yes Yes
Vehicle access	Limit width of driveways. Locate driveways away from main pedestrian entries, and on secondary streets.	Vehicle access is off the secondary street away from pedestrian entries via a two-way entry ramp to basement level parking.	Yes

Part 3 – Building Design

Part 5 – Building Design														
Primary Control	Guideline	Relevant Control	Compliance											
Apartment layout	Depth of single aspect apartment – 8 metres	Depth of single aspect units ranges from 7 – 9 metres	No, but considered satisfactory Refer to further details provided at the end of this table.											
	Back of the kitchen not more than 8 metres from a window.	All kitchens are either adjacent to a window or less than 8 metres to a window.	Yes											
	Apartment sizes:	All apartments meet the minimum sizes	Yes											
	<table><tr><th>Dwelling Type</th><th>Minimum Area</th></tr><tr><td>Studio</td><td>40m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>95m²</td></tr></table>	Dwelling Type	Minimum Area	Studio	40m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	95m ²			
	Dwelling Type	Minimum Area												
Studio	40m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	95m ²													
Apartment mix	To provide a diversity of apartment types, which cater for different household requirements now and in the future.	A variety of 1 & 2 b/r units provided, however, no 3 bedroom units provided.	No, but considered satisfactory Refer to further details provided at											

			the end of this table.
Balconies	Minimum 2 metres in depth.	Minimum 2 metres provided.	Yes
Ceiling heights	Minimum ceiling height of 3.3m for ground floor commercial and 2.7m for residential floors above.	Mixed use building (Building C): 3.6 metres provided for the ground floor commercial 2.7 metres is provided for the floors above.	Yes No, but considered satisfactory Refer to further details provided at the end of this table.
Internal circulation	Where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to 8.	All levels comply with 8 units or less, with the exception of Building C, which has 9 units for Levels 1 – 6. However, appropriate internal amenity is demonstrated via solar access and cross ventilation. There is also a large lobby with a void area to allow sunlight access. The lobby area is also orientated to the east for additional solar access.	Considered satisfactory
Mixed use building	The mix of uses should be compatible with each other like food retail, small scale commercial and residential. Legible circulation system which ensure safety of users. Positive contribution of the building to the public domain and streetscape.	It is proposed to use the commercial tenancies for the purpose of ‘business premises’. It is considered that the proposed residential and business uses are compatible. Circulation of pedestrian and commercial uses appears straight forward. It is considered that the development will make a positive contribution to the public domain	Yes Yes Yes
Storage	To provide adequate storage for everyday household items within easy access of the apartment, and to provide storage for sporting, leisure, fitness and hobby equipment. At least 50% of required	All units are provided with the minimum storage requirements.	Yes

	<p>storage should be within each apartment.</p> <table><tr><th>Dwelling Type</th><th>Minimum Area</th></tr><tr><td>1 bedroom</td><td>6m³</td></tr><tr><td>2 bedroom</td><td>8m³</td></tr><tr><td>3 bedroom</td><td>10m³</td></tr></table>	Dwelling Type	Minimum Area	1 bedroom	6m ³	2 bedroom	8m ³	3 bedroom	10m ³		
Dwelling Type	Minimum Area										
1 bedroom	6m ³										
2 bedroom	8m ³										
3 bedroom	10m ³										
Acoustic privacy	To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private opens spaces.	Standard construction methods in accordance with the BCA will ensure acoustic privacy between units and between units and commercial tenancies.	Yes								
Daylight access	Optimise the number of apartments receiving daylight access to habitable rooms and principal windows.	The orientation of the buildings provide for the optimal level of solar access.	Yes								
	Ensure daylight access to habitable rooms and private open space, particularly in winter	All units achieve daylight access to living areas and POS areas	Yes								
	Design for shading and glare control, particularly in summer using shading devices, such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting	All units have balconies above private courtyards thus achieving a good level of shading during summer.	Yes								
	Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable.	The applicant has demonstrated that more than 70% of dwellings receive 3 hours of direct sunlight during mid-winter.	Yes								
	Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10 percent of the total units proposed.	There are no single aspect units facing south	Yes								
Natural ventilation	Limit building depth from 10 to 18 metres.	Building A & C comply. Building B has a depth ranging from 19 metres to 21 metres (average depth of 20 metres)	No, but considered satisfactory Refer to further details provided at								

	60% should be naturally cross ventilated.	60% of units achieve adequate cross-ventilation	the end of this table.
	25% of kitchens should have access to natural ventilation.	All kitchens are located so that adequate ventilation is achieved.	Yes
Facades	Facades should define and enhance the public domain.	Considered satisfactory	Yes
Roof design	To integrate the design of the roof into the overall façade.	Considered satisfactory	Yes
Energy efficiency	To reduce the necessity for mechanical heating and cooling.	Basix Certificate submitted	Yes
Maintenance	To ensure long life and ease of maintenance for the development.	Considered satisfactory	Yes
Waste management	Provide waste management plan Allocate storage area.	WMP provided Bin storage area and collection arrangements satisfactory	Yes
Water conservation	Reduce mains consumption, and reduce the quantity of stormwater runoff.	Basix Certificate submitted	Yes

As demonstrated above, the proposal is considered to comply with the requirements of the Residential Flat Design Code (RFDC), with the exception of ‘building depth’, ‘apartment depth’, ‘apartment mix’ and ‘floor to ceiling heights’. These non-compliances are addressed below.

i. Building Depth

The Residential Flat Design Code (RFDC) states that an apartment building depth of 10-18 metres is appropriate. However, this does not take into account the myriad of allotment shapes and building shapes. Depending upon the shape of the site, a building may need to be wider or deeper in order to take advantage of solar access for example. The RFDC also states however, that developments that propose wider than 18 metres must demonstrate how satisfactory daylighting and natural ventilation are to be achieved.

Buildings B & C are less than 18 metres and thus comply with this requirement. Building A has a depth ranging from 19 metres to 21 metres (average depth of 20 metres). In Building A, 70% of units achieve more than the required 3hrs of direct sunlight to living spaces and balconies, however all are considered to achieve satisfactory levels of daylighting or indirect sunlight. It is also demonstrated that 60% of units achieve adequate cross-ventilation as required by the RFDC.

Having regard to the above, it is considered that the minor non-compliance in building depth is satisfactory and the proposed development is worthy of support.

ii. Apartment Depth

The RFDC recommends that single aspect apartments should be limited in depth to 8 metres from a window. The proposed depth of single aspect units ranges from 7 – 9 metres. However, this is the overall depth of the units inclusive of the bedrooms which are located adjacent to the main living areas and balconies. The depth of these units from the main living room sliding doors (which lead to the balcony) is less than 8 metres, which would comply with SEPP 65 requirements. In addition, the development provides a minimum 70% of units with greater than 3 hours of direct sunlight during the hours of 9.00am and 3.00pm, and all units receive satisfactory daylighting. Furthermore, the development also provides the minimum cross ventilation requirements as per the SEPP.

In this regard, the minor non-compliance in apartment depth is considered satisfactory.

iii. Apartment Mix

A variety of 1 and 2 b/r units provided, however, no 3 bedroom units are provided. The applicant's Social Impact Assessment identifies a shortage of 1 and 2 bedroom units in this locality. In this regard, the applicant has argued that the development is fulfilling a need in the locality and that it would not be commercially viable to provide 3 bedroom units in this area.

Council's Strategic Planning section has verified that this is the case and also indicates that smaller multi-unit developments in the area tend to provide mostly 3 bedroom units, which would satisfy any demand for this dwelling type.

iv. Floor to Ceiling Heights

The RFDC recommends a minimum 3.6 metres for the ground floor commercial and 3.3m for first floor regardless of use, to allow the first floor level to be converted to commercial in the future if necessary. Whilst 3.6 metres is provided to the ground floor level for Building C, only 2.7 metres is provided for the floors above. This building is situated well away from the main commercial centre of Wentworthville and it is considered unlikely that future demand for business premises above ground floor level in this locality will be high. In addition to this, given the proximity to the Wentworthville Town Centre, it is considered more important to maintain the economic viability of the town centre by not providing surplus commercial floor space away from the main centre.

Having regard, it is considered unnecessary to require strict compliance with this control.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across the State. The ISEPP also contains provisions with respect to roads and traffic, including development in or adjacent to road corridors and road reservations. Clauses 85-87 and 101-102 apply to development on sites that are likely to be affected by rail noise and/or road noise.

Clause 102 – Impact of road noise or vibration on non-road development

The M4 Motorway, the Great Western Highway and Centenary Road are Classified Roads, and in this regard, the proposed development is subject to the noise requirements outlined in Clause 102 of the ISEPP. In support of the application, an acoustic report assessing the noise impact on the development of vehicles travelling along the M4 Motorway, the Great Western Highway and Centenary Road was prepared in accordance with the requirements of the SEPP. Council's Environmental Health Unit has assessed the report and considers the

recommendations contained within to be satisfactory. This is discussed in greater detail below.

Clause 104 – Traffic-generating development

Given the proposed development has a size or capacity greater than 75 dwellings and the proposed access to the development is within 90 metres of a Classified Road, the application was referred to the Roads and Maritime Services (RMS) for comments. The RMS raised no objection to the proposed development.

Subdivision 2 Development likely to affect an electricity transmission or distribution network

Clause 45 of the ISEPP requires that Council give written notice to electricity supply authority where proposed development comprises or involves any of the following:

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- (b) development carried out:*
 - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) immediately adjacent to an electricity substation, or*
 - (iii) within 5m of an exposed overhead electricity power line,*

Having regard to the above, the application was referred to both Endeavour Energy and Transgrid. Endeavour Energy indicated that the development site is in close proximity to the existing Holroyd Zone Substation, which emits low frequency noise 24 hours a day. Council's Environmental Health Unit was satisfied that the noise impacts from the substation would comply with the relevant environmental noise guidelines by virtue of compliance with ISEPP requirements for road traffic noise.

Holroyd Local Environmental Plan 2013

The Holroyd Local Environmental Plan 2013 applies and the site is located within the B6 Enterprise Corridor Zone. The proposed mixed use development is best defined as a 'Residential Flat Building' (Buildings A, B & C) and 'Business Premises' (Building C) under the LEP, which are both permissible within the zone.

The objectives of the B6 zone are:

- To promote businesses along main roads and to encourage a mix of compatible uses.*
- To provide a range of employment uses (including business, office, retail and light industrial uses).*
- To maintain the economic strength of centres by limiting retailing activity.*
- To provide for residential uses, but only as part of a mixed use development.*

The proposed development is considered to be consistent with the objectives of the zone as it provides for a mixed commercial / residential development with provision for business related activities along the main road.

An assessment against the relevant LEP clauses is provided in the table below:

Standard	Required/Permitted	Provided	Compliance
2.2	Demolition requires consent.	Consent is being sought for demolition of the existing	Yes

		buildings on the site.	
4.3	Height of Buildings - 26 metres (south-eastern portion) - 23 metres (elsewhere on site)	Building C spans both height zones. It exceeds the 23 metre height limit by 2m for a small portion. Building C also exceeds the 26m height limit by 50mm in the southern portion of the building. Buildings A & B exceed the 23m height control by 50mm and 88mm respectively.	No Clause 4.6 Variation submitted. See below for further details
Standard	Required/Permitted	Provided	Compliance
4.4	Floor Space Ratio - Max. 2.2:1	The proposed floor space ratio is 2.19:1	Yes
	Minimum Lot Size - No minimum in Town Centre	The subject site has an area of 6,127sqm.	N/A
5.10	Heritage	No items in vicinity	N/A
6.1	Acid Sulfate Soils	The site is not affected by ASS	Yes
6.4/6.7	Flood Planning and Stormwater Management	Council's records indicate that an overland flow path inundates the site in the 1% Annual Exceedance Probability (AEP) storm event. A flood impact assessment report was submitted and the findings were accepted by Council's Development Engineering Branch.	Yes
6.5	Terrestrial Biodiversity	There is no evidence of any terrestrial biodiversity on the site.	Yes
6.8	Salinity	The site is located on lands identified as being affected by moderate salinity.	To be conditioned

Clause 4.3 - Height

The proposed development seeks to vary the maximum height controls as provided under Clause 4.3 of the Holroyd LEP. There are two height limits for this site: 26m for the south-eastern portion of the site and 23m for the remaining portion.

The height variations are detailed as follows:

- Building C (north-eastern corner of site) – exceeds 23m height by between 745mm and 2 metres where the maximum height limit transitions from 26 – 23 metres.
- Building C (south-eastern corner of site) – exceeds 26m height by 50mm.
- Building B (southern part of site) – exceeds 23m height by 88mm.
- Building A (north- western part of site) – exceeds 23m height by 20mm.
- The percentage variations range from 0.02% to 8.7%

As required, the applicant has submitted a written Clause 4.6 Variation to the height development standards. The applicant's submission addresses the relevant considerations under Clause 4.6(1), (3) & (4), as provided below.

Clause 1 states:

- (1) (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The applicant has argued that, in the context of the design and urban design outcomes achieved, the objectives of LEP and the height of building development standard are better achieved by the proposed design. How this is achieved is discussed as part of the response to Clause 3 provided below.

Clause 3 states:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard*

In addressing both (a) and (b), the applicant has argued that:

- The proposed variations to height range from 20mm to 2m. The percentage variations range from 0.02% to 8.7%. The proposed variations are only minor point encroachments given the site's topography.
- The development is compliant with regard to FSR provisions. A compliant height could result in larger building footprints distributed elsewhere through the site, thus resulting in less landscaping, common open space and deep soil area.
- SEPP 65 encourages greater separations between buildings in order to achieve a greater level of solar access, open space, deep soil zone and cross ventilation. Larger building footprints would mean less separation between buildings
- Given the unique locality, the proposed development (including variations) does not result in any overshadowing or privacy issues.
- The proposal is an example of excellent urban design.
- The scale and intensity of the proposal meets the desired future character objectives for the locality.
- The development does not result in any adverse overshadowing or overlooking.

Clause 4 states:

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

With regard to the objectives of the height development standard and the objectives of the zone, the applicant provides the following:

4.3 Height of buildings

- (1) *The objectives of this clause are as follows:*
- (a) *to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,*
- (b) *to ensure development is consistent with the landform,*
- (c) *to provide appropriate scales and intensities of development through height controls.*
- The development does not result in any adverse overshadowing or overlooking. There are residential premises to the west, however appropriate separations are provided by virtue of Florence Street. The shadow falls mainly to the south which is the M4 Motorway.
 - The scale and intensity of the proposal meets the desired future character objectives utilising the topography of the site rather than a stepped building form to achieve the desired future character.

Zone B6 Enterprise Corridor

1 Objectives of zone

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To provide for residential uses, but only as part of a mixed use development.*

The proposed design, inclusive of the variations sought, does not detract from achieving the underlying objectives of the zone. The development provides commercial space along the main road frontage, which will provide for a range of employment uses. The development provides for an appropriate mix of residential development within a mixed residential / commercial development.

Council Response

It is considered that, primarily, the exceedance is due to the topography of the site. The site has a significant slope from north to south by approximately 6 metres. In this regard, any

height exceedance is more pronounced in the lowest part of the site. However, in the context of this proposal, the exceedance is mainly where the maximum height limit transitions from 26 metres to 23 metres. The difference in height controls for the site was not solely based on topography, but was also based on the prominence of the south-eastern corner of the site as it delineates the entrance to the commercial precinct.

Development on this part of the site, and indeed most of the site, would not impact upon adjoining properties with regard to solar access, overshadowing, privacy, etc, as the adjoining land to the south comprises the M4 motorway. In this regard, noise issues aside, the subject site is ideal for such a development.

As indicated above, the main non-compliance results from the transition from 26 metres to 23 metres along the eastern boundary. Whether the design employs a perimeter building running north-south along the Centenary Road frontage or east-west along the Quinn Street frontage, the height transition was always going to make a perimeter type difficult to comply, without stepping the building.

The proposed perimeter building fronting Centenary Road is supported by Council as the building appropriately addresses this main vehicle thoroughfare. It is considered that a step down at the upper storey would have an adverse impact on the presentation of this building to Centenary Road. The exceedance in height does not present any adverse impacts with regard to overshadowing, solar access, privacy, and does not present an adverse visual impact.

It is for these reasons, and the above reasons provided by the applicant, that the Clause 4.6 Variation is considered appropriate. It is considered unnecessary and unreasonable to require strict adherence to the LEP development standard and based on the merits of the design, it is considered appropriate to adopt some flexibility in the current circumstances as provided for in Clause 4.6(1). Having regard to the above, it is recommended that the variation to the maximum height control be supported.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

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

Draft SEPP 65 commenced public exhibition on 23 September 2014. Given the gazettal of the amended SEPP is neither certain nor imminent, the provisions within the draft SEPP have not been given determinative weight in the assessment of this application. Notwithstanding, it is considered that the development could generally meet the provisions with the draft SEPP.

(iii) any development control plan

Holroyd Development Control Plan 2013

The Holroyd Development Control Plan (DCP) 2013 came into effect on 5 August 2013 replacing the Holroyd DCP 2007. The DCP provides guidance for the design and operation of development within Holroyd to achieve the aims and objectives of *Holroyd Local Environmental Plan 2013*.

The following table provides an assessment of the proposed development against the relevant controls under Holroyd Development Control Plan 2013:

Part A – General Controls			
Standard	Required/Permitted	Provided	Compliance
3.1	<p>Car Parking:</p> <p><u>Residential</u></p> <ul style="list-style-type: none"> - 0.8 spaces per studio / 1 b/r unit (21 units) = 16.8 spaces - 1 space per 2 b/r unit (133 units) = 133 spaces - Visitor parking 0.2 spaces per unit (154 units) = 30.8 <p>Total = 181 spaces</p> <p><u>Commercial</u></p> <ul style="list-style-type: none"> - 1/20sqm GFA (B6 zone) - 530.2sqm of GFA @ 1/20sqm = 26.5 <p>Total = 27 spaces</p> <p><u>Bicycle</u></p> <p>Commercial GF: Staff – 1/300sqm Visitor – 1/2500sqm</p> <p>Commercial FF: Staff – 1/200sqm Visitor – 1/750sqm</p> <p>Residential: 0.5 per dwelling 0.1 per dwelling for visitors</p> <p>= 96 required</p>	<p>- 154 resident spaces</p> <p>31 spaces</p> <p>185 provided</p> <p>- 31 commercial spaces</p> <p>- 102 bicycle spaces have been proposed within the basement level.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.3	Dimensions of Car Parking Facilities, Gradients, Driveways, Circulation and Manoeuvring.	Council's Traffic Engineer has assessed the submitted plans and documentation and advised the proposal is acceptable, subject to conditions.	Yes
3.5	<p>Driveways</p> <p>Driveways shall be setback a</p>	Driveway location	No.

	minimum of 1.5m from the side boundary.	amended to adjacent boundary, however no setback provided.	However, it is considered appropriate to impose a condition requiring a minimum 1 metre setback to the driveway with a minimum driveway width of 5.5 metres.
3.6	Accessible parking - 2 spaces per 100 spaces	2 accessible spaces are required to be provided for the commercial component, however, only 1 provided. 25 accessible spaces are provided for the residential component (1 for each adaptable unit).	No. It is considered appropriate to impose a condition requiring 1 of the commercial parking spaces to be converted to an accessible space prior to the issue of a construction certificate.
6.1	Retaining walls - Generally <1m in height.	There are a number of retaining walls proposed. Most are less than 1 metre in height, however, the retaining wall proposed for the pedestrian walkway adjacent to the commercial tenancies is 1.1 metres. Given the topography of the site, this is considered acceptable.	Yes
6.3	Erosion and Sediment Control	A detailed sediment and erosion control plan was submitted and is considered to be acceptable.	Yes
7.4	Stormwater Management	Council's Development Engineer has reviewed the	Yes

		stormwater drainage plans and calculations and advises that the design is acceptable.	
11	Site Waste Minimisation and Management Plan (SWMMP)	Council's Waste Officer has reviewed the proposed waste and recycling arrangements and SWMMP and has advised that they are acceptable.	Yes
Part N – Finlayson Transitway Precinct			
Standard	Required/Permitted	Provided	Compliance
2.1	Site Consolidation Amalgamation of lots in accordance with Figure 13.	The amalgamation pattern is consistent with the DCP	Yes
2.2	Private Accessway, Land Dedication and Vehicular Entries A 15 metre connecting laneway between Florence Street and Quinn Street is required in accordance with Figure 14.	Land is proposed to be dedicated to accommodate the future road. The applicant has indicated that construction of the road does not form part of the proposed development. In this regard, Council is to construct the road.	Yes
2.3	Building Height 7 storeys on south-east corner 6 storeys for the rest of the site	8 storeys for south-east corner 7 storeys for the rest of the site	No, but considered satisfactory. Further details provided at the end of this table.
2.4	Building Setbacks Centenary Road – 5m Quinn Street – 5m Florence Street – 5m	Centenary Road – 2.5m Quinn Street – 3m Florence Street – 5m	No No Yes Setbacks considered satisfactory Further details provided at the end of this table.

Part C – Commercial Controls (shop top housing and mixed use development)			
Standard	Required/Permitted	Provided	Compliance
1	Movement		
1.1	Building Envelope Min. lot frontage for Zone B2, B4, B5 and B6 is: <ul style="list-style-type: none"> • Up to 3 storeys – 20m • 4-8 storeys – 26m • ≥9 storeys – 32m Council may require consolidation of more than 1 existing allotment to meet the DCP.	26 metres required All three frontages exceed 26 metres. Lot consolidation undertaken in accordance with Part N	Yes Yes
1.2	Building Use Commercial development shall be located at street level, fronting the primary street, and where possible the secondary street.	Commercial development fronts primary street (Centenary Road) and secondary street (Quinn Street).	Yes
1.3	Building height Min. floor to ceiling height of commercial development / component: Ground Floor - 3.5m First Floor (regardless of use) - 3.3m All other floors - 2.7m Maximum building height in storeys shall be provided as follows: - 23m – 6 storeys - 26m – 7 storeys	3.6m provided for ground floor 2.7m for first floor 7 storeys 8 storeys	Yes No Refer to comments provided under SEPP compliance table No, but considered satisfactory. Further details provided at the end of this table.
1.4	Front Setback Zone B2, B4 and B6 are within site specific section of DCP	Does not comply with site specific controls in Part N	No, but considered

	<p>Street wall height of 3 storeys (11-14m) is required for all commercial development and mixed use development, unless otherwise stated in site specific controls. 3m setback required above street wall height</p> <p>Where site adjoins a business zone, no side setback requirement, unless otherwise stated in site specific controls.</p> <p>Development adjoining residential zone shall have a rear setback of 6m.</p> <p>Where adjoining a residential zone, the development must demonstrate that the proposed setbacks will enable the achievement of access to sunlight and privacy</p>	<p>of DCP</p> <p>Street wall height of 2 storeys provided for the mixed use building fronting Centenary Road (Building C). Both Building A & B do not provide street wall height.</p> <p>Min. 3 metres provided</p> <p>N/A</p> <p>Residential to the west on opposite side of Florence Street, however, no shadow impact.</p>	<p>satisfactory. Further details provided at the end of this table.</p> <p>No, but considered satisfactory. Further details provided at the end of this table.</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
1.5	<p>Landscaping and Open Space</p> <p>Landscaped area is not required in business zones Communal open space is to comprise a minimum of 25% of the site area</p> <p>Dwellings should be orientated toward communal open space areas to achieve passive surveillance</p>	<p>1830sqm (30%) landscaped area provided 1530sqm (25%) communal open space area provided</p> <p>Dwellings orientated to look over internal communal open space area</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
2	Movement		
2.2	<p>Pedestrian Access</p> <p>Direct access shall be provided from the car park to all residential and commercial units.</p> <p>Main building entry points shall be clearly visible.</p>	<p>Provided</p> <p>Three (3) entry points are clearly visible</p>	<p>Yes</p> <p>Yes</p>

2.3	<p>Building Entries</p> <p>Separate entries from the street shall be provided for cars, pedestrians, multiple uses and ground floor apartments.</p> <p>Residential entries must be secure where access is shared between residential and commercial uses.</p> <p>Multiple cores which access above ground uses shall be provided where the site frontage $\geq 30\text{m}$.</p>	<p>Separate entries provided</p> <p>Access control provided for basement car park and commercial component</p> <p>However, staff and visitors to commercial tenancies can access the hallway leading to the residential dwellings. In this regard, it is considered appropriate to impose a condition requiring access doors within the hallways of the ground floor of Building C to control access.</p> <p>Multiple cores provided</p>	<p>Yes</p> <p>Yes</p> <p>To condition</p> <p>Yes</p>
2.4	<p>Vehicle Access</p> <p>Driveways shall be provided from laneways, private access ways and secondary streets where possible.</p> <p>Loading and unloading facilities shall be provided from a rear lane, side street or right of way where possible.</p> <p>One two-way driveway is permitted per development site up to 10,000m².</p> <p>Driveways are limited to a maximum of 6m or 8m for commercial loading docks and servicing.</p>	<p>Vehicle access to basement provided from secondary street</p> <p>Loading / unloading facilities provided within basement level accessed off secondary street</p> <p>Provided</p> <p>6 metre two-way driveway proposed off secondary street. Considered satisfactory by Council's Traffic Section</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
2.5	<p>Parking</p> <p>Onsite parking is to be provided underground where possible.</p> <p>Basement parking shall be consolidated under building</p>	<p>Basement parking provided</p> <p>The proposed 3 basements are sitting directly under</p>	<p>Yes</p> <p>Yes</p>

	<p>footprint to maximise landscaping.</p> <p>Parking shall not be visible from main street frontages.</p> <p>Natural ventilation or ventilation grills shall be provided to basement parking.</p> <p>Visitor parking is not to be stacked parking.</p>	<p>the 3 buildings.</p> <p>Basement parking provided. Not visible from street.</p> <p>Basement car park will be both naturally and mechanically ventilated</p> <p>Development complies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3	Design and Building Amenity		
3.1	<p>Safety and Security</p> <p>Casual surveillance is to be achieved through active street frontages and creating views of common internal areas.</p> <p>Building entries are to be provided with clear lines of site, should be provided in visually prominent locations and separate residential and commercial entries shall be observed.</p> <p>Adequate lighting shall be provided within the development i.e. pedestrian access ways, common areas and communal open space, car parking areas and all entries.</p> <p>Landscaping shall avoid opportunities for concealment.</p>	<p>Casual surveillance provided to all 3 street frontages and communal open space areas</p> <p>Development complies</p> <p>To be conditioned</p> <p>Landscaping considered satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.2	<p>Façade Design and Building Materials</p> <p>All walls are to be articulated via windows, verandahs, balconies or blade walls. Articulation elements forward of the building line max. 600mm.</p>	<p>The design of the building is considered satisfactory</p>	<p>Yes</p>
3.4	<p>Shop Fronts</p> <p>Solid roller shutters and security bars are not permitted.</p> <p>Open grill (concertina) and transparent grill shutter security devices are permitted.</p>	<p>Roller shutters not proposed</p> <p>Shutters on shop fronts not proposed as part of this application</p>	<p>Yes</p> <p>Yes</p>

	All windows on the ground floor to the street frontage are to be clear glazing.	Glazing provided	Yes
3.5	<p>Daylight Access</p> <p>Developments shall be designed to maximise northern aspects for dwellings and offices.</p> <p>Habitable rooms and primary private open spaces should be located on northern, eastern and western aspects.</p> <p>Single aspect dwellings that have a southerly aspect (SW-SE) shall be limited to a maximum of 30% of the total number of dwellings proposed within a development.</p> <p>Living rooms and private open spaces in a minimum of 70% of dwellings within a development shall receive at least 2 hours of direct sunlight between 9am and 3pm in Mid-winter.</p> <p>Maintain 3 hours of direct sunlight to 70% of dwellings in adjoining R4 zones.</p>	<p>Given the nature of the site, the building is able to maximise exposure to north, east and west, allowing for sufficient solar access to both dwellings and commercial tenancies.</p> <p>There are no units with a single aspect that are south facing (SW-SE). Additionally, there is only a small percentage of units on the southern side, and all are dual aspect with the primary or secondary aspect facing north or west.</p> <p>The applicant has demonstrated that more than 70% of dwellings receive 3 hours of direct sunlight during mid-winter.</p> <p>The development does not overshadow any residential development. The shadow falls mainly over the M4 motorway adjoining the site to the south.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3.6	<p>Visual and Acoustic Privacy</p> <p>Provide adequate building separation and setbacks</p> <p>Building and apartment configuration shall be designed to minimise noise intrusion</p>	<p>The proposed development complies with the minimum separation requirements of SEPP 65. The proposed setbacks from front and side property boundaries are considered satisfactory as discussed elsewhere in this report.</p> <p>Standard construction methods in accordance with BCA will ensure</p>	Yes

		acoustic privacy between units.	
3.7	Managing External Noise and Vibration	Acoustic report submitted to demonstrate compliance with requirements of ISEPP.	Yes
3.8	Awnings Awnings: <ul style="list-style-type: none"> • Should be flat. • Must be 3m deep. • Setback from the kerb a min. 600mm. • Min. soffit height of 3.2m-3.3m. • Slim vertical facias and/or eaves ≤300mm. • To be located over all building entries. 	The proposed awning in front of the commercial properties is only 2.5 metres wide. Given the topography of the site, particularly in the south-eastern corner, the pathway servicing the commercial tenancies is elevated above Council's footpath. In this regard, the awning does not extend onto Council's footpath as would otherwise be expected. As such, given the awning is fully within private property, the 2.5m width is considered satisfactory.	Considered satisfactory.
3.9	Apartment layout No part of any residential unit shall be more than 8m from the glass line. Single aspect apartments are to have a maximum depth of 8m from the glass line. The back of the kitchen shall be no more than 8m from a window. The width of any apartment is to be no less than 4.5m (4.3m internally). Residential apartments are to have the following minimum internal floor areas: <ul style="list-style-type: none"> • Studio - 40m² • 1 bedroom - 50m² • 2 bedroom - 70m² • 3 bedroom - 95m² • 4 bedroom - 120m² 	Apartment depth ranges from 7m – 9m. All units less than 8m Width of all units greater than 4.5 metres All units meet minimum sizes	No, but considered satisfactory Refer to comments provided under the SEPP 65 compliance table. Yes Yes Yes

3.10	<p>Flexibility and Adaptability</p> <p>Design commercial uses to permit adaptation and flexibility for future development.</p> <p>15% of dwellings to meet adaptable housing requirements</p> <p>Pre- and post-adaptive designs are required to be submitted at DA stage to demonstrate compliance with the relevant sections of the checklist provided in Appendix A of AS 4299-1995.</p> <p>A variety of apartment types between studio, one, two, three and three plus bedroom apartments shall be provided in each development.</p> <p>Studios and 1 bedroom apartments are not to exceed 20% of the total apartment mix within each development.</p>	<p>Commercial tenancies are able to be adapted to suit future uses.</p> <p>25 units (16%) provided as adaptable.</p> <p>Provided</p> <p>Unit mix provided:</p> <ul style="list-style-type: none"> - 21 x 1 bedroom units, - 133 x 2 bedroom units <p>13% provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No, but considered satisfactory Refer to comments provided under the SEPP 65 compliance table.</p> <p>Yes</p>
3.11	<p>Corner Buildings</p> <p>Generally, corner building shall be designed to:</p> <ul style="list-style-type: none"> - Articulate street corners by massing and building articulation, - To add variety and interest to the street, - Present each frontage of a corner building as a main street frontage, - Reflect the architecture, hierarchy and characteristics of the streets they address, and - Align and reflect the corner conditions. 	<p>The proposed development is considered to satisfy this criteria.</p>	<p>Yes</p>
3.13	<p>Internal Circulation & Storage for Residential Use</p> <p>Where apartments are arranged off a double-loaded corridor, the</p>	<p>Multiple cores provided.</p>	<p>Yes</p>

	<p>number of units accessible from a single core/corridor is to be limited to eight.</p> <p>In addition to kitchen cupboards and bedroom wardrobes, accessible storage facilities shall be provided at the following rates as a minimum:</p> <ul style="list-style-type: none"> • Studio apartments 6m², • One bedroom apartments 6m², • Two bedroom apartments 8m², and • Three plus bedroom apartments 10m². 	Minimum storage requirements provided within dwelling and within basement.	Yes
3.18	<p>Waste Management</p> <p>Garbage/recycling storage areas must be located so as to be easily serviced and not cause any negative impacts in terms of visual appearance, noise or smell, to residents, adjoining properties or to the street. Storage areas for bins are to be located away from the front of the development in a location with a practical distance from the final collection point.</p>	The proposed waste system has been assessed by Council's Waste Management Section and is considered to be satisfactory	Yes

As demonstrated above, the proposal is considered to comply with the requirements of the Holroyd DCP 2013, with the exception of the following:

i. Building Setbacks

Part N of the DCP requires a 5 metre setback for all three street frontages. Whilst a 5 metre setback is provided for Florence Street, only 2.5 metres is provided for Centenary Road and 3 metres for Quinn Street. The applicant has argued that a 5 metre setback is appropriate for Florence Street, as it is a lower order suburban Street, however, Centenary Road and Quinn should be treated differently given their current and proposed future uses.

Whilst the required setback for Quinn Street is also 5 metres, Council's DCP allows a secondary setback of 3 metres, which the Quinn Street frontage is considered to be. Given that this will be a main pedestrian thoroughfare to the Transitway, as opposed to the more suburban RFB context for Florence Street, 3 metres is considered appropriate. This allows more common open space in the centre of the site, and more solar access into the northern facing units of this building.

Given the commercial nature of the Centenary Road frontage, Council is supportive of the reduced setback for the ground floor commercial component to 2.5 metres. The residential component above is set back the full 5 metres.

ii. Building Height

Part N of Council's DCP specifies a maximum height of 7 storeys for the south-east corner of the site and 6 storeys for the rest of the site. However, the subject development proposes an 8 storey building fronting Centenary Road and 2 x 7 storey buildings fronting Quinn and Florence Street. Whilst the DCP specifies height in storeys, the number of storeys referred to is a guide based on the height in metres, minimum floor to ceiling heights, etc. Part C of the Holroyd DCP states that there may be instances where development is able to achieve a greater number of storeys and still comply with maximum height under Holroyd LEP 2013.

However, this application does not comply with the maximum height of 26 metres and 23 metres respectively as prescribed in the LEP. In this regard, the applicant has lodged with Council a written application pursuant to Clause 4.6 of the Holroyd LEP 2013. As indicated above, the arguments provided by the applicant are considered to be well founded and in this regard the variation is supported. As such, the variation to the height in storeys control is also considered appropriate.

ii. Upper Storey Setback

Part C of Council's DCP requires a Street wall height of 3 storeys (11-14m) for all mixed use development.

During discussions with Council's urban design consultant, Council staff and the applicant, Council's urban design consultant indicated that the upper storey setback was more significant for the Centenary Road frontage (Building C), given its commercial nature and status as a main vehicle thoroughfare. The upper storey setback was not so important for the other two buildings, given their suburban context.

With regard to the 2 storey height for the street wall proposed for Building C as opposed to the 3 storey street wall required by the DCP, Council's urban design consultant indicated that the proposed 2 storey height was similar to the typical two-storey podium level that is seen for many mixed commercial / residential buildings, and having regard to the proposed building, the 2 storey podium provides a more balanced building form as opposed to a 3 storey podium.

Having regard to the above, and given that mixed commercial / residential development is unlikely to occur on either side of the proposed development, this non-compliance with the DCP requirement is considered satisfactory

(iia) 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

N/A

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

There are no specific matters prescribed by the Regulations that apply to this development.

(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,

Context and Setting

The proposed development is within a B6 Enterprise Corridor, which aims to promote businesses along main roads and encourage a mix of compatible uses; provide a range of employment uses; and to provide residential uses, but only as part of a mixed use development. The proposed development facilitates all of these objectives.

The overall height, density and presentation of this development are what the Holroyd LEP and DCP is trying to achieve for the precinct. It is considered that the proposed development will be an example for mixed use development in the future.

Built Environment

It is considered that the proposed development will have a positive impact on the built environment and is acceptable in terms of streetscape presentation and overall bulk and scale. It is also considered that development will not result in any unreasonable impacts on adjoining properties in respect to loss of visual and acoustic privacy, loss of views or vistas, or overshadowing.

Traffic & Parking

With regard to the number of parking spaces provided, the above compliance table (Part A of DCP) indicates that the proposed development provides the minimum number of parking spaces required in accordance with Council's DCP controls. In this regard, the level of car parking provided on site is considered satisfactory.

With regard to traffic, it is noted that a development of this scale has the potential to have an impact on the local traffic network. As such, the applicant prepared a traffic impact assessment report to assess the likely traffic implications of the development, to determine whether the development is satisfactory, and recommend appropriate remedial measures if required.

Using SIDRA modelling, the effect of the proposed development on the Florence Street / Great Western Hwy intersection and the Centenary Road / Quinn Street intersection was assessed. The SIDRA analysis found that the intersections will continue to operate at the same level of service as they currently do. In this regard, the report concluded that the proposed development has no unacceptable traffic implications in terms of the road network capacity.

Given the application initially proposed the construction of a new road (Quinn Street road extension) and the provision of a round-about / cul-de-sac within this proposed road, the application was forwarded to the Holroyd Traffic Committee for consideration.

The Holroyd Traffic Committee did not support the round-about / cul-de-sac proposal as vehicles exiting the proposed road would be required to give-way to vehicles circulating the cul-de-sac, which is not common. Concern was also raised that a two-way road might lead to the road being used as a 'rat-run' to avoid the traffic lights at the Great Western Highway / Centenary Road intersection.

The committee also raised concern with the short right-turn bay into Quinn Street from Centenary Road, indicating that traffic turning right into Quinn Street could queue beyond the right-turn bay and this will affect south-bound traffic.

The Committee recommended that the proposed road be one-way east-bound, with angled parking on the southern side. The Committee also recommended that additional modelling be undertaken to determine the ultimate layout of the intersection of Quinn Street with Centenary

Road following full development of the locality, including the laneway linking Quinn Street with Florence Street and Rawson Road further to the west. It was also recommended that revised traffic signal design plans for the intersection of Quinn Street and Centenary Road and a Traffic Management Plan for the proposed conversion of Quinn Street to one-way flow be submitted to RMS for approval.

The Committee's recommendation was adopted by Council at their meeting on 18 February 2014.

Having regard to Council's resolution, Council's Traffic Section requested the applicant to undertake additional modelling for the development based on a one-way east bound road, including a revised traffic signal layout for the intersection of Quinn Street and Centenary Road. This modelling however, was only based on the proposed development itself, not a catchment wide analysis as recommended. This analysis is to be undertaken by Council at a later stage.

A supplementary traffic assessment was prepared by the applicant having regard to the above. This was assessed by Council's Traffic Section and the RMS and was found to be satisfactory. No further objections were raised to the development from a traffic perspective. Both Council's Traffic Section and the RMS have assessed the development having regard to the fact that the road will not be built in the short term and raise no objection to all vehicle access to the development being from Florence Street as a temporary measure until such time as the connecting road between Florence Street and Quinn Street is built.

It is important to note that the amended information provided by the applicant states that it is not the applicant's intention to construct the road, and this responsibility could fall to Council. Regardless, the timing of the construction will not affect the development, as vehicle access is from Florence Street. In this regard, the developer will need to construct the footpath to provide pedestrian access into the development.

Based on this, Council's Engineering Services Section has recommended approval of the development, however, in order to ensure that finished levels associated with the development will match the future road, it is also recommended that an indicative design of the proposed future road be submitted for Council's consideration. This was requested during the assessment of the application, however it was not submitted, as the applicant maintained that they were not going to build the road. It is considered appropriate that this information is submitted to Council for consideration prior to any development consent becoming operative. This is a recommendation of this report and forms part of the draft conditions of consent.

Solar Access and Overshadowing

As indicated in the assessment tables above, the application has demonstrated that more than 70% of dwellings receive 3 hours of direct sunlight during mid-winter. In addition, the development does not overshadow any residential development. The shadow falls mainly over the M4 motorway adjoining the site to the south.

Acoustic Amenity

Given the proximity of the site to the M4 Motorway, the Great Western Highway and Centenary Road (Classified Roads), the applicant was required to prepare an acoustic report to assess the impact of noise intrusion from vehicles and provide measures to ensure compliance with SEPP (Infrastructure) 2007. The report was required to be prepared in accordance with the NSW Environment Protection Authority Industrial Noise Policy & NSW DP&I's Development Near Rail Corridors And Busy Roads – Interim Guideline.

Attended noise monitoring found that traffic noise exceeded the requirements of acceptable noise levels, as outlined in SEPP Infrastructure and the requirements outlined in Council's DCP.

In achieving the required acoustic level and acoustic amenity, various materials for windows, roofing and walls are recommended to be utilised. The requirements for window glazing and acoustic seals around windows as outlined in Tables 3, 4 and 5 of the report are recommended to be applied. Ceiling alterations including thickness and type of plasterboard are to be implemented as outlined in Table 4.4. Certain external walls may also need to be changed as outlined in Table 4.4.1.

It is important to note that, even if the abovementioned criteria is applied, if the windows and doors of apartments are left open, acoustic amenity will not be achieved. The acoustic consultant has therefore recommended that air conditioning is installed as another method of ventilation. Air conditioning motors/fans are required to be strategically located and designed so as to cause minimal noise disturbance to neighbouring properties and those living in the apartments. In this regard, it is recommended that plans and/or specifications for the mechanical ventilation system be submitted to the principal certifying authority to ensure compliance with the acoustic consultant's report. A condition to this effect has been included within the draft conditions of consent.

Social Impact

In accordance with Council's *Social Impact Assessment Policy August 2012*, a Social Impact Assessment was prepared and submitted for Council's consideration. Council's Social Planner has assessed the report and indicates that the population increase is appropriate for the location and will not generate any significant negative impacts on the locality.

(c) the suitability of the site for the development

The site is considered suitable for the proposed development. There are no known constraints which would render the site unsuitable for the proposed development.

With regard to potential site contamination, given that the use of the site has been residential for quite some time and there is no evidence of any market gardens or industrial activities occurring, Council's Environmental Health Unit indicated that a Preliminary Contamination Assessment was not required and the site was suitable for its intended purpose.

The site is quite large with a total site area of 6,127sqm. The individual lots are to be consolidated in accordance with the site specific requirements of the DCP. The consolidated site has a width of approximately 80 metres and an average depth of approximately 80 metres. The site meets Council's minimum width requirements.

At a strategic level, the site has been assessed during the comprehensive LEP process as being able to sustain a higher height and higher density.

(d) any submissions made

In accordance with the Holroyd Development Control Plan 2013, the application was placed on public exhibition for a period of thirty (30) days, wherein letters were sent to adjoining and surrounding owners and occupiers, an advertisement was placed in the local paper and a notice was placed on site. The application was subsequently amended and renotified as a result for a period of fourteen (14) days. In response, two (2) submissions were received from the same submitter requesting clarification of the directional flow of the proposed future road, and the impact this would have on vehicles exiting the Aldi development southbound along

Centenary Road, with no ability to change direction to northbound in order to access the Great Western Highway.

It was evident during a number of inspections of the site that a number of customers exiting the Aldi development use Quinn Street to perform a u-turn in order to travel northbound along Centenary road and are then able to continue either east or westbound along the Great Western Highway. It is noted that customers travelling to the Hungry Jacks would also perform this manoeuvre. However, given the Hungry Jacks has an entry/exit on both Centenary Road and Florence Street, the issue is not as significant for Hungry Jacks as it is for Aldi.

Altering the directional flow of the Quinn Street road extension to westbound is problematic. Firstly, as identified at the Holroyd Traffic Committee, this could encourage a 'rat-run' to avoid the traffic lights at the Great Western Highway. Secondly, customers exiting Aldi would need to merge across two traffic lanes in a relatively short distance, which could also lead to traffic safety issues.

It is noted that the traffic modelling for the Aldi development did not indicate that vehicles would perform a u-turn manoeuvre at Quinn Street. The modelling indicated that vehicles exiting the Aldi development would turn left at Old Prospect Road to access the Great Western Highway.

The u-turn manoeuvre at the Quinn Street intersection, and within Quinn Street itself, is quite prevalent and is considered to be a traffic safety issue as well as an amenity issue for residents currently residing in Quinn Street. It is an issue that Council would like to see addressed as part of the subject development application. However, this is not the responsibility of the applicant on their own to solve. Whilst the above recommendations of the Holroyd Traffic Committee form part of Council's resolution on this issue, Council is open to suggestions and would consider alternative design solutions.

(e) the public interest

Given that the positive benefits of the proposal are considered to outweigh any negative impacts that may arise as a result of the proposal, it is considered that the proposal is in the public interest.

INTERNAL REFERRALS

During the assessment process, comments were sought from a number of sections within Council, as detailed below:

Building Services Section	No objection, subject to conditions
Engineering Services Section	No objection, subject to deferred commencement conditions
Landscaping Section	No objection, subject to conditions
Environmental Health Unit	No objection, subject to conditions
Waste Management Section	No objection, subject to conditions
Strategic Planning Section	No objection, subject to conditions
Community Services Section (Social Planning and Accessibility)	No objection
Consultant Urban Design Advisor	No objection

EXTERNAL REFERRALS

Comments were also sought from a number of external authorities, as provided below:

Roads and Maritime Services	No objection, subject to conditions
Holroyd Police	No objection
Endeavour Energy	No objection

SECTION 94 CONTRIBUTIONS

The subject site is located within the South Wentworthville Precinct contribution area. The following contributions apply to mixed residential / commercial development in this area:

- Residential
 - 21 x 1 b/r units @ \$8,727 per unit = \$183,267
 - 133 x 2 b/r units @ \$14,759 per unit = \$1,962,947
 - Credit given to 8 existing 3 b/r dwellings = \$160,000
 - Subtotal \$1,986,214
- Commercial
 - 530.2sqm of GFA @ \$26.29 per sqm = \$13,938.96
 - Total **\$2,000,152.96**

RECOMMENDATION

As identified above, the proposed development is within a B6 Enterprise Corridor, which aims to promote businesses along main roads and encourage a mix of compatible uses; provide a range of employment uses; and to provide residential uses, but only as part of a mixed use development. The proposed development facilitates all of these objectives of this precinct.

It is considered that the proposed development will have a positive impact on the built environment and is acceptable in terms of streetscape presentation and overall bulk and scale. It is also considered that development will not result in any unreasonable impacts on adjoining properties in respect to loss of visual and acoustic privacy, loss of views or vistas, or overshadowing.

The overall height, density and presentation of this development is what the Holroyd LEP and DCP is trying to achieve for this locality. It is considered that the proposed development will be an example for mixed use development in the future.

Having regard to the above, it is recommended that the application proposing the demolition of existing structures; removal of trees; construction of a mixed residential / commercial development comprising 1 x 8 storey mixed use building and 2 x 7 storey residential flat buildings above 3 levels of basement car parking, accommodating 154 residential units, 3

commercial tenancies with a total gross leaseable floor area of 530.2sqm and 216 parking spaces; and use of the commercial tenancies for the purpose of 'business premises', be approved subject to a deferred commencement provision requiring the submission to Council of an indicative design of the proposed future road and subject to conditions as outlined in Attachment G of this report.