

HOLROYD CITY COUNCIL

DA Number:	2014/427/1
Property:	148-150 Great Western Highway, Westmead
Legal Description:	Lots 30, 31, 32 & 33, Deposited 1075176
Proposal:	<p>Consolidation of 4 lots into 1 lot; construction of a part 6, part 7 storey mixed used development incorporating a residential flat building, business premises and community facility over 1 level of basement car parking accommodating 67 residential units, 219m² of business premises, 100m² of community facility and 48 car parking spaces under the Affordable Rental Housing SEPP 2009.</p> <p>The proposal has a capital investment value of more than \$5M and the consent authority is the Joint Regional Planning Panel.</p>
Applicant:	St George Community Housing Limited
Owner:	SGCH Portfolio Limited
Capital Investment Value:	\$13,983,220.00
Zoning:	B6 – Enterprise Corridor
Author:	William Attard – Senior Development Planner Holroyd City Council

1. RECOMMENDATION

That Development Application 2014/427/1 proposing the consolidation of 4 lots into 1 lot; construction of a part 6 and part 7 storey mixed used development incorporating a residential flat building, business premises and community facility over 1 level of basement car parking accommodating 67 residential units, 219m² of business premises, 100m² of community facility and 48 car parking spaces under the Affordable Rental Housing SEPP 2009 be approved subject to conditions as outlined in Attachment H of this report.

2. SUPPORTING DOCUMENTS

AT-A Site Locality Plan
AT-B Architectural Plans
AT-C Statement of Environmental Effects
AT-D Design Verification Statement
AT-E Traffic Report
AT-F Acoustic Report
AT-G Submissions
AT-H Valuations, Offers and Concept Plans for Adjoining Property
AT-I Draft Conditions of Consent

3. EXECUTIVE SUMMARY

This Development Application, as amended, proposes consolidation of 4 lots into 1 lot; construction of a part 6, part 7 storey mixed used development incorporating a residential flat building, business premises and community facility over 1 level of basement car parking accommodating 67 residential units, 219m² of business premises, 100m² of community facility and 48 car parking spaces under the Affordable Rental Housing SEPP 2009.

This report provides an assessment of the relevant matters of consideration in accordance with the *Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Building*

Sustainability Index: BASIX) 2004, State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55), State Environmental Planning Policy No. 65 – Residential Flat Development (SEPP 65), State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007), State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH 2009), the Holroyd Local Environmental Plan 2013 (Holroyd LEP 2013) and Holroyd Development Control Plan 2013 (Holroyd DCP 2013).

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 conditions as outlined in Attachment H of this report.

4. CRITICAL DATES / APPLICATION HISTORY

25/09/2014	Development Application 2014/427/1 lodged for:- <i>Consolidation of 4 lots into 1, construction of a part 6, part 7 storey mixed use development incorporating a residential flat building and community facility over 1 level of basement car parking accommodating 72 residential units, 59m² of community facility and 38 car parking spaces under the Affordable Rental Housing SEPP 2009.</i>
08/10/2014 – 29/11/2014	Public notification period of Development Application. Three (3) submissions and one (1) 47 signature petition was received, raising concerns with:- <ul style="list-style-type: none"> - Lack of parking to service the development; - Lack of internal garbage collection facilities; - Lack of a Traffic Plan associated with the construction of the development; - Height of the development (in storeys); - Out of character with the area; - Visual privacy concerns within the development and surrounding properties; - Increase traffic will have an impact on safety and residential amenity; - Requirement to consider social impacts; and - Control hours of operation for construction.
30/01/2015	Application deferred on grounds relating to:- <ul style="list-style-type: none"> - Floor space ratio; - Solar access; - Eastern side setback; - Road-widening zone; - Desired future character; - Front fence; - Amalgamation plan; - Landscaping matters; - Environmental Health matters; - Development Engineering matters; - Traffic Engineering matters; and - Waste matters.
11/02/2015	Briefing Session with the JRPP. The following points of discussion are noted:- <ul style="list-style-type: none"> - The FSR of the development shall comply; - Solar access shall comply; - The 5.5m road widening to Great Western Highway shall be adhered to; - The eastern setback shall be maintained as a nil setback; - Business premises shall be designed to the entire elevation of the Great Western Highway; and - The development is to comply with the desired future character.

13/02/2015	Applicant made aware of the discussions with the JRPP and an additional concern related to the height of development.
06/03/2015	Amended plans / documents lodged with Council. The development was modified to read as follows:- <i>Consolidation of 4 lots into 1, construction of a part 6, part 7 storey mixed use development incorporating a residential flat building, home business premises and community facilities over 1 level of basement car parking accommodating 70 residential units, 90m² of home business, 161m² of community facility and 38 car parking spaces under the Affordable Rental Housing SEPP 2009.</i>
11/03/2015 – 25/03/2015	Public re-notification period of Development Application. No submissions were received during this period.
18/05/2015	Application deferred on grounds relating to:- <ul style="list-style-type: none"> - Building separation; - Open space; - Visual privacy; - Ground floor apartments; - Balconies; - Acoustic privacy; - Daylight access; - Natural ventilation; - Character of local area & Zone B6 – Enterprise Corridor; - Height of buildings; - Pedestrian access; - Building entries; - Safety and security; - Awnings; - Site consolidation and frontage; - Building Height; - Building setbacks; - BASIX Certificate; - Development Engineering matters; - Traffic Engineering matters; - Environmental Health matters; and - Waste Management matters.
16/06/2015	Amended plans / documents lodged with Council. The development was modified to read as follows:- <i>Consolidation of 4 lots into 1, construction of a part 6, part 7 storey mixed used development incorporating a residential flat building, business premises and community facility over 1 level of basement car parking accommodating 67 residential units, 219m² of business premises, 100m² of community facility and 48 car parking spaces under the Affordable Rental Housing SEPP 2009.</i>
22/06/2015 – 06/07/2015	Public re-notification period of Development Application. One (1) submission was received, reiterating some of their concerns raised within their original submission related to:- <ul style="list-style-type: none"> - Lack of parking to service the development; - Out of character with the area; - Requirement to consider social impacts; and - Control hours of operation.
09/07/2015	Application deferred on grounds related to Development Engineering matters.
13/07/2015	Application deferred on grounds relating to concept plans for 1 & 3 Broxbourne Street, Westmead.
15/07/2015	Amended plans / documents lodged with Council to satisfy the concerns of Council dated 13 July 2015.

31/07/2015	Amended plans / documents lodged with Council to satisfy the concerns of Council dated 9 July 2015.
23/09/2015	Development Application referred to the JRPP for determination.

5. SITE DESCRIPTION AND LOCALITY

The subject site is situated on the northern side of Great Western Highway. Adjoining to the north is a single storey dwelling (known as 1 Broxbourne Street, Westmead). To the east is a single storey dwelling (known as 142 Great Western Highway, Westmead). To the west, on the opposite side of Broxbourne Street, is a two storey and single storey detached dual occupancy (known as 2A and 2B Broxbourne Street, Westmead). The opposite side of Great Western Highway is occupied by a service station, single storey dwellings and a car yard.

The site is irregular in shape and has a combined area of 2251m². The site has a frontage to Great Western Highway of 61.80 metres and a frontage to Broxbourne Street of 36.45 metres. The rear (northern) boundary is 60.43 metres long. The western side boundary is 35.94 metres long.

The site is currently vacant, apart from a driveway which is situated along the northern property boundary. The Mays Hill Transit Way Station is in front of the property, located to the south-east of the subject site.

The subject site is not identified as having heritage significance nor is it in the vicinity of any recognised items of heritage significance.



Aerial Photo (Source: Holroyd City Council IFM, 2015)

6. PROPOSAL

This Development Application, as amended, proposes consolidation of 4 lots into 1 lot; construction of a part 6, part 7 storey mixed used development incorporating a residential flat building, business premises and community facility over 1 level of basement car parking accommodating 67 residential units, 219m² of business premises, 100m² of community facility and 48 car parking spaces under the Affordable Rental Housing SEPP 2009.

Specific details of the proposed development are as follows:

- Consolidation of Lots 30, 31, 32 and 33 in Deposited Plan 1075176;
- Construction of a part 6, part 7 storey mixed use development over basement parking comprising a residential flat building, business premises and community facility, incorporating:-

Basement – Single Level

- 32 residential car parking spaces, inclusive of 11 accessible spaces (plus one dedicated car wash bay);
- 16 commercial parking spaces, inclusive of 1 accessible space; and
- 44 bicycle parking spaces.

Mixed Used Development – Part 6, Part 7 storeys

- A community facility located on the ground floor along the frontage of Great Western Highway, comprising an area of 100m²;
- 3 business premises located on the ground floor along the frontage of Great Western Highway and wrapping around the corner of Broxbourne Street, comprising a total area of 219m²;
- 67 residential units throughout the development made up of 19 x 1 bedroom units and 48 x 2 bedroom units, inclusive of 11 adaptable units. The development comprises 45 affordable housing units.
- 608m² of communal open space, which is partly covered (units above), and primarily open to the sky;
- A commercial bin storage room located to the rear of the business premises and a residential bin storage room along the northern portion of the site;
- A lift and a stairwell has been designed to the western wing and 2 lifts and a stairwell have been designed to the eastern wing.

7. MATTERS RAISED DURING THE JRPP BRIEFING

The following matters were discussed at the JRPP Briefing, held on 18 February 2015. The concerns raised have been resolved, as discussed below:-

Concern: *The maximum Floor Space Ratio (FSR) allowed for the site inclusive of the bonus provisions under the ARH SEPP 2009 is 2.3:1. The application is proposed with a FSR of 2.45:1 or 354sqm over the maximum permitted. The applicant has submitted a Clause 4.6 statement to vary the development standard. Council has assessed the 4.6 statement and does not support the proposed FSR as compliance with the FSR standard is not considered unreasonable.*

Comment: The proposed development has been redesigned, and maintains an FSR of 2.27:1, complying with the maximum FSR standard applicable of 2.3:1. This concern has been resolved.

Concern: *Only 47% of the proposed units (34 out of 72) receive 3 hours of solar access which is contrary to the minimum 70% required under the ARH SEPP 2009 guidelines*

Comment: The proposed development has been redesigned, maintaining 47 units in 3 hours solar access to main living and private open space areas, equivalent to 70% of units. This concern has been resolved.

Concern: *The private open space areas in-front of proposed units 29, 30, 35, 36, 37, 42, 43, 44, 49m 50, 51, 56, 57, 64 and 71 (with roof structure), the residential canopy, the community facility's canopy and storm water drainage system are within the 5.5m road-widening zone as prescribed under the HDCP 2013, as measured from the kerb.*

Comment: The proposed development has been redesigned, setting back the development outside the 5.5m road-widening zone. This concern has been resolved.

Concern: *The setback to the east of the site shall be redesigned to be zero.*

Comment: The proposed development has been redesigned, adhering to the zero setback to the eastern property boundary. This concern has been resolved.

Concern: *The proposed development shall be redesigned to accommodate business premises along the Great Western Highway, to meet the objectives of the B6 – Enterprise Corridor Zone.*

Council's desired future character of the area is to promote commercial activities on the ground floor of the sites facing the Great Western Highway incorporating a nil setback to activate the street frontage. The proposed development does not strictly adhere to Council's desired future character in that it does not propose commercial uses on the ground floor and does not activate the street frontage. The applicant is to demonstrate how the development meets the desired future character of the area.

Comment: The proposed development has been redesigned, accommodating a community facility and business premises along the entire frontage of Great Western Highway, with a business premises wrapping around to the secondary street, Broxbourne Street. The proposed development satisfies the objectives of the B6 – Enterprise Corridor zone, and adheres to the desired future character of the area. This concern has been resolved.

8. ASSESSMENT

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

79C (1) Matters for consideration - general

(a) the provisions of:

(i) any environmental planning instrument

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

A BASIX Certificate 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 of the development. A condition to require the BASIX

commitments to be implemented in the construction of the development has been included in the draft conditions of consent.

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.

A Phase 1 and Phase 2 Contamination Assessment and Asbestos Removal report, along with a Validation report and Remedial Action Plan have been submitted with the Development Application.

The reports identify the subject site previously housed a Mobil service station and associated residence, with the residential property located on the eastern-most portion of the site. The on-site infrastructure including the service station building, canopy, bowzers, eighteen underground storage tanks and residential dwelling were removed in 1998, and a contamination assessment and validation report were undertaken at the time.

Council's Environmental Health Unit have reviewed the submitted reports, and have found the land to be suitable for the proposed development, subject to remediation and validation works being undertaken in accordance with the Remedial Action Plan, which will form part of any condition of consent.

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 Architect states that he designed the project, has considered and achieves the objectives contained in the 10 Design Quality Principles set out in Part 2 of SEPP 65.

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

Part 1 – Local Context

Primary Control	Guideline	Provided	Complies (Yes/No)
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 public domain.	<p>Holroyd LEP stipulates a maximum height of 23 metres for the majority of the site, apart from the rear northern area of the site, which maintained a maximum of 12.5 metres.</p> <p>The proposed development is confined to the 23 metre height portion of the site, maintained to a maximum height of 23 metres.</p> <p>No buildings are proposed within the 12.5 metre height section of the site.</p>	<p>Yes</p> <p>N/A</p>
Building depth	<p>Generally, an apartment building depth of 10 – 18 metres is appropriate.</p> <p>Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.</p>	<p>The depth of the building ranges from 17.5m to a maximum of 22.3m.</p> <p>The proposed development achieves the required amount units achieving 3 hours of daylight access and natural ventilation, as noted within this report.</p>	Yes
Building separation	<p>Up to 4 storeys:-</p> <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 <p>5 to 8 storeys:-</p> <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 	<p>The adjoining sites have not been developed, nor have Development Applications been lodged. The adjoining sites contain single dwellings.</p> <p>The following assessment is against the developments ‘share’ of the separation requirements, i.e. half the separation requirement, apart from the section on separation between the east and west wing of the development, which has been assessed against the full separation requirement.</p> <p>Northern Separation <u>Ground Floor</u> Required = 6 metres Provided = 14 metres</p>	Yes

		<p><u>Level 1 to Level 3</u> Required = 6 metres Provided = 12.08 metres</p> <p><u>Level 4 to Level 6</u> Required = 9 metres Provided = 12.08 metres</p> <p>Eastern Separation <u>All Levels</u> Provided = 0 metres</p> <p>* Note: A zero metre setback is acceptable and encouraged under Part N of the Holroyd DCP 2013.</p> <p>Separation between East & West Wing <u>Ground Floor</u> Required = 9 metres Provided = 10.6 metres</p> <p><u>Level 1 to Level 3</u> Required = 12 metres Provided = 6.2 metres</p> <p><u>Level 4 & Level 5</u> Required = 18 metres Provided = 6.2 metres</p> <p>*Note: The proposed east facing habitable windows within the west wing are designed to be highlight windows, directly opposite a blank wall within the east wing. The balconies within the east wing are designed to have 1.8m privacy screens to their western elevations. As such, the proposed separation is considered acceptable on its merits.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No, but acceptable</p> <p>No, but acceptable</p>
Street setbacks	<p>To establish the desired spatial proportions of the street and define the street edge. To relate setbacks to the area's street hierarchy.</p> <p>The RFDC does not nominate specific street setbacks. However, in this instance, the Holroyd DCP 2013 requires the following setbacks:-</p>		

	<p>- 0m (Great Western Highway)</p> <p>- 0m (Broxbourne Street)</p> <p>- 0m (Eastern Boundary)</p>	<p>The proposed development adheres to the 0m front setback to Great Western Highway.</p> <p><u>Commercial</u> A setback of 2.5 metres to 2.9 metres has been designed.</p> <p><u>Residential</u> A setback of 3.4 metres to 4 metres to the building, and 0.5 metres, 1 metre and 2.7 metres to the fence line has been designed.</p> <p>* Note: Refer to commentary provided with the Part N, Clause 1.4 – Building Setbacks table of the Holroyd DCP 2013 section of this report.</p> <p>The development proposes a 0 metre setback to the eastern property boundary.</p>	<p>Yes</p> <p>No, but acceptable</p> <p>No, but acceptable</p> <p>Yes</p>
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.	The proposed development proposes a 0 metre setback to the eastern property boundary in accordance with Part N of the Holroyd DCP 2013.	Yes
Floor Space Ratio (FSR)	<p>To ensure that development is in keeping with the optimum capacity of the site and the local area.</p> <p>The Holroyd LEP 2013 stipulates an FSR of 1.8:1.</p> <p>The RFDC does not nominate a specific FSR, however, the maximum FSR is 2.3:1 when the bonus FSR within the SEPP ARH 2009 is applied to the maximum FSR noted under the Holroyd LEP 2013.</p>	<p>As the extent of gross floor area of the development used for affordable housing is greater than 50%, the maximum FSR that can be achieved is 1.8:1 + 0.5:1 = 2.3:1.</p> <p>The proposed development maintains an FSR of 2.27:1.</p>	Yes

Part 2 – Site Design

Primary Control	Guideline	Provided	Complies (Yes/No)
Deep soil zones	<p>A minimum of 25% of the open space area of a site should be a deep soil zone, more is desirable.</p> <p>Exceptions may be made where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures shall be integrated with the design of the development.</p> <p>Required = $961.32\text{m}^2 \times 25\% = 240.325\text{m}^2$</p> <p>* Note: Landscaped areas are not required in commercial zones, as per the Holroyd DCP 2013.</p>	<p>111.4m² is deep soil zone, which is 11.6% of the site area, has been provided.</p> <p>* Note: Based on the footprint of the basement, deep soil zone and extent of water filtration is limited to small pockets of the site, namely the north eastern corner and the front setback area along Broxbourne Street.</p> <p>An On-site Stormwater Detention (OSD) System has been designed, to emulate the runoff characteristics of more natural site conditions.</p> <p>The OSD system has been assessed by Council's Development Engineering Department to be acceptable.</p>	No, but acceptable
Fences and walls	To define the edges between public and private land.	The edge between public and private land has been adequately defined through the proposed commercial development, building entries and fence.	Yes
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, who has found the design to be acceptable.	Yes
Open space (Communal)	<p>Provide a Communal Open Space (COS) which is appropriate and relevant to the context of the buildings setting.</p> <p>An area of 25% to 35% of the site is to be provided as communal open space.</p> <p>Required = $2251\text{m}^2 \times 25\% = 562.2\text{m}^2$</p>	608.1m ² of COS, which is 27% of the site area, has been provided.	Yes
Orientation	To protect the amenity of existing development, and to optimise solar access to residential apartments within the development and adjacent	The building has a long northern elevation, enabling 42 units (62.7%) to have north facing living room or kitchen windows, thus having good	Yes

	development.	solar access to main living areas. Due to the orientation of the site, adjoining properties will not be unreasonably overshadowed.	Yes
Stormwater Management	To ensure adequate stormwater management.	The stormwater 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. These will be included as a condition of consent, should consent be granted.	Yes
Visual privacy	To provide reasonable levels of visual privacy externally and internally, during the day and at night. To maximise outlook and views from principal rooms and private open space without compromising privacy.	Visual privacy of units within the development and to adjoining properties has been maintained to an acceptable level, through appropriate design and separation.	Yes
Building Entry	To create entrances with identity and assist in orientation for visitors.	The proposed development has well defined entrances from Great Western Highway and Broxbourne Street.	Yes
Parking	To minimise car dependency, whilst still providing adequate car parking.	The total number of parking spaces complies with SEPP ARH 2009.	Yes
Pedestrian access	Connect residential development to the street. Provide barrier free access to 20% of dwellings.	The ground floor unit which faces Broxbourne Street, Unit 02, connects to the street. Barrier free access is maintained to all units within the development.	Yes
Vehicle access	Limit width of driveways. Locate driveways away from main pedestrian entries, and on secondary streets.	The width of the driveway has been assessed by Council's Development Engineer to be acceptable. Vehicular access has been maintained from the secondary street, Broxbourne Street.	Yes Yes

Part 3 – Building Design

Primary Control	Guideline	Relevant Control	Complies (Yes/No)									
Apartment layout	Depth of single aspect apartment – 8 metres	<p>The depth of the proposed single aspect units are as follows:-</p> <ul style="list-style-type: none">- Northern units = 9.3m- South units = 8.2m <p>* Note: The northern single aspect apartments are designed to achieve 3 hours of direct solar access and maintain kitchens < 8 metres from an opening.</p> <p>The southern single aspect apartments are maintained to a variation of 0.2 metres, which is considered to be a minor numerical non-compliance.</p>	No, but acceptable									
	Back of the kitchen not more than 8 metres from a window.	All kitchens are less than 8 metres from an opening.	Yes									
	Apartment sizes: <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	<p>All units, apart from Unit 25, are designed to meet the minimum apartment size requirements.</p> <p>* Note: Unit 25 is designed to be a 2 bedroom unit, 67m² in area. The shortfall is considered minor and supportable on its merits, noting the proposed unit still provides an area which is functional, and capable of accommodating typical furniture.</p>
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 mix of 1, 2 bedroom units are provided, including adaptable and affordable units, which are considered acceptable.	Yes									
Balconies	Minimum 2 metres in depth.	All balconies are a minimum depth of 2 metres.	Yes									

Ceiling heights	Minimum ceiling height of 3.3m for ground floor commercial and 2.7m for residential floors above.	The proposed floor to ceiling heights are as follows:- - Ground Floor = 3.5m - First Floor = 2.8m - Second Floor = 2.8m - Third Floor = 2.8m - Fourth Floor = 2.8m - Fifth Floor = 2.8m - Sixth Floor = 2.8m	Yes								
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.	The proposal is accessed by 2 separate lobbies, and serviced by 3 lifts. A maximum of 7 units are serviced per core, which is considered acceptable.	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 storage should be within each apartment. <table><tr><td>Dwelling Type</td><td>Minimum Area</td></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	6m³	2 bedroom	8m³	3 bedroom	10m³	Adequate storage has been provided throughout the development within the units and the basement.	Yes
Dwelling Type	Minimum Area										
1 bedroom	6m³										
2 bedroom	8m³										
3 bedroom	10m³										
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.	The site has a frontage to the Great Western Highway and accordingly an acoustic report was submitted, which Council’s Environmental Health Officer has found acceptable. Acoustic privacy between units and adjoining developments has been maintained to an acceptable level.	Yes								
Daylight access	Living rooms and private open spaces for at least 70 % 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	In total, 47 units of the proposed 67 units (70%) receive at least 3 hours solar access to main living and private open space areas.	Yes								

	<p>acceptable.</p> <p>Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed.</p>	<p>In total, 18 units of the proposed 67 units (26.9%) are single aspect south facing units.</p> <p>* Note: Refer to the planning justification under the heading 'Daylight Access' at the end of this table.</p>	No, but acceptable
Natural ventilation	<p>60% should of units should be naturally cross ventilated.</p> <p>25% of kitchens should have access to natural ventilation.</p>	<p>In total, 42 units of the proposed 67 units (62.7%) are naturally cross ventilated.</p> <p>All kitchens are less than 8 metres from an opening, and as such, are considered to be naturally ventilated.</p>	<p>Yes</p> <p>Yes</p>
Facades	Facades should define and enhance the public domain.	The front elevation of the development is articulated with varying setbacks, blade walls, windows, entry foyer, terraces and balconies.	Yes
Roof design	To integrate the design of the roof into the overall façade.	A flat metal roof has been proposed which is considered acceptable.	Yes
Energy efficiency	To reduce the necessity for mechanical heating and cooling.	A BASIX Certificate has been submitted, and is considered acceptable.	Yes
Maintenance	To ensure long life and ease of maintenance for the development.	The proposed materials are durable, robust and require minimal maintenance.	Yes
Waste management	<p>Provide waste management plan</p> <p>Allocate storage area.</p>	<p>A waste management plan has been submitted which has been found to be acceptable by Council's Waste Management officer.</p> <p>Commercial and residential bin storage areas have been proposed, which have been found to be acceptable by Council's Waste Management officer.</p>	<p>Yes</p> <p>Yes</p>
Water conservation	Reduce mains consumption, and reduce the quantity of stormwater runoff.	A BASIX Certificate has been submitted, and is considered acceptable.	Yes

The above table demonstrates that the proposed development largely complies with the requirements of SEPP 65, and where strict compliance has not been achieved, it is considered acceptable and this has been discussed above.

In relation to the number of single aspect apartments, the following commentary is provided:-

i. Daylight Access

A statement has been provided by the applicant, with regards to the number of single aspect southern facing units. The applicant's justification is as follows:-

Justification of the 22% single aspect South Facing Units

SEPP No 65 provides for the following controls relating to solar access and south facing units:-

Daylight Access

Living rooms and private open space of at least 70% of apartments should receive 3 hours direct sunlight between 9am and 3pm in midwinter.

Limit single aspect apartments with a southerly aspect to a maximum of 10% of total units.

.....

The revised scheme achieves in excess of the 70% of apartments direct sunlight between 9am and 3pm in mid-winter standard.

Eighteen units are south facing although the three units on the upper level achieve 3 hours of direct sunlight in mid-winter through the introduction of skylights.

Accordingly, only 15 of the proposed 67 units are south facing/single aspect without ameliorative features to achieve other "rule of thumb" standards. The deleterious effects of single aspect units has therefore been "minimised" to approximately 22% of the proposed units.

Further, the east west orientation of frontage of the allotment demands a proposal with an east west plan configuration. The orientation of the site produces constraints that make it generally difficult to reduce the overall number of south facing dwellings to just 10%.

Through careful planning, this proposal has limited the number of south facing apartments to just 22%, and at the same time has produced a building designed to activate the highway frontage throughout the day.

The DCP also requires the eastern façade of the building to be located on the boundary with nil setbacks, to maintain a continuous street wall when the neighbouring site is developed in the future.

To maintain privacy and BCA clearance requirements for the future neighbouring site, apartments have been oriented to the north and south with no opportunity to take advantage of the eastern aspect adjoining the boundary; this results in an increased number of south facing apartments along the Great Western Highway – pushing the number above the south facing threshold.

Further minimisation is not possible due to the physical configuration and orientation of the site and the need to deliver affordable housing, hence maximising single aspect dual corridor units.

Indeed as demonstrated above a nil setback along the eastern boundary conspires against the achievement of this "rule of thumb".

The applicant's written justification submitted to the variation of the single aspect southern facing apartments is considered supportable on its merits.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007) aims to facilitate the effective delivery of infrastructure across the State. SEPP Infrastructure 2007 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.

The subject development has a frontage to Great Western Highway, and as such Clauses 101 and 102 apply. The application has been referred to the Roads and Maritime Services for comments, to which no objection was raised, and an acoustic report has been submitted, which has been found to be acceptable by Council's Environmental Health Unit.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH 2009) was introduced on 31 July 2009 to increase the supply and diversity of affordable rental and social housing throughout NSW. SEPP ARH 2009 promotes infill affordable rental housing in existing residential areas that are accessible by public transport. Developments are required to be well located and to be designed to be compatible with the character of the locality.

The subject Development Application falls under Part 2 New affordable rental housing, Division 1 In-fill Affordable Housing. An assessment against the relevant SEPP ARH 2009 clauses is provided in the table below:

Standard	Required / Permitted	Provided	Complies (Yes/No)
10	Development to which Division Applies This division applies to Residential Flat Buildings, if: <ul style="list-style-type: none">• The development is permitted under another Environmental Planning Instrument; and• The development is on land that does not contain a heritage item. <p>This division does not apply to land in a Sydney region unless all parts of the development are within an accessible area.</p> <p><i>Accessible area means land that is within:</i> (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of</p>	<p>The site is zoned B6 – Enterprise Corridor under the Holroyd LEP 2013, and residential flat buildings, business premises and community facilities are permitted within this zone.</p> <p>The site does not contain a heritage item.</p> <p>The site directly fronts the Mays Hill Transit-way.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	<i>the <u>Passenger Transport Act 1990</u>) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.</i>		
13	<p>Floor space ratios At least 20% of the Gross Floor Area (GFA) must be used as affordable housing.</p> <p>The Holroyd LEP 2013 stipulates an FSR of 1.8:1.</p> <p>The maximum Floor Space Ratio (FSR) of the development is the existing maximum floor space ratio, plus, where the existing max floor space ratio is 2.5:1 or less, an additional 0.5:1, if the percentage of GFA used for affordable is 50% or higher.</p>	<p>The eastern wing, made up of 45 residential units, is noted within the submitted Statement of Environmental Effects to be owned and managed as affordable housing, which is greater than 50% of the gross floor area of the development.</p> <p>As the extent of gross floor area of the development used for affordable housing is greater than 50%, the maximum FSR that can be achieved is 1.8:1 + 0.5:1 = 2.3:1.</p> <p>The proposed development maintains an FSR of 2.27:1.</p>	<p>Yes</p> <p>Yes</p>
14	<p>Standards that cannot be used to Refuse Consent</p> <p>1) Site and Solar Access Requirements</p> <p>Site Area (b) if the site area is at least 450 square metres.</p> <p>Landscaped Area (c) Where the application has been made by a social housing provider, at least 35m² of landscaped area per dwelling is provided.</p> <p>Required = 35m² x 67 units = 2345m²</p> <p>Deep Soil Zones (d) In relation to the part of the site not built on, paved or</p>	<p>The consolidated site area is 2251m².</p> <p>The consolidated site area is maintained to 2251m², to which compliance with this standard cannot be achieved, as the site area is less than the required landscaped area.</p> <p>96.5m² is landscaped which is 13.17% of the site area.</p> <p>39.6m² of deep soil zone, with a minimum dimension of 3</p>	<p>Yes</p> <p>N/A</p> <p>No, but acceptable</p>

2)	<p>otherwise sealed, the area of deep soil zone is not less than 15% of the site area and has a minimum dimension of 3 metres.</p> <p>Required = $2251\text{m}^2 \times 15\%$ = 337.65m^2</p> <p>Solar Access</p> <p>(e) If living rooms and private open spaces for a minimum 70% of the development receives a minimum of 3 hours direct sunlight between 9am and 3pm, mid-winter.</p> <p>General</p> <p>Parking</p> <p>(a) Where the Development Application has been made by a social housing provider, if at least the following is provided:</p> <ul style="list-style-type: none"> - 0.4 parking spaces per 1 bedroom unit (19 units) = 7.6 spaces - 0.5 parking spaces per 2 bedroom unit (48 units) = 24 spaces <p>Required: 31.6 spaces (32 spaces rounded up)</p> <p>Dwelling Size</p> <p>(b) if each dwelling has a GFA of at least:-</p> <ul style="list-style-type: none"> - 35m² per bedsitter or studio; - 50m² per 1 bedroom unit; - 70m² per 2 bedroom unit; and - 95m² per 3 bedroom unit. 	<p>metres, which is 1.8% of the site area, has been provided.</p> <p>* Note: Refer to commentary provided under the 'Deep Soil Zone' section of the RFDC of this report.</p> <p>47 of 67 units receive 3 hours of solar access to living rooms and private open space area, which is 70% of units proposed.</p> <p>32 residential car parking spaces have been provided.</p> <p>All units, apart from Unit 25, are designed to meet the minimum apartment size requirements.</p> <p>* Note: Unit 25 is designed to be a 2 bedroom unit, 67m² in area. The shortfall is considered minor and supportable on its merits, noting the proposed unit still provides an area which is functional, and capable of accommodating typical furniture.</p>	<p>Yes</p> <p>Yes</p> <p>No, but acceptable</p>
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15	Design Requirements If SEPP 65 applies, the <i>Seniors Living Policy</i> does not need to be considered.	SEPP 65 – Design Quality for Residential Flat Development applies and has been considered, and thus, the <i>Seniors Living Policy</i> does not need to be considered.	Yes
16A	Character of local area Must take into considered whether the design of the development is compatible with the character of the local area.	<p>The proposed development will be out of character with the existing area for the immediate future, however, the area is subject to increased height and density controls as per the Holroyd LEP 2013.</p> <p>It is likely that the area will experience a significant transition from its existing low density character to a higher density character. This development will play an integral role in this transformation process, setting the street character, tone and scale for similar mixed use development proposals in the locality</p> <p>In this regard, it is considered that the proposed development fits in with the desired future character of the area.</p>	Yes
17	Must be used for affordable housing for 10 years Conditions must be imposed to ensure that the units nominated as affordable housing will be used as such for 10 years from issue of Occupation certificate, and will be managed by a registered community housing provider	Appropriate conditions will be placed upon any forthcoming Development Consent.	Yes
18	Subdivision Land may be subdivided with the consent of the consent authority,	Subdivision has not been applied for.	N/A

The above table demonstrates that the proposed development largely complies with the requirements of SEPP ARH 2009, and where strict compliance has not been achieved, it is considered acceptable and this has been discussed above.

Holroyd Local Environmental Plan 2013

An assessment against the relevant Holroyd Local Environmental Plan (Holroyd LEP) 2013 clauses is provided in the table below:

Standard	Required / Permitted	Provided	Complies (Yes/No)
4.3	Height of Buildings - Max. 23 metres (majority of the site) - Max 12.5 metres (rear northern area of the site)	The proposed development is confined to the 23 metre height portion of the site, maintained to a maximum height of 23 metres. No buildings are proposed within the 12.5 metre height section of the site.	Yes N/A
4.4	Floor Space Ratio - Max. 1.8:1 *Note: SEPP ARH 2009 allows a bonus FSR of 0.5:1.	The proposed development maintains an FSR of 2.27:1. An FSR of 2.3:1 is permitted under the SEPP ARH 2009.	Yes
5.10	Heritage Conservation	The site is not listed as a heritage item, and is not located within the vicinity of a heritage item.	Yes
6.1	Acid Sulfate Soils	The site is not affected by Acid Sulfate Soils.	Yes
6.4/6.7	Flood Planning and Stormwater Management	Council's records indicate that the site is not affected by the 1% Annual Exceedance Probability (AEP) storm event. An On-site Stormwater Detention (OSD) system has been designed, which Council's Development Engineer has found to be satisfactory.	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. Standard conditions of consent shall be imposed to address this should consent be granted.	Yes

As demonstrated above, the proposal complies with the requirements of the Holroyd LEP 2013.

- (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 Holroyd Local Environmental Plan (Draft HLEP) – Housekeeping Amendments

The Draft LEP housekeeping amendment seeks to introduce (Item 9) new provisions governing ground floor development in B2 - Local Centre & B4 – Mixed Use zones. The Draft LEP housekeeping amendments have been considered, however are not applicable to the subject site, which is zoned B6 – Enterprise Corridor.

- (iii) *any development control plan*

Holroyd Development Control Plan 2013

The Holroyd Development Control Plan (Holroyd 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 purpose and status of DCPs is provided in Section 74AB of the Environmental Planning and Assessment Act (EP&A Act), 1979 as follows: -

- (1) *The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:*
- (a) *giving effect to the aims of any environmental planning instrument that applies to the development,*
 - (b) *facilitating development that is permissible under any such instrument,*
 - (c) *achieving the objectives of land zones under any such instrument.*
- The provisions of a development control plan made for that purpose are not statutory requirements...*

In this regard, Council's DCP provides guidance for developers and Council to use as benchmarks for development. In this regard, compliance with the controls within DCPs is not mandatory, and the controls may be varied based on merits of the application.

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	Complies (Yes/No)
3.1	Minimum Parking Spaces <u>Residential</u> The number of residential car parking spaces is determined under the Affordable Rental Housing SEPP. <u>Required: 32 spaces</u> * Note: 77 parking spaces would	32 residential spaces & 1 designated car wash bay have been provided.	Complies with SEPP ARH 2009

	<p>be required to service the residential portion of the development, if the development was not in part affordable rental housing.</p> <p><u>Business</u> Business premises in B6 zone - 1 per 20m² of Ground Floor Leasable area $= 319\text{sqm} / 20 = 15.95 \text{ spaces}$ Required: 15.95 spaces (16 spaces rounded up)</p> <p><u>Bicycles</u> Residential Flat Buildings - 0.5 spaces per unit = 33.5 spaces - 0.1 spaces per unit for visitors = 6.7 spaces</p> <p>Business Zones - 1 space per 300m² of GLFA for employees = 1.06 spaces - 1 space per 2500m² of GLFA for visitors $= 0.13 \text{ spaces}$ Required: 41.39 spaces (42 spaces rounded up)</p>	<p>16 business spaces have been provided to cater for the future use.</p> <p>44 bicycle spaces have been proposed.</p>	<p>Yes</p> <p>Yes</p>
3.3	Dimensions and Gradients	Council's Traffic Engineer has assessed the submitted plans and documentation and advised the proposal is satisfactory, subject to conditions.	Yes
3.5	Access, Manoeuvring and Layout Driveways shall be setback a minimum of 1.5m from the side boundary.	<p>The proposed driveway is located adjoining the north-west boundary with a setback of 1.8 metres, tapering to 0.6 metres.</p> <p>Council's Development Engineer has found the proposed design to be satisfactory.</p>	Yes
3.6	Parking for the Disabled <u>Residential</u> - 2 accessible spaces per 100 spaces.	48 residential spaces are proposed. 11 accessible spaces are provided (1 for each	Yes

	<u>Commercial</u> - 1 accessible space per 100 spaces.	adaptable unit). 16 business spaces are proposed. 1 accessible space has been provided.	Yes
6.1	Retaining walls - Generally <1m in height.	The proposed OSD system retaining walls are less than 1 metre.	Yes
6.3	Erosion and Sediment Control	A detailed sediment and erosion control plan was submitted and is considered to be acceptable.	Yes
7	Stormwater Management	Council's Development Engineer has reviewed the Stormwater Drainage Plans & calculations, and advises that the design is acceptable, subject to conditions.	Yes
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 C – Commercial, Shop Top Housing and Mixed Use Development Controls			
Standard	Required / Permitted	Provided	Complies (Yes/No)
1.1	<p>Lot Size and Frontage</p> <p>The minimum lot frontage for sites in B6 – Enterprise Corridor Zone is:-</p> <ul style="list-style-type: none"> - ≤ 3 storeys = 20 metres - 4-8 storeys = 26 metres - ≥ 9 storeys = 32 metres <p>Council may require consolidation of more than 1 existing allotment to meet the DCP.</p> <p>Sites must not be left such that they are physically unable to reasonably develop a three storey building in accordance with the controls in this part.</p>	<p>The proposed development is maintained to a part 6, part 7 storey development. The consolidate site has a frontage of 61.805 metres.</p> <p>Part N – Transitway Station Precinct Controls of the Holroyd DCP 2013 applies, see below.</p>	<p>Yes</p> <p>Yes</p>
1.2	<p>Site Coverage, Floor Area and Building Use</p> <p>Commercial development shall be located at least at street level,</p>	A community facility and 3 business premises are proposed	Yes

	<p>fronting the primary street, and where possible, the secondary street.</p> <p>Residential dwellings are permitted at ground floor within B6 – Enterprise Corridor Zones, and where facing a street, shall enable be flexible to accommodate future commercial development.</p>	<p>at street level, and face Great Western Highway, occupying the entire frontage, apart from the residential lobbies.</p> <p>One business premises warps around the corner, along the Broxbourne Street frontage, which is considered acceptable in addressing the secondary street.</p> <p>The subject site is zoned B6 – Enterprise Corridor, and residential units are located on the ground floor.</p> <p>Unit 02, which is located on the ground floor and faces Broxbourne Street, has a reasonable degree of flexibility to accommodate future commercial development.</p>	Yes
1.3	<p>Building Height</p> <p>The minimum floor to ceiling heights in a commercial building are:-</p> <ul style="list-style-type: none"> - Ground Floor = 3.5m - First Floor = 3.3m - All other floors = 2.7m <p>The maximum building height in storeys shall be:-</p> <ul style="list-style-type: none"> - 12.5 metres = 2 storeys - 23 metres = 6 storeys 	<p>The proposed floor to ceiling heights are as follows:-</p> <ul style="list-style-type: none"> - Ground Floor = 3.5m - First Floor = 2.8m - Second Floor = 2.8m - Third Floor = 2.8m - Fourth Floor = 2.8m - Fifth Floor = 2.8m - Sixth Floor = 2.8m <p>The proposed floor to ceiling height for the first floor is considered acceptable, noting the floor is maintained to a residential use and complies with the Residential Flat Design Code.</p> <p>The site benefits from a maximum 23 metres for the majority of the site and 12.5 metres for the rear northern area of the site.</p> <p>The proposed development is confined to the 23 metre height portion of the site, maintained to part 6, part 7 storeys.</p>	<p>No, but acceptable</p> <p>No, but acceptable</p>

		<p>No buildings are proposed within the 12.5 metre height section of the site.</p> <p>* Note: The part 7 storeys is considered acceptable as it complies with the height standard as noted under the Holroyd LEP 2013, and the floor to ceiling heights as noted under the RFDC.</p> <p>In this regard, the number of storeys proposed is considered acceptable on its merits.</p>	
1.4	<p>Setbacks, Separation & Depth</p> <p><u>Front Setback</u> The minimum front setback in B6 – Enterprise Corridor Zones is 4 metres, unless otherwise stated in another Part of the Holroyd DCP 2013.</p> <p><u>Upper Storey Setback</u> A street wall height of four storeys (14-17m) is required for the B6 – Enterprise Corridor on the Great Western Highway in Mays Hill. A 3 metre setback is required above the street wall height.</p>	<p>The development is built to the front property boundary, in accordance with Part N - Transitway Station Precinct Controls of the Holroyd DCP 2013, see below.</p> <p><u>Great Western Highway</u></p> <p><u>Ground Floor to Level 3</u> The proposed development adheres to the street wall height to Great Western Highway, as measured to the ground floor to level 3.</p> <p><u>Level 4</u> The proposed development continues the street wall height, as noted within the lower floors.</p> <p><u>Level 5 and Level 6</u> The proposed development maintains a 0 metre setback to the western portion and 2 metre to 3.6 metre setback to the eastern portion.</p> <p><u>Broxbourne Street</u></p> <p><u>Ground Floor</u> A setback of 2.5 metres to 2.9 metres has been designed to the</p>	<p>Yes</p> <p>Yes</p> <p>No, but acceptable</p> <p>No, but acceptable</p>

		<p>commercial portion, a setback of 3.4 metres to 4 metres has been designed to the residential portion, and a 0.5 metres, 1 metre and 2.7 metres setback has been designed to the fence line of the residential portion.</p> <p><u>Level 1 to Level 6</u> A setback of 3.4 metres to 8 metres has been designed.</p> <p>*Note: Refer to commentary provided with the Part N, Clause 1.4 – Building Setbacks table of the Holroyd DCP 2013 section of this report and the planning justification under the heading ‘Upper Storey Setback’ at the end of this table.</p>	No, but acceptable
	<p><u>Side Setbacks</u> No side setback is required where the site adjoins a business zone.</p>	<p>The site adjoins a B6 – Enterprise Corridor to the east. The proposed building has no setback to the east.</p>	Yes
1.5	<p>Landscaping and Open Space</p> <p>Landscaped areas are not required in business zones.</p>	<p>Although not required, the development has some deep soil and on structure landscaped areas, which will enhance residential amenity.</p>	Yes
2.2	<p>Pedestrian Access</p> <p>Direct access shall be provided from the car park to all residential and commercial units.</p> <p>The main building entry points shall be clearly visible.</p>	<p>Lifts are provided from the basement car park to each residential & commercial floor, affording access.</p> <p>The main building entries are clearly visible from the public domain.</p>	<p>Yes</p> <p>Yes</p>
2.3	<p>Building Entries</p> <p>Separate entries from the street are to be provided for cars, pedestrians, multiple uses (commercial and residential) and ground floor apartments.</p>	<p>Separate entries have been provided for vehicles, pedestrians, to the community facility and business premises, the residential units and the ground floor apartment facing Broxbourne Street, Unit 02.</p>	Yes

	Residential entries must be secure where access is shared between commercial and residential units.	All residential entries are secure.	Yes
	Multiple cores are to be provided where the site frontage is >30 metres.	Two cores are proposed to service the development.	Yes
2.4	Vehicle Access Driveways shall be provided from laneways, private access ways and secondary streets where possible. Loading and unloading facilities shall be provided from a rear lane, side street or right of way where possible. Driveways are limited to a maximum of 6m or 8m for commercial loading docks and servicing.	Vehicular access has been maintained from the secondary street, Broxbourne Street. The applicant has indicated that a delivery van will occupy a commercial visitor space within the basement, infrequently, when needed. Council's Traffic Engineer has advised that the size of the commercial area is unlikely to attract a vehicle larger than a van into the site (which is a B99 vehicle), and has found the proposed arrangement to be acceptable. A 7 metre wide driveway has been proposed, which has been found to be acceptable by Council's Development Engineer.	Yes Yes Yes
2.5	Parking On-site parking is to be provided underground where possible. Parking shall not be visible from main street frontages. Residential parking shall be separated from business car parking.	All parking is provided within the basement level. The residential and business parking spaces are separated within the basement.	Yes Yes
3.1	Safety and Security Casual surveillance is to be achieved through active street frontages and creating casual views of common internal areas. The design shall be in accordance with the Crime Prevention	Casual surveillance has been provided to both street frontages. The DA was referred to the Holroyd Local Area Command	Yes Yes

	Through Environmental Design (CPTED) principles.	for comments, who have raised no objections.	
3.2	Façade Design and Building Materials All walls are to be articulated via windows, verandahs, balconies or blade walls.	The building is considered to provide adequate articulation. The design is contemporary, and the incorporation of projecting and recessive elements creates visual interest.	Yes
3.4	Shop Fronts All windows on the ground floor to the street frontage are to be clear glazing.	Glazing has been provided to the ground floor community facility and business premises.	Yes
3.5	Daylight Access Developments shall ensure that access to daylight is maintained to private open spaces and habitable rooms of existing and proposed surrounding buildings, so as to comply with this DCP. The following controls are applicable:- <ul style="list-style-type: none"> - A minimum 3 hours of direct sunlight between 9.00am and 4.00pm, midwinter, shall be afforded to at least one main living area of existing dwellings; and - A minimum of 50% of the required private open space areas of adjacent dwellings shall have access to 3 hours of direct sunlight between 9.00am and 4.00pm, midwinter. 	The shadow plans submitted to Council indicate that adjoining developments will not be restricted from achieving 3 hours of direct sunlight to living areas and 50% of the required private open space areas.	Yes
3.8	Awnings Awnings are required to:- <ul style="list-style-type: none"> - Be flat; - Be a minimum 3 metres deep; - Be setback from the kerb a minimum 600mm; - Have a minimum soffit height of 3.2 metres; - Be located over all building entries. 	The proposed awning is maintained to the entire frontage of Great Western Highway, and wraps around to Broxbourne Street to the extent of the business premises. An awning is also designed over the western residential entry. The awnings have been	Yes

		designed to Council's standards.	
3.10	Flexibility and Adaptability 15% of units are required to be adaptable. = 10.05 units are required to be adaptable <u>Required: 10.05 units</u> (11 units rounded up)	11 units are proposed to be adaptable.	Yes
3.11	Corner Buildings Promote a strong and legible streetscape character by ensuring corner sites are visually significant elements.	The design addresses both street frontages via appropriate massing and articulation.	Yes

Part N – Transitway Station Precinct Controls
Section 1 - Mays Hill Transitway Precinct

Standard	Required / Permitted	Provided	Complies (Yes/No)
1.1	Site Consolidation and Frontage Amalgamate lots as per figure 4(a) & (b). Land locking of adjoining sites is not permitted. The minimum frontage for development fronting Great Western Highway is 45m.	Figure 4(a) requires 148-150 Great Western Highway, Mays Hill, and 1 & 3 Broxbourne Street, Mays Hill, to consolidate. * Note: This has not been achieved; however, land locking will not result. The consolidated site has a frontage of 61.805 metres.	No, but acceptable Yes
	Where amalgamation cannot be achieved, submit: - Two written valuations undertaken by independent registered valuers; and - Evidence that a reasonable offer has been made to the owners of the remaining sites.	Two valuations prepared by independent registered valuers were undertaken, and reasonable offers were made to the owners of 1 and 3 Broxbourne Street, Mays Hill. Based on the valuations received, and the offers submitted, Council confirms that evidence of a reasonable offer has been made to 1 & 3 Broxbourne Street, Mays Hill.	Yes
	Alternative consolidation patterns may be considered if it can be demonstrated that development	Plans have been submitted to show that 1 and 3 Broxbourne Street, Mays Hill, can be	Yes

	controls can be satisfied on the land & adjoining properties, achieving development outcomes as per DCP 2013 including vehicular access, basement parking & built form.	consolidated and developed on their own with a 3 storey residential flat building. While basic concept plans have been submitted, this is a matter to be addressed with future Development Applications for 1 and 3 Broxbourne Street, Mays Hill.	
1.3	Building Height The maximum building height in storeys shall be:- - Max. 6 Storeys (majority of the site) - Max. 3 Storeys (rear northern area of the site)	The proposed development is confined to the 6 storey maximum height area. The proposed development is maintained to a height of part 6, part 7 storeys. No buildings are proposed within the 3 storey section of the site. * Note: The part 7 storeys is considered acceptable as it complies with the height standard as noted under the Holroyd LEP 2013, and the floor to ceiling heights as noted under the RFDC. In this regard, the number of storeys proposed is considered acceptable on its merits.	No, but acceptable
1.4	Building Setbacks The setback of the development shall be:- - 0m (Great Western Highway) - 0m (Broxbourne Street)	The proposed development adheres to the 0m front setback to Great Western Highway. <u>Commercial</u> A setback of 2.5 metres to 2.9 metres has been designed. <u>Residential</u> A setback of 3.4 metres to 4 metres to the building, and 0.5 metres, 1 metre and 2.7 metres to the fence line. *Note: The proposed design ensures a continuous built edge	Yes No, but acceptable No, but acceptable

	- 0m (Eastern Boundary)	for the commercial portion of the development, meeting the objective of activating the street edge. The on ground residential unit facing Broxbourne Street has been setback from the street, to maintain amenity for future residents. The proposed development proposes a 0 metre setback to the eastern property boundary.	Yes
	Buildings facing Great Western Highway are to be built to boundary to form a continuous street edge.	The proposed building faces Great Western Highway and is built to the boundary to form a continuous street edge.	Yes
1.5	Site Design & Appearance Development shall be oriented to front boundaries. Vertical articulation and a break in the building is required above the 4 th storey for buildings over 25 metres in length.	The proposed development is oriented to Great Western Highway. Vertical articulation has been provided to the elevation facing Great Western Highway.	Yes Yes
1.6	Road Widening Road widening is required along both sides of the Great Western Highway to result in a footpath width of 5.5m from the kerb to the property boundary as per Figure 12.	Road widening has been shown on the ground floor and basement plan. Appropriate Engineering conditions are to be imposed within any Development Consent.	Yes.

The above table demonstrates that the proposed development largely complies with the requirements of Holroyd DCP 2013, and where strict compliance has not been achieved, it is considered acceptable and this has been discussed above.

In relation to the upper storey setback, the following commentary is provided:-

i. Upper Storey Setback

A statement has been provided by the applicant, with regards to the upper storey setback, which Council has considered to be satisfactory. The applicant's justification is as follows:-

Justification of the Street Wall Four storey datum

To address Section 1.4 of Part C of the DCP (Upper Storey Setback) the proposed south facing apartments (that present to the highway frontage) incorporate private balconies behind architectural framing.

The framing produces a 4 storey podium at the base of the building. The framing effectively stops at Level 04, therefore creating the visual appearance of a general upper storey set back. It does so without the consequential requirement to setback the upper levels with associated transfer structural beams. The frames from an architectural standpoint help blur the line between the upper and lower levels creating an exciting architectural feature that works its way along the Great Western Highway elevation to the Broxbourne St elevation. The architectural feature gives the project a humanistic scale to the facades.

The objective of design efficiency combined with the desire to deliver affordable housing as part of the mixed use development dictates that the proposed building produce a 'typical' floor plate, aligning vertically across all floor levels and resulting in a proposal which incorporates a layout that repeats itself across all levels where building structure (columns and load bearing walls) align.

.....

The proposed solution addresses Section 1.4 of Part C of the DCP and results in an attractive external appearance with a discernible "commercial base" along its frontage to the Great Western Highway. It is capped by a footpath awning with "framed " punctuated windows up to level four, and a simplified façade to the upper levels.

The east façade is located on the boundary with nil setbacks, to maintain a continuous street wall when the neighbouring site is developed in the future.

Overall the objectives of this control have been acknowledged within the current design and are satisfied by the architectural response proposed.

Council's Social Impact Assessment Policy

A Social Impact Assessment (SIA) was submitted in support of the application, which was assessed by Council's Social Planner and considered to be satisfactory, subject to the preparation of a Construction Management Plan (CMP) to address issues of noise, vibration, traffic control, etc., during the construction phase of the development. A condition to this effect has been included within the draft conditions of consent.

(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,

Not Applicable.

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

The proposal is consistent with matters in the regulations in as much as they apply to this proposal.

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

that apply to the land to which the development application relates,

Not Applicable.

(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 zone, which aims to promote businesses along main roads and to encourage a mix of compatible uses. Retail activity is limited in order to maintain the economic strength of larger nearby commercial centres. Residential uses can only be provided as part of a mixed use development. The proposed development facilitates all of these objectives.

The site is within the Mays Hill Transitway Precinct, so has great access to public transport.

It is likely that the area will experience a significant transition in the near future from its existing low density character to a higher density character. This development will play an integral role in this transformation process, setting the street character, tone and scale for similar mixed use development proposals in the locality.

Built Environment

It is considered that the proposed development will have a positive impact on the built environment and is acceptable in its context 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.

Although the 2 sites known as 1 and 3 Broxbourne Street, Westmead, have not been consolidated as recommended in Part N of the Holroyd DCP 2013, the proposed development will not result in land locking. The adjoining sites to the north, known as 1 and 3 Broxbourne Street, Westmead still has the potential to develop on their own as a consolidated development. While a very basic concept plan has been submitted, this is a matter to be addressed with future DAs for this site.

Environmental Impact

The proposed development will not have any significant adverse environmental impacts. Furthermore, the site is not affected by flooding, acid sulfate soils, terrestrial biodiversity or riparian land. No significant trees will be affected and the proposed development satisfies Council's landscaping controls and is therefore considered to be satisfactory with respect to the surrounding natural environment.

Social Impact

The proposed development is unlikely to create any long term negative social impacts. However, there will be short term positive social/economic impacts through the creation of employment opportunities during the construction period. The increased supply of housing in this location is appropriate and Council's Social Planner has recognised that the proposed development will have a positive impact as it will provide a diverse housing mix in a location that has been nominated for increased housing densities.

There will be short term negative impacts associated with noise and vibration during construction, and in this regard, Council's Social Planner has recommended that a Construction Management Plan (CMP) be prepared to address issues of noise, vibration, traffic control, etc., during the construction phase of the development. A condition to this effect has been included within the draft conditions of consent.

Economic Impact

The proposed development is not anticipated to have any adverse economic impacts. As discussed in this report no land locking results from the proposed development.

Traffic & Parking

The application is accompanied by a Traffic and Parking report that provides an assessment of the likely traffic and parking impacts associated with the proposed development. The report concludes that the projected traffic generation of the proposed development is minimal, and as such, the development will not have any unacceptable traffic impacts on the local road network.

Council's Traffic Engineer has assessed the development having regard to the submitted Traffic and Parking report and considers the proposal to be satisfactory.

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

The site has an area of 2251m² with frontages to the Great Western Highway and Broxbourne Street. Vehicular access is obtained via Broxbourne Street (secondary street). It has a gradual fall from the front to the rear, and achieves drainage to Council's system. No significant trees or heritage items will be affected. The proposed development is considered to be suitable for the site and the locality.

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

In response to the public exhibition of this application, one (1) 47 signature petition and four (4) submissions were received objecting to the development.

Public Consultation:

Exhibition Dates:	8 October 2014 to 29 October 2014	- 1 petition & 3 submissions
	11 March 2015 to 25 March 2015	- No submissions
	22 June 2015 to 06 July 2015	- 1 submission

The issues raised in the submissions are discussed below:

Issue: *Lack of parking to service the development.*

Comment: In accordance with State Environmental Planning Policy (Affordable Rental Housing) 2009, 32 residential parking spaces are required to service the residential portion of the development. In this regard, 32 residential parking spaces have been proposed within the basement.

In accordance with Holroyd Development Control Plan 2013, 16 business parking spaces are required to service the business portion of the development. In this regard, 16 business parking spaces have been proposed within the basement.

Issue: *Lack of internal garbage collection facilities.*

Comment: The proposal incorporates a commercial waste storage area to the rear of the business premises and residential bin storage area to the rear of the site. The applicant has noted a temporary bin collection point located along Broxbourne Street, to the south of the proposed vehicular access point, from which waste and recycling bins will be presented and subsequently returned to the respective bin storage area once emptied.

Council's Waste Management Department has reviewed the proposal, and found it to be satisfactory.

Issue: *Lack of a Traffic Plan associated with the construction of the development.*

Comment: In the event that the Development Application is approved, a condition to the following effect will be included within any Development Consent:-

Road Works

1. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$482.70** fee for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.
2. A Construction Management Plan shall be prepared and adopted to address traffic control and the safe removal and delivery of materials. Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Issue: *Height of the development (in storeys).*

Comment: In accordance with the Holroyd DCP 2013, the maximum number of storeys within the subject site shall be maintained to 6 storeys. In this regard, the proposed development is maintained to a height of part 6, part 7 storeys.

The height of the development as noted under the Holroyd LEP 2013 section of this report, is compliant, that being, the proposed development is maintained to a maximum height of 23 metres. Furthermore, the bulk and character of the development has been assessed to be acceptable when viewed from the public domain.

Noting the above, Council has considered the number of storeys proposed to be acceptable on its merits.

Issue: *Out of character with the area.*

Comment: The proposed development may appear out of character with the existing area for the immediate future, however, the area is subject to increased height and density controls as per the Holroyd LEP 2013.

It is likely that the area will experience a significant transition from its existing low density character to a higher density character. The following points are noted with regards to the design of the development:-

- The contemporary architectural design of the development is consistent with the contemporary nature of commercial / residential development seen throughout the Holroyd Local Government Area;

- The proposed facades of the development are articulated through the use of varied openings, varied setbacks, and use of a combination of colours and material finishes;
- The height and scale of the development is in keeping with the site specific standards and objectives noted within the Holroyd Local Environmental Plan 2013 and Holroyd Development Control Plan 2013.

In this regard, it is considered that the proposed development fits in with the desired future character of the area.

Issue: *Visual privacy concerns within the development and surrounding properties.*

Comment: Council notes that the location of windows, balconies and openings within the development, along with the separation provided, has been designed such that visual privacy has been maintained to an acceptable level.

Furthermore, Council considers visual privacy has been maintained to an acceptable level to adjoining properties, based on the separation / blank wall treatment provided to adjoining properties as follows:-

- A blank wall treatment has been designed to the eastern elevation of the building;
- The separation provided between the proposed development and the northern property boundary is 12.08 metres to 14 metres;
- The separation provided between the proposed development and the eastern (front) property boundaries of the properties on the opposite side of Broxbourne Street is 23.4 metres to 24 metres; and
- The proposed development is separated from properties to the south via the Great Western Highway.

Noting the above, Council considers privacy within the subject development and surrounding properties will be maintained to an acceptable level.

Issue: *Increased traffic will have an impact on safety and residential amenity.*

Comment: Council notes that a Traffic and Parking Assessment report has been provided as a part of the Development Application, which has assessed the traffic and parking implications of the development with regards to:-

- The existing road network in the vicinity of the site and the traffic conditions of the road network;
- The traffic implications of the development proposal in terms of the existing road network capacity; and
- The adequacy and suitability of the off-street car parking provided on-site.

The report concludes that the projected traffic generation of the proposed development is minimal, and as such, the development will not have any unacceptable traffic impacts on the local road network.

The submitted plans along with the supporting Traffic and Parking Assessment report has been assessed by Council's Traffic Engineer and the Roads and Maritime Services to be satisfactory, subject to conditions.

Issue: *Requirement to consider social impacts.*

Comment: The proposed development is unlikely to create any long term negative social impacts. However, there will be short term positive social/economic impacts through the creation of employment opportunities during the construction period. The increased supply of housing in this location is appropriate and Council's Social Planner has recognised that the proposed development will have a positive impact as it will provide a diverse housing mix in a location that has been nominated for increased housing densities.

There will be short term negative impacts associated with noise and vibration during construction, and in this regard, Council's Social Planner has recommended that a Construction Management Plan (CMP) be prepared to address issues of noise, vibration, traffic control, etc., during the construction phase of the development. A condition to this effect has been included within the draft conditions of consent.

Issue: *Control hours of operation for construction.*

Comment: In the event that the Development Application is approved, a condition to the following effect will be included within any Development Consent:-

Hours of Work & Display of Council Supplied Sign

1. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited.

The yellow "Hours of Building Work" sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

(e) the public interest,

The proposal is generally considered to be in the public interest as it satisfactorily addresses the relevant requirements and/or objectives of SEPP BASIX, SEPP 55, SEPP 65, SEPP Infrastructure 2007, SEPP ARH 2009, Holroyd LEP 2013 and Holroyd DCP 2013.

9. INTERNAL REFERRALS

During the original and the amended application assessment process, comments were sought from a number of sections within Council. Based upon the amended design, the following summarises Council Officer/Advisers' comments:

Development Engineering Section	No objection, subject to Deferred Commencement conditions.
Traffic Section	No objection, subject to Deferred Commencement conditions.
Landscaping Section	No objection, subject to Deferred Commencement conditions.
Environmental Health Unit	No objection, subject to conditions.
Waste Management Section	No objection, subject to conditions.
Social Planning Section	No objection, subject to conditions.
Access Consultant	No objection, subject to conditions.

10. 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

11. SECTION 94 CONTRIBUTIONS

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

Residential

○ 19 x 1 bedroom units @ \$7,853 per unit	\$149,207.00
○ 48 x 2 bedroom units @ \$13,280 per unit	\$637,440.00
Subtotal	\$786,647.00

Commercial

○ 319sqm of GFA @ \$24 per sqm	\$7,656.00
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Total	\$794,303.00
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12. RECOMMENDATION

The proposed development, as amended, proposes consolidation of 4 lots into 1 lot; construction of a part 6, part 7 storey mixed used development incorporating a residential flat building, business premises and community facility over 1 level of basement car parking accommodating 67 residential units, 219m² of business premises, 100m² of community facility and 48 car parking spaces under the Affordable Rental Housing SEPP 2009.

The Development Application has been assessed under the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)*, *State Environmental Planning Policy No. 65 – Residential Flat Development (SEPP 65)*, *State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007)*, *State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH 2009)*, the *Holroyd Local Environmental Plan 2013 (Holroyd LEP 2013)* and *Holroyd Development Control Plan 2013 (Holroyd DCP 2013)*.

The proposed development adequately addresses the objectives and requirements of the relevant Environmental Planning Instruments and Development Control Plan. Where the proposed development seeks to vary controls, suitable justification has been provided to support the variations. The proposal has no significant adverse impacts and is considered worthy of approval.

In response to the public exhibition of this application, one (1) 47 signature petition and four (4) submissions were received objecting to the development

The proposed mix use development is considered to be compatible with the planned future character of the area and is suitable in terms of its setting, bulk and scale, proportion and architectural presentation, and as such, it is recommended that the application be approved, **subject to conditions as outlined in Attachment H of this report.**