



ST GEORGE COMMUNITY  
HOUSING LIMITED



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1. Minutes of EDCU Pre-DA Meetings
2. ARHSEPP Technical Paper, December 2010 (extract)
3. HDCP2013 Compliance Table
4. Site amalgamation correspondence
5. Site amalgamation architectural study

## 1. INTRODUCTION & CONTEXT

This Statement of Environmental Effects (SEE) accompanies a development application (DA) to Holroyd City Council for construction by SGCH (St George Community Housing Ltd) of a mixed use residential and community facility project at 148-150 Great Western Highway, Westmead (the site).

SGCH is one of Australia's leading non-profit providers of social and affordable housing and is a registered Class 1 Community Housing Provider (CHP) under the NSW *Housing Act* 2001. Over 8,500 Australians now live in over 4,000 homes that SGCH manages or owns. The last few years have been a period of strong growth as the organisation celebrated 25 years of operation and began developing and constructing its own affordable housing projects.

SGCH is now one of the largest non-government providers of affordable and social housing in Australia and is leveraging off the value of its existing assets to build new housing for more Australians, including those who are homeless, elderly or most vulnerable and those who are in housing stress in the private rental market or in need of affordable housing that is close to work or study.

Over time, SGCH's purpose has evolved to include the provision of not only secure, affordable housing but a range of other services and initiatives that support people to improve their lives and engage in their communities.

The development is being funded through project finance that will be serviced by rental income from this and other SGCH housing projects. There has been no significant injection of funding into this project from Federal, State or Local Government by way of grants, affordable housing levies, inclusionary zoning or other external contributions such as government land grants.

One of the longer term aims of SGCH is to achieve a balanced property portfolio and long term financial sustainability by using affordable housing rents from moderate income earners to offset the heavily subsidised rents from low income earners. However, SGCH projects such as this will never charge tenants more than 75% of market rent and will in fact result in a financial loss when taking into consideration the cost of project finance. This loss is funded through the leveraging of finance off the rental income stream of SGCH's existing social housing portfolio. While financially sustainable, the level of project funding which can be achieved through leveraging is limited and must be applied carefully to obtain the optimal housing outcome for each and every project. Financial feasibility is therefore a crucial issue for this project.

The proposal is for a 6/7 storey mixed use development with a community facility on the ground floor and 72 residential units. The building is internally divided into two parts which have separate lift and pedestrian access. The western part on the corner of the Highway and Broxbourne St is 6 storeys and contains 24 units which will be sold on the private market. The eastern part is 7 storeys and contains 48 units which will be owned and managed by SGCH as "affordable housing", which means they will be rented at least 25% below the market rent level to eligible low and moderate income households.

This functional division of the building reflects SHCH's preference that a maximum of 50 dwellings be provided in any one building due to tenancy management and maintenance logistics. It also reflects BCA path of travel requirements which limit how many units can access a single lobby. The provision of an access to each street frontage also activates and addresses both streets, consistent with Council's DCP.

SGCH is conscious of the need to avoid stigmatisation of affordable housing residents and therefore each entry will be fitted with similar materials, fixtures and finishes and will provide a similar appearance. Externally the development will appear as one single building with no visible distinction between the affordable and market sale units.

The site is within the B6 – Enterprise Corridor zone running along this one kilometre stretch of the Great Western Highway in the eastern part of Holroyd

City. This project will be one of the first sites to be developed in the Enterprise Corridor since its creation in August 2013. It is a key site in the corridor because it is directly adjacent to the Mays Hill Transitway station.

Council's planning strategy seeks to ensure that housing and ground level pedestrian activity are concentrated at the transitway stations. The development achieves this by providing a community facility on the ground floor which will serve the needs of residents of the building and other SGCH tenants in the general area, thereby activating the street during and after business hours.

In both its form and function, this project will therefore realise important aspects of the planning of the Enterprise Corridor and the Mays Hill Transitway Precinct.

This report has been prepared to assist community understanding of the project and Council's assessment of the DA by:

- Describing the site, existing development, neighbouring development and the locality;
- Outlining the proposed development;
- Undertaking a merit-based assessment of the proposal with regard to the matters for consideration under Section 79C of the *Environmental Planning & Assessment Act 1979*, including an evaluation of the compliance of the development against relevant local planning controls, and
- Explaining how potential environmental impacts of the development will be mitigated to an acceptable level.

The development was discussed with senior Council officers at pre-DA meetings on 14 August 2013, 20 November 2013 and 05 March 2014. All issues outlined in the minutes of the meetings (**Attachment 1**) have been addressed in this SEE and the associated DA documentation.

As well as Council being consulted at the pre-DA stage, the local community was consulted in developing the design and preparing the Social Impact Assessment (SIA) that is submitted with the DA.

The SIA notes that there is a high level of need in Holroyd LGA and in Westmead/May Hill for more affordable rental housing, with 2,554 low and moderate income renter households in housing stress (paying more than 30% of their income on rent). In some suburbs of Holroyd, nearly 40% of all low and moderate income residents are in rental housing stress.

This high level of housing stress has serious social repercussions for the Holroyd community, including households having reduced income available for other living expenses such as food, education, health, transport, utility bills and recreation and reduced disposable income to spend in local shops. Where households have to take on additional work to meet expenses, this also reduces their capacity to contribute to the cultural and social life of the community.

The SIA has found that the development will have a substantial positive social impact in providing much-needed affordable accommodation for nearly 100 residents. Not only is this a major benefit to those households, but it also benefits the economic, social and cultural development of the community as a whole.

It is the conclusion of this SEE that the development application warrants approval, subject to appropriate conditions.

## 2. SITE & LOCALITY

### 2.1 The site

The site is known as 148-150 Great Western Hwy, Westmead and is legally described as Lots 30, 31, 32 & 33 in DP 1075167.

As shown in **Figure 1 – Locality Map**, the site is located on the corner of the Great Western Hwy and Broxbourne St, Westmead.

The site is generally rectangular in shape with a frontage of approximately 60m to the Highway and average depth of 37m, with a total area of 2,251m<sup>2</sup>.

A service station previously occupied the site but has been demolished. Following remediation by the former owner (Roads & Maritime Services), the site is now vacant and devoid of structures or significant vegetation. Improvements comprise boundary fencing and a concrete driveway along part of the northern boundary.



**Figure 1: Locality Map** (Base aerial photograph from SIX Maps, 24/09/13)

### 2.2 The locality

The site is located 1.7km north of Merrylands and 1.3km west of Parramatta CBD. The Great Western Highway is a main road connecting Sydney and Parramatta, continuing westward to the Blue Mountains and beyond to the central west region of NSW.

This elevated part of Westmead along the Highway is referred to as Mays Hill. It is mainly developed with single storey brick, weatherboard or fibro cottages typically of 1950s construction, interspersed with larger, modern two storey dwelling houses and dual occupancy buildings, as well as a variety of service businesses along the Highway.

On the footpath directly in front of the site is the Mays Hill Transitway station. The station is on the Liverpool-Parramatta Transitway, a 31km bus-only route (T80) linking the regional centres of Liverpool and Parramatta. The station is serviced by frequent buses to Parramatta from early morning until late at night, as well as route 810X services from Merrylands in the morning and afternoon peak periods. Services in the opposite direction are available from a similar Transitway station on the opposite side of the Highway accessed via a signalised pedestrian crossing outside the site.



Adjoining the site to the north is a modest single storey brick and tile cottage, No1 Broxbourne St. To the north of that at No3 Broxbourne St is a large single storey brick and tile building occupied by "Another World 4 Kids" kindergarten/pre-school.

On the opposite (western) side of Broxbourne St is a brick and tile one and two storey dual occupancy development (Nos2A & 2B Broxbourne St) and north of that is a modern two-storey dwelling house (No4 Broxbourne St).

To the east of the site is a modest, one-storey brick and tile 1950s cottage (No142 Great Western Hwy) and east of that, on the corner of Houison St, is an older single storey weatherboard and iron cottage (No142 Great Western Hwy).

On the opposite (southern) side of the Highway, on the corner of Robilliard St, is a BP service station and convenience store (Nos149-151 Great Western Hwy). West of that is a single storey brick and tile dwelling house of 1980s/1990s construction (No153 Great Western Hwy) and west of that is a used car sales yard (No155 Great Western Hwy).

### 3. PROPOSED DEVELOPMENT

#### 3.1 Proposed building

The proposal is for a mixed use building containing two land uses - residential flat building and community facility.

The western part of the building on the corner of Broxbourne St is six-storey and the eastern part is seven-storey. The western part has lift and stair access separate from the eastern part. This is to facilitate the management by SGCH of the 48 units in the eastern part as affordable housing and the sale of the 24 units in the western part on the open market. The two parts of the development will be in separate stratum lots to facilitate these different management arrangements, although the communal open space and grounds will be available to all residents of the site to facilitate interaction, as recommended by the SIA. Notwithstanding this operational division, the building will externally appear as a single entity with no visible distinction between the 'private sale' and 'affordable rental' units.

Level	One-bed units	Two-bed units (A = Adaptable)	Three-bed units	Total units
GF	4	5 (1A)	1	10
1F	3	8 (2A)	-	11
2F	3	8 (2A)	-	11
3F	3	8 (2A)	-	11
4F	3	8 (2A)	-	11
5F	3	8 (2A)	-	11
6F	2	5	-	7
<b>Total units</b>	21	50 (11A)	1	72

**Table 1:** Unit Mix

Dwelling sizes are within the following ranges (including internal storage but excluding external storage):

- One-bedroom 50 – 56m<sup>2</sup>;
- Two-bedroom 70 – 80m<sup>2</sup>;
- Three-bedroom 95m<sup>2</sup>.

All dwellings have barrier free access from the street and 11 dwellings are adaptable. Pedestrian access is via two stairwells – one facing the Great Western Highway (close to the T-Way stop) and one facing Broxbourne St. A pair of lifts serve the Highway entry and a single lift serves the Broxbourne entry.

A single basement level is proposed containing:

- 38 carparking spaces;
- Storage lockers;
- Bicycle store;
- Bin store;
- Lifts;
- Switch room.

The total gross floor area (GFA) of the building is 5579m<sup>2</sup> and the floor space ratio (FSR) is 2.48:1. The building has a maximum height of 23m.

Materials of construction comprise:

- Concrete slab floors, roof and supporting columns;
- Concrete block internal walls;
- External walls of selected face brick;
- Metal deck roofing;
- Powder coated aluminium framed windows;
- Perforated metal balcony balustrades.

All dwellings have private open space. The ground floor dwellings have ground level front and/or rear courtyards ranging from 11 – 79m<sup>2</sup>. The upper level dwellings have balconies ranging from 10 – 14m<sup>2</sup>.

The side and rear building setbacks will be landscaped with turf, shrubs and trees. The northern portion of the site at the rear of the building will be developed as communal open space for shared use of the residents.

### **3.2 Proposed use**

#### Residential flat building component

The 48 dwellings in the eastern, seven-storey part of the building will be owned and managed by SGCH as affordable rental housing. These will be occupied by low and moderate income households earning up to 120% of the Sydney median income (which was \$75,244 at the 2011 Census). Rents will be capped at 75% of the market rent for that unit (established by professional valuation).

SGCH's management policies for these dwellings have a strong social sustainability dimension with the following aims:

- Providing housing within Holroyd that is affordable for people on low to moderate incomes who are currently experiencing housing stress.
- Assessing and selecting applicants based on fair and equitable eligibility and income criteria.
- Supporting households within the Holroyd LGA to achieve home ownership in the medium term by providing affordable rental housing that will help them to save for a deposit.
- Ensuring a balance between maximising the amount of affordable housing provided on site and ensuring the long term financial sustainability of the project.

Tenants will be required to enter into a standard Residential Tenancy Agreement. Rents will be set so that they are affordable (generally not more than 30% of household income) but sufficient to ensure that the affordable housing program is financially viable. Rent will be no more than 74.9% of the market rent regardless of household income. Income limits will apply to ensure continued tenant eligibility.

The 24 dwellings in the western, six-storey part of the building will be sold on the open market. This will assist SGCH in meeting the substantial cost of acquiring the site and constructing the development, thereby assisting the organisation to maintain financial sustainability so that it can continue to provide more new housing for the growing number of low and moderate income households in housing stress.

#### Community facility component

The community facility will be owned, controlled and managed by SGCH (a non-profit community organisation) for purposes promoting the physical, social, cultural or intellectual development or welfare of the residents of the building and SGCH tenants from the wider community. The activities and programs that will be run from the facility are currently being developed but may include:

- Skill development seminars and workshops on topics such as IT, social media, language, parenting, volunteering and job seeking;
- Meetings of resident social clubs and committees such as hobby groups, book clubs and resident representative committees;
- Social and cultural events;
- Tenancy and facility management.

As residents using the facility will generally be working people, it is expected that some of the activities will be conducted out of business hours. This will provide valuable surveillance and activation of the street at times when a retail or business use would typically be closed.



### 3.3 DA documentation

This SEE references the following documents submitted with the DA:

- Architectural & landscape drawings by HBO+EMTB:

Sheet Number	Sheet Name	Sheet Issue Date	Revision
A100	Title Page	22/09/2014	DA1
A101	Project Information	22/09/2014	DA1
A102	Survey Plan	22/09/2014	DA1
A103	Site Analysis Plan	22/09/2014	DA1
A104	Basement Carpark	22/09/2014	DA1
A105	Ground Floor Plan	22/09/2014	DA1
A106	Level 01	22/09/2014	DA1
A107	Level 02	22/09/2014	DA1
A108	Level 03	22/09/2014	DA1
A109	Level 04	22/09/2014	DA1
A110	Level 05	22/09/2014	DA1
A111	Level 06	22/09/2014	DA1
A112	Roof Plan	22/09/2014	DA1
A113	North Elevation	22/09/2014	DA1
A114	South Elevation	22/09/2014	DA1
A115	East Elevation	22/09/2014	DA1
A116	West Elevation	22/09/2014	DA1
A117	Section A	22/09/2014	DA1
A118	Section B & C	22/09/2014	DA1
A124	Streetscape Elevation	22/09/2014	DA1
A125	Sun Shadow Diagram 9am	22/09/2014	DA1
A126	Sun Shadow Diagram 12 noon	22/09/2014	DA1
A127	Sun Shadow Diagram 4pm	22/09/2014	DA1
A129	Materials and Finishes Board	22/09/2014	DA1
A130	Photo Analysis Plan	22/09/2014	DA1
A131	Photo Analysis A	22/09/2014	DA1
A132	Photo Analysis B	22/09/2014	DA1
A133	Typical Post Adaptable Unit Plan- Units 27,33,40,47,54,61	22/09/2014	DA1
A134	Typical Pre Adaptable Unit Plan- Units 27,33,40,47,54,61	22/09/2014	DA1
A135	Typical Post Adaptable Unit 02- Units 31,38,45,52,59	22/09/2014	DA1
A136	Typical Pre Adaptable Unit 02- Units 31,38,45,52,59	22/09/2014	DA1
A137	Notification Plan- Plans	22/09/2014	DA1
A138	Notification Plan- Elevations	22/09/2014	DA1
A139	Proposed Waste Management Plan	22/09/2014	DA1
A140	Photo Montage 01	22/09/2014	DA1
A141	Photo Montage 02	22/09/2014	DA1
A142	Photo Montage 03	22/09/2014	DA1
LS 01	Landscape Proposal- Plan	22/09/2014	DA1
LS 02	Landscape Proposal- Indicative Plant Schedule	22/09/2014	DA1
LS 03	Landscape Proposal- Diagrammatic Landscape Details	22/09/2014	DA1
LS 04	Landscape Proposal- Specification	22/09/2014	DA1
LS 05	Landscape Proposal-Diagrammatic Structural Detail	22/09/2014	DA1

- SEPP65 Architectural Design Verification Statement by HBO+EMTB;
- Acoustic Report by EMF Griffiths Consulting Engineers;
- Access Overview by BCA Logic Pty Ltd;
- BASIX Certificate No 567542M by HBO+EMTB;
- Geotechnical Investigation by Coffey Geotechnics Pty Ltd;
- Preliminary Waste Classification by Coffey Environments Pty Ltd;
- Salinity Assessment & Management Response by Coffey Geotechnics Pty Ltd;
- Social Impact Assessment by GHD;
- Stormwater Management Report by Enstruct Group Pty Ltd;
- Traffic Assessment prepared by TTM;
- Waste Management Plan.

## 4. ENVIRONMENTAL ASSESSMENT

The proposed development is assessed below under relevant matters for consideration under Section 79C of the *Environmental Planning & Assessment Act 1979* ('the Act').

### 4.1 Provisions of environmental planning instruments s79C(1)(a)(i) & (ii)

#### 4.1.1 Holroyd Local Environmental Plan 2013 (HLEP2013)

HLEP2013 is the principal environmental planning instrument applying to the site.

The proposal is for a 6/7 storey building with a community facility and residential units on the ground floor and 5/6 levels of residential units above.

It is a "mixed use development", defined under HLEP2013 as follows:

*mixed use development* means a building or place comprising 2 or more different land uses.

"Mixed use development" is not a land use in itself but is a generic term to describe the situation where a development contains more than one land use.

The land uses which make up this mixed use development are "residential flat building" and "community facility".

"Residential flat building" is defined in HLEP2013 as follows:

*residential flat building* means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

"Community facility" is defined in HLEP2013 as follows:

*community facility* means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
  - (b) used for the physical, social, cultural or intellectual development or welfare of the community,
- but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

As shown in **Figure 2 – Zoning Map**, the site is zoned B6 – Enterprise Corridor under HLEP2013. Residential flat buildings and community facilities are both identified as permissible with consent in the B6 zone.



**Figure 2:** HLEP2013 Zoning Map extract (LZN\_008)

Clause 2.3(2) of HLEP2013 (Zone objectives and Land Use Table) states:

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

HLEP2013 identifies the following objectives for the B6 Enterprise Corridor 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.

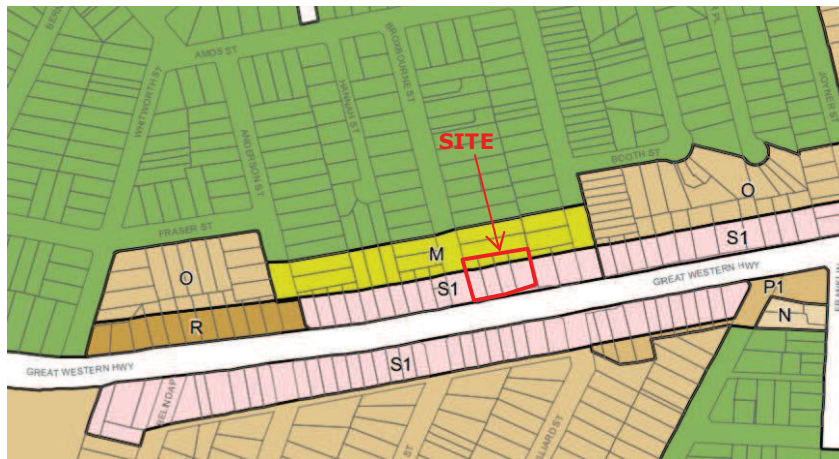
The development is consistent with these objectives in that it:

- contains a mix of compatible uses;
- provides for an employment use on the site;
- does not propose retail activity;
- provides residential use as part of a mixed use development.

### Building Height

Under Clause 4.3 of HLEP2013, the height of buildings map (**Figure 3**) specifies a maximum building height of 23m for the front part of the site and 12.5m for a strip at the rear.

The proposed building is confined to the front part of the site. It has a maximum height of 23m which complies with the 23m standard.



**Figure 3:** HLEP2013 Building Height Map extract (HOB\_008)  
Key: S1 = 23m; M = 12.5m

Floor space ratio (FSR)

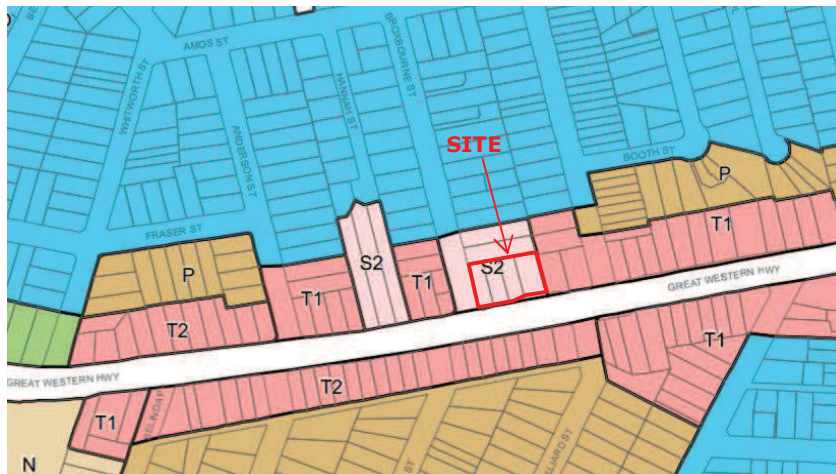
Under Clause 4.4 of HLEP2013, the floor space ratio map (**Figure 4**) specifies a maximum FSR of 1.8:1 for the site.

The proposed building has a FSR of 2.48:1 which exceeds the 1.8:1 standard. However, Clause 13 of the Affordable Rental Housing SEPP (discussed below) provides a FSR bonus of 0.5:1 for infill affordable housing developments of this type. By virtue of Clause 8 of ARHSEPP, this provision overrides the maximum FSR prescribed under HLEP2013 and permits a FSR of up to 2.3:1.

Clause 4.6 of HLEP2013 enables approval of a development notwithstanding that it does not comply with a development standard of HLEP2013 or any other environmental planning instrument.

In addition to the 0.5:1 FSR bonus available under ARHSEPP, the development proposes a 10% variation of the 1.8:1 FSR development standard of HLEP2013 to permit an additional 0.18:1 FSR (405m<sup>2</sup> of additional gross floor area).





**Figure 4:** HLEP2013 FSR Map extract (FSR\_008)  
Key: S2 = 1.8:1; T1 = 2.0:1; T2 = 2.2:1

It is requested that this variation be supported on the grounds that compliance with the 1.8:1 FSR standard is unreasonable and unnecessary and is justified on environmental planning grounds because:

- The development proposes a building envelope that complies with the height standard of HLEP2013 and the setback controls of Holroyd DCP 2013. The bulk and scale of the building is therefore consistent with that envisaged by the detailed planning controls applying to the site;
- The building has been carefully designed to moderate its bulk and scale by a highly articulated and stepped built form which uses a variety of building materials and finishes, thereby avoiding any perception of a large, monolithic structure;
- The sites adjoining to the east and west and on the opposite side of the Highway have higher FSRs of 2.0:1 and 2.2:1. The lower FSR applying to the site appears to be an anomaly of the Urban Design Study that informed Council's LEP controls. The bulk and scale of the development will therefore not appear out of context with that of other developments in proximity to the site. The FSR of the proposal is below the FSRs of 2.5:1 and 2.7:1 that would be obtained by applying the 0.5 FSR bonus to these neighbouring sites.
- The additional floorspace is accommodated within the height and setback standards of the LEP and DCP and does not have any additional impacts in terms of overshadowing or overlooking. Shadows fall largely over the Highway and do not impact on neighbouring properties. The development is on the required nil setback from the Highway, therefore the development is no closer to properties on the opposite side of the Highway and no additional overlooking occurs. In any event, the width of the Highway (greater than 25m) provides adequate building separation for privacy.
- Similarly, the traffic impact of the additional floorspace is negligible due to the lower vehicle generation rate of affordable housing. The site's location adjacent to a bus stop with high frequency services less than 5 minutes travel time to Parramatta Interchange will further minimise car usage.
- One of the reasons that it has been possible to accommodate additional FSR without exceeding the height or setback controls is that the first floor of the development proposes a floor-to-ceiling height that is lower than that required by the DCP, thereby enabling an additional level to be included.

Clause 1.3 of Part C of the DCP requires a ceiling height of 3.5m for the ground floor, 3.3m for the first floor and 2.7m for residential floors above. The proposed ceiling height of the ground floor is 3.5m but the first floor ceiling height is 2.7m, the same as the residential floors above. The DCP requires a higher ceiling height on the first floor to enable its future adaptation as office premises. However "office premises" are a type of "commercial premises" which are prohibited in the B6 zone. This defeats

the objective of requiring a higher ceiling height for the first floor, thus enabling this space to be used for residential purposes.

- While the proposed variation is numerically minor (0.18:1) it is of major significance to the financial viability of providing this amount of affordable housing on this site.

66% of the floorspace of this development (48 dwellings with a total GFA of 3,662m<sup>2</sup>) will be retained by SGCH and managed as affordable housing. The ARHSEPP only requires 50% of the floorspace (2,786m<sup>2</sup> – say 36 units) to be for affordable housing. The development therefore proposes 12 more affordable housing dwellings than the ARHSEPP requires.

The provision of a greater number of affordable units represents a significant social benefit to the community in view of the high need for additional affordable rental housing in Holroyd. But it imposes a heavy financial burden on SGCH in that those units will not be sold and SGCH must subsidise at least 25% of the market rent of the affordable units.

Based on professional valuation of market rents, the 25% subsidy borne by SGCH will be at least \$248,000 per year. To sustain this level of subsidy, it is crucial that the capital cost of the project be absolutely minimised. The design of the development has rigorously sought to minimise construction cost through such measures as efficient layouts to minimise unit sizes, providing a single level of basement and selection of high quality but durable and readily available materials and finishes. Another way to achieve savings is to increase construction efficiency by maximising the dwelling yield, hence the request to increase FSR.

It is valid to weigh the social impact of the proposed additional FSR against any physical impacts that the additional floorspace may have. The findings below by Senior Commissioner Moore in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082 (a mixed seniors housing/affordable housing project) confirm that positive social benefits can offset negative physical impacts when weighing up the overall impact of a development:

101 Neither of these public benefit based variations occasions any significant additional adverse impact on any property to the south. To the extent that there may be some small additional overshadowing impact at the winter solstice, I am of the view that this is only likely to last for modest period on either side of the solstice and is an acceptable burden on those who might wear it when balanced against the public interest of the additional level of the proposed Ocean Street building (particularly in light of the discussion later in this decision about the “tipping point” for viability of the project and how viability might be retained – despite the modifications that will otherwise be required to be made to the overall project).

102 Indeed, the positive social benefits of a proposal such as this are, in my opinion, appropriate to be taken into account – as doing so it is entirely consistent with the decision of the High Court in *Kentucky Fried Chicken Pty Limited v Gantidis* [1979] HCA 20; (1979) 140 CLR 675. Although this case is most frequently prayed in aid where there are said to be adverse social impacts of a proposed development, it seems to me that a positive social benefit being taken into account is merely the flipside of the High Court's decision on the legitimacy of social impacts being proper planning considerations.

- Applying this principle, it is shown later in this SEE that the proposed additional floorspace does not have any significant physical impacts but does have substantial positive social impact and therefore is considered on balance to have merit in environmental planning grounds.

In considering a variation of a development standard, consideration must also be given to the objectives of the FSR control which are:

- (a) to support the viability of commercial centres and provide opportunities for economic development within those centres,
- (b) to facilitate the development of a variety of housing types,
- (c) to ensure that development is compatible with the existing and desired future built form and character of the locality,
- (d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping.

The proposed development is consistent with these objectives in that it:

- does not impact on the viability of commercial centres or opportunities for economic development within those centres. To the contrary, the provision

of more housing on this site will increase the viability of centres by expanding the local customer base;

- contributes to the variety of housing types by providing additional affordable rental housing which is a type of housing in serious undersupply in the area;
- complies with the built form controls for the site and therefore will be compatible with the desired built form and character of the locality;
- provides a high level of amenity through adequate provision for vehicle and pedestrian access, private open space and landscaping.

It was shown previously that the development is also consistent with the objectives of the B6 Enterprise Corridor zone. The development is therefore considered to be in the public interest, being consistent with the objectives of the FSR standard and the objectives of the B6 zone.

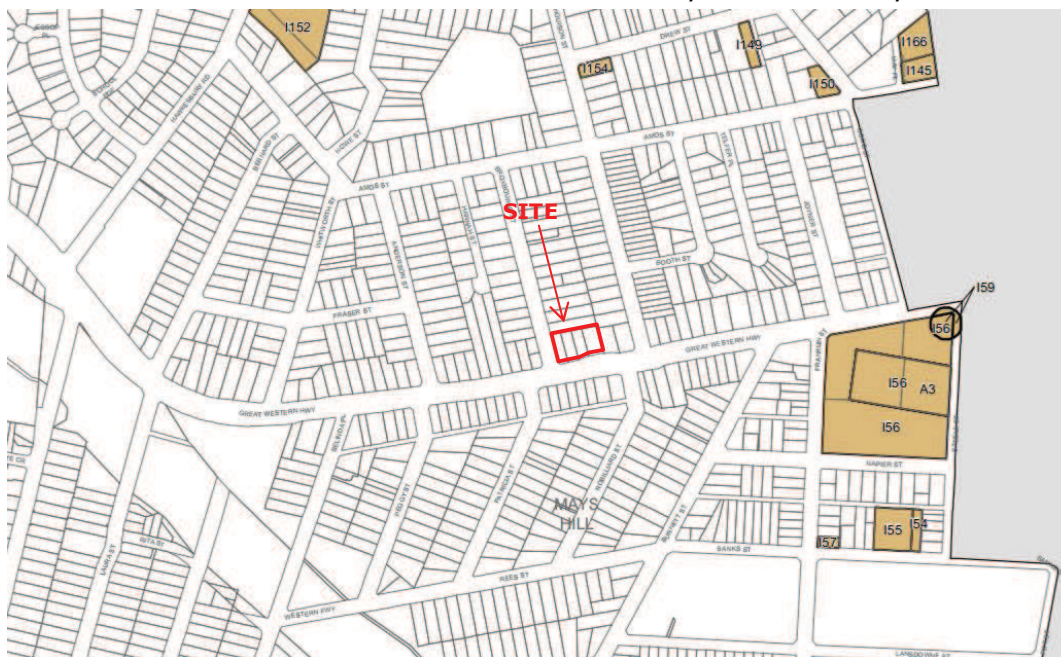
The proposed contravention of the development standard does not raise any adverse matter of significance for State or regional environmental planning. It is consistent with objective C4.1 of the Draft Subregional Strategy for West Central Sydney to improve the affordability of housing and will contribute towards meeting the housing supply targets of the Metropolitan Strategy.

There is a general public benefit in maintaining development standards, however this is outweighed in this case by the significant public benefit accruing from the provision of additional affordable rental housing in such a favourable location.

It is therefore considered that the proposed variation of the 1.8:1 FSR standard of HLEP2014 is well founded and warrants support.

## Heritage Conservation

Clause 5.10 of HLEP2013 provides for the identification of heritage items and heritage conservation areas. As shown in **Figure 5**, the site is not a heritage item and is not within a heritage conservation area. The nearest heritage item is item I56 (Mays Hill Reserve, Fort Macquarie cannon and Mays Hill Cemetery) which is over 300m to the east of the site and therefore beyond the vicinity of the site.



**Figure 5:** HLEP2013 Heritage Map extract (HER 008)

## Utility Services

Clause 6.3 requires that the consent authority be satisfied that utility services (water, electricity, sewerage, stormwater drainage and road access) are available or that adequate arrangements have been made to make them available when required.



The site is within a long-established urban area in which reticulated utility services are generally available. It is standard practice to impose conditions of consent requiring arrangements to be made for connection and (if required) augmentation of those services in accordance with the requirements of the relevant utility authority. The applicant expects and supports such conditions being imposed.

### Stormwater Management

Clause 6.7 requires that the consent authority be satisfied that the development:

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
- (c) avoids any adverse impacts of stormwater runoff on adjoining properties, native vegetation and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

The proposed development meets these requirements by:

- minimising impermeable surfaces and providing soft landscaping to areas not required for pedestrian or vehicle access;
- including rainwater tanks to collect roofwater for garden irrigation;
- including an engineered stormwater management system which provides for on-site detention and gravity drainage of stormwater to Council's stormwater drainage system in accordance with Council's design specifications.

### Environmental constraints

Part 6 of HLEP2013 imposes specific requirements for land affected by:

- acid sulphate soils (Clause 6.1);
- flood planning (Clause 6.4);
- terrestrial biodiversity (Clause 6.5);
- riparian land and watercourses (Clause 6.6);
- salinity (Clause 6.8).

The site is not subject to any of these affectations.

No other provisions of HLEP2013 relevant to this development have been identified. It is concluded that the development complies with relevant provisions of HLEP2013 other than the proposed FSR of 2.48:1. However, the proposed FSR is considered to be appropriate having regard to the bonus 0.5:1 FSR permitted under the Affordable Rental Housing SEPP and the proposed 10% variation of the 1.8:1 FSR which has been justified under Clause 4.6 of HLEP2013.

#### *4.1.2 State Environmental Planning Policy (Affordable Rental Housing) 2009*

The Affordable Rental Housing SEPP (ARHSEPP) was gazetted on 30 July 2009 and amended on 20 May 2011. It facilitates a range of affordable housing types.

Division 1 of Part 2 of ARHSEPP facilitates infill affordable housing. It applies to dual occupancies, multi-dwelling housing or residential flat buildings where:

- the zoning already permits that form of development, and
- the site is within an accessible area (800m walking distance of a rail station or Sydney ferries wharf, 400m of light rail or 400m of a bus stop served hourly in the period 6am-9pm Monday-Friday and 8am-6pm weekends).

The site is zoned B6 Enterprise Corridor under HLEP2013. As discussed above, the residential component of the proposed development is a "residential flat building" which is permissible in the zone with development consent.

The site is within 400m of the Mays Hill T-Way station (in fact adjacent to it) which

has bus services meeting the “accessible area” criteria in the SEPP. It follows that this proposal is development to which Division 1 of Part 2 of ARHSEPP applies.

Clause 13 of ARHSEPP confers a floor space ratio bonus for infill affordable housing development. The FSR bonus varies according to the proportion of floorspace provided as affordable dwellings, ranging from a minimum of 0.2:1.0 for 20% of floorspace provided as affordable housing up to a maximum of 0.5:1.0 for 50% affordable floorspace.

The proposed development includes 66% of floorspace to be used as affordable housing. The development therefore qualifies for the maximum FSR bonus of 0.5:1 above the existing maximum FSR (and in fact provides substantially more affordable floorspace than this provision requires).

The ‘existing maximum FSR’ under HLEP2013 is 1.8:1. The 0.5:1 FSR bonus under Clause 13 of ARHSEPP would allow a total maximum FSR of 2.3:1 for this development. The proposed development has a FSR of 2.48:1 which exceeds this standard. However the 0.18:1 excess floorspace arises from a proposed 10% variation of the 1.8:1 FSR permitted under HLEP2013 and not from any non-compliance with the FSR permitted under ARHSEPP.

Clause 14 of ARHSEPP sets out various development standards which, if achieved by an affordable housing infill development, cannot be grounds for refusal. These relate to site area, landscaped area, deep soil zones, solar access, parking and dwelling size. **Table 2** provides an assessment of the development against these standards.

SGCH is a registered community housing provider and therefore is a ‘social housing provider’ within the meaning of Clause 4(1) of ARHSEPP. The standards of Clause 14 specified for social housing providers therefore apply to this development and are addressed in **Table 2**.

ARHSEPP clause	Requirement	Proposed	Complies?
FSR Clause 13	0.5:1.0 above local control (1.8:1 + 0.5:1 = 2.3:1)	2.48:1	Yes (exceedance arises from variation of the LEP FSR standard which is justified separately under Clause 4.6 LEP)
Site area Clause 14(1)(b)	450m <sup>2</sup>	2,251m <sup>2</sup>	Yes
Landscaped area Clause 14(1)(c)	35m <sup>2</sup> /unit 2,520m <sup>2</sup> required for 72 units	9.2m <sup>2</sup> /unit (total 663m <sup>2</sup> )	No – see discussion below
Deep soil zone Clause 14(1)(d)	15% of site 338m <sup>2</sup> required	18.7% of site 422m <sup>2</sup> provided	Yes
Solar access Clause 14(1)(e)	70% of living rooms and private open space to receive at least 3hrs winter sun	69.4% of units receive 3hrs winter sun. This represents effective achievement of the standard.	Yes
Parking Clause 14(2)(a)	1BR: 0.4 spaces 2BR: 0.5 spaces 3BR: 1.0 spaces Vis: Nil Total required for residential component: 35 spaces	38 spaces provided	Yes
Dwelling size Clause 14(2)(b)	1BR: 50m <sup>2</sup> 2BR: 70m <sup>2</sup> 3BR: 95m <sup>2</sup>	1BR: 50-56m <sup>2</sup> 2BR: 70-80m <sup>2</sup> 3BR: 95m <sup>2</sup>	Yes

**Table 2: Compliance with ARHSEPP standards**

Table 2 shows that the development satisfies the non-refusable standards of Clause 14 other than the landscaped area requirement. The definition of landscaped area adopted by ARHSEPP is the same as that adopted by HLEP2013 and HDCP2013:

***Landscape area*** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

The development has an area of 663m<sup>2</sup> complying with this definition which is an average of 9.2m<sup>2</sup> per dwelling.

Clause 14(3) of ARHSEPP provides discretion to approve developments which do not achieve the numerical thresholds of Clause 14.

It is considered appropriate that such discretion be exercised in this case to approve the proposed landscaped area in view of the following factors:

- the development complies with Council's standards for open space for mixed use developments in the B6 zone. These consist of 25% of site to be communal open space and each dwelling to have at least 10m<sup>2</sup> of private open space. The development provides 29% of the site as communal open space, the majority of which is in a large consolidated area at the rear of the site where it is acoustically screened by the building from Highway traffic noise and will have favourable northern orientation. The amount of private open space exceeds the 10m<sup>2</sup> minimum required per dwelling. The ground floor dwellings have ground level front and/or rear courtyards ranging from 11 – 79m<sup>2</sup>, while the upper level dwellings have balconies ranging from 10 – 14m<sup>2</sup>.

- The development complies with the SEPP65 Residential Flat Code 'rule of thumb' recommendation for 25-30% of site area to be communal open space.

The 10 ground level units have private open space ranging from 11m<sup>2</sup> – 79m<sup>2</sup> and averaging 36.8m<sup>2</sup> which meets the rule of thumb recommendation of 25m<sup>2</sup> per unit. The ground level private open space has been appropriately distributed so that each of the two-bedroom and three-bedroom units have at least 25m<sup>2</sup> and only the one-bedroom units have less than this amount.

Each of the upper floor units have balconies which meet the rule of thumb recommended depth of 2.0 - 2.4m.

- The development complies with the non-refusable ARHSEPP requirement for 15% deep soil area (18.7% provided);
- Being 29% of the site area, the landscaped area provided (663m<sup>2</sup>) is only marginally less than the 30% of site area (675m<sup>2</sup>) required under Clause 14(1)(c)(ii) of ARHSEPP for affordable housing provided by a private developer.

The 35m<sup>2</sup> per dwelling landscaped area standard for multi storey residential flat buildings by social housing providers is a recognised anomaly of ARHSEPP. In its original form as gazetted in July 2009, ARHSEPP provided for two types of infill: low-rise and residential flats buildings. Different development standards applied to these two distinct forms of infill, as summarised in **Attachment 2** (extract from the Department of Planning's Technical Paper which was exhibited in December 2010 during a review of the original ARHSEPP).

Low rise infill was permitted in low density zones subject to a maximum height of 8.5m (two storeys). Clause 14(1) – which was then headed "Low Rise Development" – specified non-refusable development standards for this low rise infill. These standards were largely copied from standards for a similar form of low rise infill that is also permitted by the Seniors Housing SEPP, and included the requirement for 35m<sup>2</sup> landscaped area per dwelling (which is still found in Clause 50(c) of the Seniors Housing SEPP). This standard was achievable for low rise development (which predominantly took the form of multi dwelling housing) but is clearly inappropriate for multi storey residential flat buildings and therefore was not applied to them.

ARHSEPP was amended on 20 May 2011 by removing the low-rise infill

provisions. However, the standards of Clause 14 (which were designed to apply to only low-rise) were then inadvertently applied to all forms of infill, including multi-storey residential flat buildings. **Attachment 1** demonstrates that local council landscaped area standards were intended to apply to infill residential flat buildings. The proposed development complies with Council's controls and therefore meets this logical policy intention.

- If this development was not to be occupied as affordable housing, it would be assessed by Council as making adequate provision for landscaped area. But there is nothing intrinsic in the use of dwellings as affordable housing which would require more landscaped area to be provided. To the contrary, affordable housing developments typically contain a greater proportion of one-bedroom units in response to high demand from single person households. These smaller households require less landscaped area than the larger households occupying two-bedroom and three-bedroom units, which suggests that the landscaped area requirement for affordable housing would logically be lower than private market housing.

In view of this difference in average household sizes, the different landscaped area requirements in Clause 14(1)(c) for affordable housing provided by social housing providers and by private developers was intended to require less landscaped area for social housing providers. It does have this effect for low-rise multi dwelling housing but perversely, has the opposite effect when applied to multi storey residential flat buildings.

Variation of the landscaped area standard is therefore considered to be well justified and can be approved utilising the discretion available under Clause 14(3) of ARHSEPP and without the need to engage Clause 4.6 of HLEP2013.

Clause 16 provides that ARHSEPP does not affect the continued application of SEPP 65 – Design Quality of Residential Flat Development. The proposed development is a residential flat building of over three storeys and is therefore subject to SEPP65. Compliance with SEPP65 is addressed in the following section of this SEE.

Clause 16A of ARHSEPP requires the consent authority to consider whether the design of the development is compatible with the character of the local area. The following observations are made in light of the ARHSEPP case law.

The "local area" is principally the visual catchment in which the development will be viewed.<sup>1</sup> The wider area is also relevant but less weight should be given to development in other zones or isolated, one-off uses.<sup>2</sup>

Consistent with this approach, the local area for the purposes of this development is considered to comprise the Mays Hill Transitway precinct identified in Part N of Holroyd DCP 2013.

This will be one of the first development applications considered in the precinct under the B6 – Enterprise Corridor zoning which was introduced when Holroyd LEP 2013 came into force on 5 August 2013. Prior to then, the site was zoned Residential 2(a) under Holroyd LEP 1991. Development on neighbouring sites and elsewhere in the Precinct consists primarily of detached dwelling houses and some dual occupancy developments which reflects this previous low density residential zoning.

HLEP2013 seeks to promote a radically different style of development in this locality, with multi-storey mixed use and commercial developments to replace the traditional cottages along the Highway and adjoining sites. In this circumstance, it is counterproductive to evaluate the compatibility of the development with the character of the existing development. Instead, the evaluation should have regard to the future character planned for the Precinct. This is consistent with the approach set out in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191, the Land & Environment Court's planning principle on compatibility of a proposal

<sup>1</sup> *Peninsula Developments Australia Pty Ltd v Pittwater Council* [2011] NSWLEC 1244

<sup>2</sup> *Northcote Trust v Hornsby Shire Council* [2012] NSWLEC 1327

with surrounding development. This planning principle has been applied in all LEC cases dealing with Clause 16A of ARHSEPP. It includes (emphasis added):

23 It should be noted that compatibility between proposed and existing is not always desirable. There are situations where extreme differences in scale and appearance produce great urban design involving landmark buildings. There are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. Finally, there are urban environments that are so unattractive that it is best not to reproduce them.

The future character of the Mays Hill Precinct is governed by the planning controls of HLEP2013 and Holroyd Development Control Plan 2013 (HDCP2013) - particularly Part N - Transitway Station Precinct Controls.

It was noted above that the proposed development complies with the controls of HLEP2013 other than FSR. However, as the development nonetheless complies with the maximum building height permitted under HLEP2013, the non-compliance with the FSR is not an issue that will affect its compatibility with other development in the Precinct – particularly as the properties on each side of the site have a FSR of 2.0:1 and those on the opposite side of the Highway have a FSR of 2.2:1.

Part N - Transitway Station Precinct Controls of HDCP2013 provides the following description of the desired future character of the Precinct:

***Desired Future Character Statement***

*The desired future character for Mays Hill is an active, urban area which makes full use of its proximity to public transport and services, as well the Parramatta Central Business District.*

*A mix of uses and good pedestrian access will encourage a fuller utilisation of the interface along the Great Western Highway. Taller buildings along the highway will include retail and commercial uses at the ground level, near the Transitway station, to promote an active and safe public domain. Residential development above will offer convenient access to the Transitway station and precinct. A new laneway between Burnett Street and Robilliard Street will improve permeability, and allow for rear lane access.*

*Away from the highway, a transition between higher and lower density dwellings will occur. The surrounding streets will be more domestic in scale that easily accesses the shops and services of Mays Hill and the extensive open space. The opportunity for social interaction, provided by buildings directly addressing streets, will promote a sense of community.*

*Existing character, where desirable, will be kept, but a greater range of housing choice will be provided through the construction of medium density dwellings. Well designed buildings will contribute to the public domain. Site consolidation will allow more usable open space to be incorporated into new developments.*

A detailed assessment of the development's consistency with this desired future character is provided in the following section of this SEE, and concludes that the development achieves the desired character. The design of the development is therefore considered to be compatible with the character of the local area in satisfaction of Clause 16A of ARHSEPP.

Clause 17 of ARHSEPP requires that the development must be used as affordable housing for 10 years and managed in that period by a registered community housing provider.

St George Community Housing Ltd (SGCH) is registered with the NSW Registrar of Community Housing as a Class 1 community housing provider, registration number R0373090625. SGCH will own and manage more than 50% of the dwellings as affordable housing for at least 10 years. The requirements of Clause 17 will therefore be met and can be enforced through appropriate conditions of consent, including the imposition of a restriction on title requiring not less than 50% (36) of the units to be managed as affordable housing for 10 years.

No other provisions of ARHSEPP of relevance to the proposed development have been identified. It is concluded that the proposal satisfies the objectives and



numerical provisions of ARHSEPP, subject to Council exercising the discretion available under Clause 14(3) to permit a landscaped area of less than the non-refusable threshold of 35m<sup>2</sup> per dwelling.

#### 4.1.3 SEPP 65 – Design Quality of Residential Flat Development

The proposed development is a residential flat building of over three storeys and is therefore subject to SEPP65.

An Architectural Design Verification Statement and Residential Flat Code Compliance Table has been prepared by HBO+EMTB. These address each of the design principles of SEPP65 and the objectives and controls of the Residential Flat Design Code and demonstrate that the design meets these requirements.

The development therefore satisfies the requirements of SEPP65 and the associated clause 50(1A) and clause 143A of the Environmental Planning & Assessment Regulation 2000.

#### 4.1.4 State Environmental Planning Policy (Infrastructure) 2007

The site has frontage to the Great Western Highway which is a classified road. Clause 101(2) of the Infrastructure SEPP requires that:

- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:
  - (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
  - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
    - (i) the design of the vehicular access to the land, or
    - (ii) the emission of smoke or dust from the development, or
    - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
  - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

In regard to these requirements, it is noted that :

- the development has vehicular access from Broxbourne St which is not a classified road;
- the vehicular access to the development meets Council's design requirements and will not adversely affect the safety, efficiency and ongoing operation of the Highway, as confirmed by the *Traffic Assessment* prepared by TTM ;
- the development does not involve the emission of smoke or dust;
- the nature, volume and frequency of vehicles using the classified road to gain access to the land will not adversely affect the safety, efficiency and ongoing operation of the Highway, as confirmed by the Traffic Assessment prepared by TTM , and
- measures to adequately ameliorate the impact of traffic noise on residents have been identified in the acoustic report prepared by EMF Griffiths – Acoustic Consultants. These measures can be required by conditions of consent.

The development therefore satisfies each of the requirements of clause 101(2).

Clause 102 of the Infrastructure SEPP applies to development for residential purposes (and various other uses) on land in or adjacent to a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles.

The site is adjacent to the Great Western Highway which in this location is a



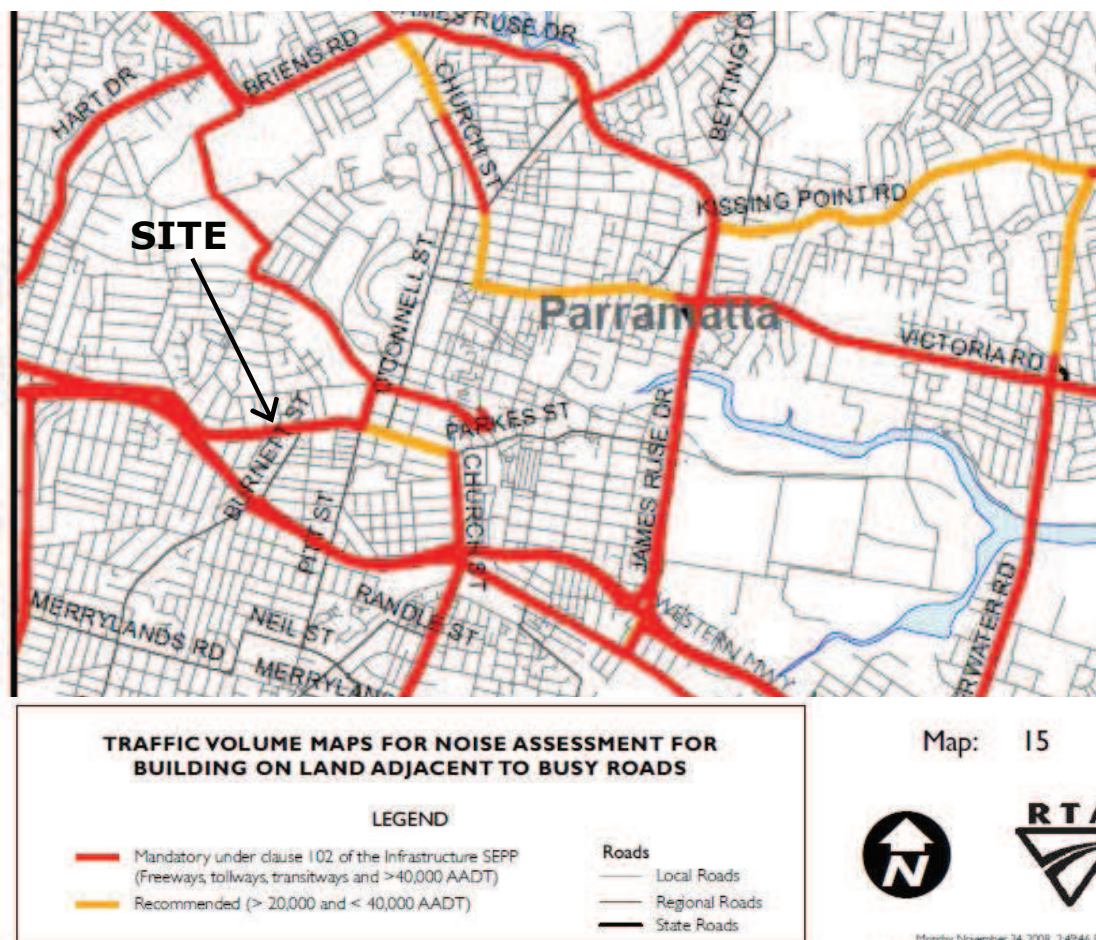
transitway. The Traffic Volume Map on the RMS website (extract at **Figure 6**) shows that this section of the Highway also has an annual average daily traffic volume exceeding 40,000 vehicles and therefore is subject to Clause 102.

Clause 102(2) requires that the consent authority take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette. The relevant guidelines are "Development near Rail Corridors and Busy Roads – Interim Guideline" published by the NSW Department of Planning, December 2008.

Clause 102(2) requires that for residential developments, appropriate measures must be taken to ensure that the following LAeq levels are not exceeded:

- (a) in a bedroom —35 dB(A) between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The acoustic report submitted with the DA describes the measures that are proposed to ameliorate traffic noise. The report confirms that the LAeq levels specified in clause 102(2) will be achieved if these measures are incorporated into the construction of the project. This can be required by conditions of consent. The development will therefore satisfy the requirements of clause 102.



**Figure 6:** Traffic Volume Map extract (Map 15)

Clause 103 of the Infrastructure SEPP applies to development that involves the penetration of ground to a depth of at least 3m on land that is the road corridor of certain nominated roads. These include the Liverpool to Parramatta Transitway which is adjacent to the site. The development does not involve any ground penetration within the road corridor and therefore is not subject to this clause.

Clause 104 applies to certain developments fronting classified roads which have capacity to generate significant volumes of traffic. The developments concerned are identified in Schedule 2 of the Infrastructure SEPP and include:

- Apartment or residential flat building with 75 or more units;
- Commercial premises of 2,500m<sup>2</sup> or more;
- Parking for 50 or more motor vehicles.

The proposed development contains 72 residential units, a 59m<sup>2</sup> community facility and basement parking for 38 vehicles. It is therefore not development to which Clause 104 applies.

No other provisions of the Infrastructure SEPP relevant to this development have been identified. It is concluded that the development satisfies the requirements of the Infrastructure SEPP.

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

The BASIX SEPP gives effect to the BASIX provisions of the *Environmental Planning & Assessment Regulation 2000* (the Regulations). Under these provisions, the proposal is a *BASIX affected development* and therefore must be accompanied by a BASIX certificate confirming its attainment of energy and water efficiency targets, and setting out commitments regarding the measures to be included to ensure it meets those targets.

BASIX Certificate No 567542M has been issued for the development by HBO+EMTB. Compliance with the commitments of the certificate can be required through the prescribed condition of consent which is a mandatory requirement of the EP&A Act.

The minutes of the initial pre-DA meeting on 14/08/13 (**Attachment 1**) state that:

It is recommended that the applicant explore further sustainable design options involving new concepts of green roof and green walls, maximum retention of stormwater for outdoor uses, recycling of grey water etc.

HBO+EMTB advise that the architectural, landscape and engineering design documents for this Project have been prepared in conjunction with a Green Star Accredited Professional since the inception of the Project with the intention that the development be able to achieve a 4 Green Star rating. A preliminary evaluation under the Green Star – Multi Unit Residential v1 Rating Tool Scorecard produced by the Green Building Council of Australia indicates that the development will be able to achieve this rating.

Another significant energy efficiency feature of the development is its proximity to the Mays Hills Transitway station and Parramatta CBD and transport interchange (less than a 5 minute journey on the T-Way). This will provide residents with the option to use energy-efficient, high frequency public transport for commuting and other trips rather than private vehicles which have much higher energy use and greenhouse gas impacts.

#### *4.1.5 State Environmental Planning Policy (State & Regional Development) 2011*

The State & Regional Development SEPP identifies development that is State significant development and confers functions on joint regional planning panels to determine certain development applications.

The types of development which require determination by joint regional panels are noted in Schedule 4A of the Act and include development for affordable housing that has a capital investment value of more than \$5 million.

As noted in the Cost Calculation Form of the DA, the proposed affordable housing development has an estimated capital investment value of \$13,983,220. As the CIV exceeds \$5 million, the development application will require assessment by Holroyd Council and determination by the Sydney West Joint Regional Panel.

## 5.2 Provisions of development control plans – s79C(1)(a)(iii)

### 5.2.1 Holroyd Development Control Plan 2013 (HDCP2013)

The Holroyd Development Control Plan 2013 (HDCP 2013, or 'the DCP') was adopted by Council on 16/07/13 and came into effect on 05/08/13.

The DCP is in 18 parts, each containing objectives and development controls for various development types and localities within Holroyd City.

Parts of the DCP relevant to this proposed mixed use development are:

- Cover & Introduction
- Part A - General Controls
- Part B - Residential Controls
- Part C - Commercial, Shop Top Housing and Mixed Use Development Controls
- Part N - Transitway Station Precinct Controls

The compliance of the development with relevant objectives and controls of these parts of the DCP is assessed in the table at **Attachment 3**. The more specific controls of Part N prevail over other Parts, while Part C generally prevails in this case over Part B. To avoid repeated cross references to later prevailing controls, the table therefore addresses the requirements of the DCP in reverse order (Part N to Part A).

The table at **Attachment 3** demonstrates that the development complies with all relevant requirements of the DCP other than:

- A3.1 - Number of carparking spaces;
- B6.3 - Basement side & rear setbacks;
- C1.3/N1.3 – Building height in storeys;
- C3.9 – Apartment layout (kitchen depth);
- C3.10 - Apartment flexibility and mix;
- C3.15 – Cross ventilation;
- N1.1 – Site consolidation.

The proposed departures from these controls are generally minor and considered to be well justified for reasons outlined in the table.

## 5.3 Likely impacts of the development – s79C(1)(b)

The foregoing review of the development's compliance with relevant environmental planning instruments and development control plans has addressed in some detail the potential physical impacts of the development. Social and economic impacts also require consideration.

### Social impacts

Council's Social Impact Assessment Policy requires a Comprehensive Social Impact Assessment (CSIA) for residential developments with over 50 dwellings. Accordingly, a Social Impact Assessment has been submitted with the DA. The key findings of the SIA include:

- There are some 2,554 low and moderate income renters in Holroyd LGA living in housing stress (those paying more than 30% of household income on rent).
- In some suburbs of Holroyd, they make up nearly 40% of all low and moderate income renting households.
- Holroyd Community Aid has confirmed a high demand for more affordable rental accommodation in Holroyd.
- Based on the profile of existing SGCH tenants, 70% of the proposed affordable units will be occupied by moderate income households and only 3% of tenants are likely to be unemployed – lower than the 7% of

residents in Westmead/Mays Hill or the Holroyd LGA.

The SIA concludes that the proposed development will have a strongly positive social impact by enabling an additional 100 residents to access rental accommodation that is affordable.

### Economic impact

The economic impact of the development will also be strongly positive in respect to:

- a short term injection into the local economy of construction employment;
- enabling key workers of the Holroyd community who are on low to moderate incomes to live close to work;
- the increased local availability of key workers is a benefit to the local businesses and services that employ them and in turn, to the local residents who utilise those businesses and services.

The wider social and economic benefits of the project will only be realised if it is financially sustainable. Construction cost is a major factor in this regard. A rigorous design review process has been undertaken to ensure that construction cost is absolutely minimised without compromising design quality and dwelling amenity. Another significant cost factor is Section 94 contributions.

It is calculated that under Council's Section 94 Development Contributions Plan 2013, the s94 contribution for this project would be in the order of \$834,145 comprising \$552,497 for the 48 affordable units and \$281,647 for the 24 private market units (minus any credit for the existing allotments). This represents around 6% of the capital cost of the project which is a substantial outgoing for a not-for-profit organisation.

Section 2.10 of the S94 Plan states that Council will not provide exemptions to development contributions other than exemptions afforded under direction of the Minister for Planning and Infrastructure and:

- Development for the purpose of the adaptive re-use of an item of environmental heritage; and
- Development for the purpose of alterations and additions to a dwelling house or the replacement of one dwelling with one dwelling.

The exemption for adaptive re-use of heritage items recognises that this provides a public benefit in retaining evidence of the area's development over time, but incurs a financial penalty in terms of the owner's restricted capacity to realise the highest and best use of the site and the generally higher cost of heritage restoration work compared to conventional construction. The exemption provides some compensation to owners of heritage items for the cost incurred in providing this public benefit.

The same rationale applies to affordable housing. It has substantial public benefit in providing accommodation for low and moderate income households of Holroyd and neighbouring areas who are currently experiencing housing stress. As noted in the SIA, some 2,554 low and moderate income renters in Holroyd are in this situation, a not insignificant proportion of the Holroyd population. The project also enables key workers to continue residing in the local area which assists the local businesses and services in which they are employed and the general public reliant on those businesses and services.

SGCH cannot guarantee that this benefit will only go to Holroyd residents. But equally, nor could it be guaranteed that only Holroyd residents benefit from adaptive re-use of local heritage items. However SGCH will be building affordable housing elsewhere in western Sydney which could be occupied by eligible Holroyd residents and will be seeking exemptions from contributions for all of those projects (although this will not be necessary in neighbouring Parramatta City which levies Section 94A contributions from which affordable housing is exempt via a Section 94E direction).

A substantial financial penalty is incurred by SGCH in providing this public benefit. As noted previously, rents for the 48 affordable units will be discounted by at least 25% of the market rent and the overall subsidy incurred by SGCH in operating this



affordable housing will therefore be at least \$248,000 per annum. Given this high level of subsidy, it is critical that capital costs on this project are absolutely minimised so that the maximum possible level of funds are available to offset the subsidy and to maintain and manage the property. A S94 payment of \$834,145 represents nearly 3½ years of the rental subsidy incurred by SGCH on this project. This significant impost will limit the amount of funds available to SGCH to invest in long term expansion of the organisation's housing portfolio so that more people in need can be assisted, including Holroyd residents.

Exemption for affordable housing is consistent with the *Development Contributions Practice Notes* (Department of Infrastructure, Planning & Natural Resources, July 2005) which provides that a council may elect to exempt particular types of development or class of development from the payment of development contributions on the basis of strategic planning, economic or social purposes.

The Practice Notes identify low income (affordable) housing and works undertaken by a registered charity as examples of development which have been granted exemptions by councils. The proposed development is squarely within these categories, being predominantly for the purpose of affordable housing and being owned and operated by SGCH, a registered charity.

It is noted that a direction is in force under Section 94E of the Act which exempts affordable housing from contributions under Section 94A of the Act. Although this direction does not apply to contributions under Section 94, it does provide further weight to the identification in the *Practice Notes* of affordable housing as suitable for exemption from S94 contributions.

Accordingly, exemption of the 48 affordable housing units from Section 94 contributions (an exemption of \$552,497.83) is now sought on the basis that it is consistent with this State Government policy direction and is consistent with the rationale by which Council currently exempts adaptive re-use of heritage items.

In further support of this request, it is noted that:

- The affordable dwellings will be subject to a covenant under Section 67L of the *Housing Act 2001* in favour of the NSW Land and Housing Corporation. The covenant requires that a community housing provider must not transfer or otherwise deal in land in which the Corporation holds an interest unless the Corporation consents. While the Corporation must not unreasonably withhold consent, dealings must be for the purpose of providing community housing (social and affordable housing) in NSW. A dealing is not for the purpose of providing community housing if it is for the purpose of procuring non-residential assets or withdrawing from the provision of community housing in a particular location. This covenant effectively ensures that the asset value of this property will continue to be applied for affordable housing purposes.
- ARHSEPP requires up to 50% of the floorspace to be operated as affordable housing, which would generally enable 36 dwellings in this project to be sold on the open market to help offset the cost of providing the affordable units. SGCH is retaining 48 (66%) of the 72 dwellings as affordable housing and selling 24 units (33%). There is a greater public benefit from the additional 12 affordable units provided but this represents a lost income to SGCH of some \$5,172,500 (being a professional valuation of the average market value of those 12 units). SGCH will also provide an additional rental subsidy of some \$65,736 per annum in renting these units at 25% below market rent.
- There are a number of examples of affordable housing projects being wholly exempted of Section 94 contributions obligations on public benefit grounds – most notably in the City of Sydney. These include CityWest Housing's 88-unit affordable housing residential flat building at North Eveleigh (SSD5708) approved by the Department of Planning on 17/10/13, a 104-unit project at 130 Portman St, Zetland (DA2013/1406) and another at 35 O'Dea Ave, Zetland (DA2007/1130). The City of Sydney has also exempted boarding houses from the need to pay section 94 contributions where they maintain rents at affordable levels. These include contributions

of \$373,424 for a 54-room boarding house at 80 Parramatta Rd, Camperdown and \$99,392 for a 15-room boarding house at 45 Phelps Street, Surry Hills.

- The total works program funded by Holroyd Section 94 Contribution Plan is valued at \$267,684,433. The proposed exemption of \$552,498 for the 48 affordable units represents just 0.2% of the works budget. While it is appreciated that the Section 94 plan operates on the principle that each development should meet the cost of the demand which it creates, this is a minor proportion and is likely to be made up several times over by higher than expected contributions from projects which propose greater dwelling yields than those anticipated in the Contributions Plan.
- The scope is limited for an adverse precedent being established if the exemption is supported. The Federal Government's recent decision to not proceed with the final Round 5 of funding for affordable housing projects under the National Rental Affordability Scheme (NRAS) means that it will be increasingly difficult for the private and not-for-profit sectors to finance affordable housing projects. This further highlights the need for SGCH to minimise the capital cost of this project so that limited funding will be available for other projects.

#### **5.4 Suitability of the site for the development – s79C(1)(c)**

The site is considered to be well suited to the development in view of the following:

- The zone objectives permit residential flat buildings in mixed use developments such as this;
- The site is adjacent to high-frequency public transport providing travel times of less than 5 minutes to Parramatta transport interchange and regional centre in which there is a comprehensive range of shops, services, facilities and employment. This proximity will be a major benefit for the low and moderate income households that will occupy the development;
- The orientation, outlook and topography is favourable for residential use;
- The shape and orientation of the site is such that additional FSR can be accommodated without adverse impact;
- The site is not affected by geotechnical conditions or hazards that would inhibit residential use.

#### **5.5 Submissions – s79C(1)(d)**

It is understood that Council will notify surrounding landowners of the proposed development and will objectively consider any submissions on their planning merit. The applicant welcomes the opportunity to consider and respond to issues raised in any submissions.

Neighbour submissions on affordable housing proposals have sometimes cited concerns regarding the possibility of anti-social behaviour by residents and this was encountered in community consultation for the Social Impact Assessment. Objection on this basis is considered prejudicial, discriminatory and wholly without substance.

The residents will generally be people from Holroyd and surrounding areas who for a range of circumstances require accommodation that is more affordable than is available on the private rental market.

It is anticipated that they will largely comprise working people in low and middle income occupations and pensioners. The SIA found that 70% are likely to be middle income earners and only 3% are likely to be unemployed, a lower proportion that are unemployed in Westmead/Mays Hill and Holroyd generally. There is no rational basis to suggest that this group of people would behave any differently because they are living within this development rather than their



current accommodation in the general community. The Land & Environment Court has consistently rejected fear or concern without rational basis as a grounds of refusal.<sup>3</sup>

## 5.6 Public interest – s79C(1)(e)

The development is considered to promote the public interest having regard to the following:

- It is consistent with the object in Section 5(a)(viii) of the *Environmental Planning & Assessment Act* 1979 to encourage the provision and maintenance of affordable housing.
- It advances the aim in Clause 3(f) of ARHSEPP to support local business centres by providing affordable rental housing for workers close to places of work.
- It promotes the aims of Holroyd LEP 2013, in particular:
  - (b) to provide for a range of land uses and development in appropriate locations to meet community needs, including housing, education, employment, recreation, infrastructure and services;*
  - (c) to promote ecologically sustainable development by facilitating economic prosperity, fostering social well-being and ensuring the conservation of the natural environment;*
  - (d) to concentrate intensive land uses, increased housing density and trip-generating activities in close proximity to centres and major public transport nodes in order to retain the low-density character of other areas.*
- It will provide employment in the local area through spending on construction.
- It supports future economic activity in the Enterprise Corridor by contributing to the local customer base.
- By providing additional passive surveillance and street level activity, it improves safety and security for the wider community of the surrounding streets and importantly, the T-Way Station.
- It provides additional housing for the growing Holroyd population.
- It assists in alleviating rental housing stress through the supply of affordable rental housing for key workers.
- It increases housing location choice for key workers such as police, nurses, firefighters and community workers by providing accommodation for working households on low to moderate incomes. These key workers are often involved in providing critical community services.
- The high quality design will establish a positive benchmark for future development in the Enterprise Corridor.

## 6. SUMMARY AND CONCLUSION

The proposed development promotes the objectives of the applicable environmental planning instruments and is consistent with their controls except for:

- a proposed 10% variation of the FSR standard of Holroyd LEP 2013;
- the minimum non-refusable standard of 35m<sup>2</sup> of landscaped area per dwelling under the Affordable Rental Housing SEPP 2009.

The SEE has shown there are valid grounds to vary these standards to permit the development.

The development also generally meets the requirements of Holroyd DCP 2013 apart from minor variations which are justified on their merit.

<sup>3</sup> *New Century Development Pty Limited v Baulkham Hills Shire Council* [2003] NSWLEC 154 Lloyd J at [6162].

The development will not have any significant adverse impacts and will have positive social and economic impacts in terms of providing much-needed accommodation for low and middle income people at a time of severe shortage in the private rental market.

The assessment shows that the site is ideally suitable for this type of development, particularly in view of its identification for mixed use residential and its excellent proximity to high quality public transport.

The development promotes the public interest, being consistent with aims of the legislation and planning instruments and by alleviating rental housing stress, contributing to the local customer base and improving the safety of the locality.

It is concluded that the proposed development satisfies all relevant considerations under Section 79C of the Act and warrants approval on its merits, subject to appropriate conditions.

Clause	Requirement	Proposal	Complies?
<b>Cover &amp; Introduction</b>			
Objectives of DCP	<p>The objectives of Holroyd Development Control Plan 2013 are:</p> <ul style="list-style-type: none"> <li>• To provide detailed development controls to supplement the provisions of HLEP2013.</li> <li>• To provide direction for the manner in which development may be carried out in the City of Holroyd.</li> <li>• To ensure that the natural environment of the City of Holroyd is protected and enhanced throughout all stages of development works.</li> <li>• To promote economically, socially and environmentally sustainable development within the City of Holroyd.</li> <li>• To protect and enhance the amenity of the City of Holroyd.</li> <li>• To require an appropriate standard of urban design for all development.</li> <li>• To ensure that development is designed to avoid, minimise and manage potential environmental risks.</li> <li>• To create development that will enhance the City of Holroyd as a great place to live and work.</li> <li>• To provide an appropriate opportunity for the public to participate in the development process.</li> </ul>	<p>The proposed development addresses the objectives of the DCP in the following manner:</p> <ul style="list-style-type: none"> <li>• It generally complies with the development controls of the DCP and HLEP2013.</li> <li>• It is consistent with the direction for development set out in the specific objectives of the DCP.</li> <li>• It proposes measures to protect the natural environment during the construction process. These can be enforced through standard conditions.</li> <li>• It is for development that is economically, socially and environmentally sustainable.</li> <li>• It protects and enhances the amenity of the City.</li> <li>• It achieves a high standard of urban design consistent with the requirements of the DCP.</li> <li>• It has been designed to avoid, minimise and manage potential environmental risks.</li> <li>• It provides quality affordable housing with a high level of amenity and excellent access to employment.</li> <li>• Notification in accordance with Part E of the DCP will provide appropriate opportunity for the public to participate in the development process.</li> </ul>	Yes
<b>Part N – Transitway Station Precinct Controls</b>			
Part N 1. Mays Hill Transitway Precinct Desired Future Character Statement	<p>Objectives O1 – O6 give effect to the Desired Future Character Statement which relevantly includes:</p> <p>The desired future character for Mays Hill is an active, urban area which makes full use of its proximity to public transport and services, as well the Parramatta Central Business District.</p> <p>A mix of uses and good pedestrian access will encourage a fuller utilisation of the interface along the Great Western Highway. Taller buildings along the highway will include retail and commercial uses at the ground level, near the Transitway station, to promote an active and safe public domain. Residential development above will offer convenient access to the Transitway station and precinct.</p> <p>Away from the highway, a transition between higher and lower density dwellings will occur. The surrounding streets</p>	<p>The site is within the Mays Hill Transitway Precinct and is in a key position fronting the transitway station. The development is consistent with the objectives, particularly in respect to:</p> <ul style="list-style-type: none"> <li>• providing a greater FSR which will maximise the number of people accommodated on the site and thereby receiving the benefit of its highly accessible location;</li> <li>• providing a community facility adjacent to the bus shelter which will activate the street and provide casual surveillance, including out-of-hours;</li> <li>• providing a large, consolidated communal open space at the rear where it is protected from Highway noise and provides a buffer to the lower density sites to the north.</li> </ul>	Yes

Clause	Requirement	Proposal	Complies?
	<p>will be more domestic in scale that easily accesses the shops and services of Mays Hill and the extensive open space. The opportunity for social interaction, provided by buildings directly addressing streets, will promote a sense of community.</p> <p>Existing character, where desirable, will be kept, but a greater range of housing choice will be provided through the construction of medium density dwellings. Well designed buildings will contribute to the public domain.</p> <p>Site consolidation will allow more usable open space to be incorporated into new developments.</p>		
Part N 1.1. Site Consolidation and Frontage	<p>C1. Amalgamation of lots in accordance with Figure 4 (a) and (b) is required for redevelopment.</p> <p>C2. Land locking of adjoining sites is not permitted. Properties shall be amalgamated to ensure the minimum frontage is obtainable without reducing the developability of adjacent properties.</p> <p>C3. Notwithstanding C1, the minimum lot frontage for all development fronting the Great Western Highway shall be 45 metres.</p> <p>C4. In instances where amalgamation cannot be achieved, the following information must be submitted with any development application:</p> <ul style="list-style-type: none"> <li>• Two written valuations indicating the value of the remaining sites that were to be developed in conjunction with the applicants properties. These are to be undertaken by two independent valuers registered with the Australian Valuers Institute, and</li> <li>• Evidence that a reasonable offer has been made to the owners(s) of the affected sites to purchase and valuation reports.</li> </ul> <p>C5. Alternative consolidation patterns may be considered by Council if it can be demonstrated that development controls can be satisfied on the land and adjoining properties.</p> <p>C6. Where amalgamation (as required) is not achieved, the applicants must show that the remaining sites, which are not included in the consolidation, will still be able to achieve the development outcome prescribed in this DCP, including achieving the required vehicular access, basement parking</p>	<p>Figure 4(a) proposes the amalgamation of 6 lots – the 4 lots fronting the Great Western Highway (Nos 148 and 150 GWH) and the 2 northerly adjacent lots (Nos 1 &amp; 3 Broxbourne St). The current site achieves the majority of this amalgamation, being the 4 lots fronting the Highway. In accordance with the DCP, offers based on independent valuation were made to acquire Nos 1 &amp; 3 Broxbourne St (as documented in <b>Attachment 4</b>). These offers have been rejected and accordingly, amalgamation with Nos 1 &amp; 3 Broxbourne St cannot be achieved. Development of Nos 148-150 independently of Nos 1 &amp; 3 Broxbourne St is considered to be appropriate in view of the following:</p> <ul style="list-style-type: none"> <li>• A development of the amalgamated site would have been beyond the scale that is effectively managed as affordable housing by a community housing provider;</li> <li>• The current site has a Highway frontage of 60m which already exceeds the minimum 45m required by C3;</li> <li>• A 12.5m/3 storey height limit applies to 1 &amp; 3 Broxbourne St under the LEP and DCP. This represents a different built form that does not benefit from amalgamation with the 23m built form permitted on the current site;</li> <li>• As demonstrated by the architectural analysis at <b>Attachment 5</b>, Nos 1 &amp; 3 Broxbourne St are not landlocked and have sufficient area, frontage and depth for development of a 3 storey residential flat building which fully utilises the available FSR, complies with relevant development controls and is</li> </ul>	No, but satisfies criteria for alternative amalgamation pattern

Clause	Requirement	Proposal	Complies?
	and built form.	<p>consistent with the Desired Future Character Statement for development in the Precinct not fronting the Highway;</p> <ul style="list-style-type: none"> <li>Independent development of 1 &amp; 3 Broxbourne with a freestanding residential flat building will provide for an effective transition from the tall development on the site fronting the Highway to the low density housing to the north of No 3 Broxbourne St.</li> </ul>	
Part N 1.2. Private Accessway, Laneways and Vehicular Access	<p>C1. Vehicular access to properties fronting the Great Western Highway and those within the B6 zone on Burnett Street and Robilliard Street must be provided from the rear or side, via laneways or secondary roads.</p> <p>C2. Vehicular entry points shall be located away from intersections.</p> <p>C3. Vehicular access from the Great Western Highway is not permitted from properties identified on Figure 5 and access must be provided from the rear or side via laneways or secondary roads.</p>	<p>Access to the development is via a single driveway off Broxbourne St, with no access provided to the Highway. The driveway is located close to the northern boundary of the site to maximise its separation from the Highway.</p>	Yes
Part N 1.3 Building Height	<p>C1. The maximum height for development within the Mays Hill Transitway Precinct is detailed within the Holroyd Local Environmental Plan 2013, as a written statement and associated maps.</p> <p>C2. The maximum building storey limits are detailed in Figures 8 and 9.</p>	<p>The proposal has a maximum height of 23m which complies with the 23m height limit in HLEP2013. The proposal is partly six storeys and partly seven storeys. This exceeds the six storey height limit shown in Figure 8. This variation is considered acceptable as the proposal:</p> <ul style="list-style-type: none"> <li>complies with the HLEP2013 standard;</li> <li>has the benefit of bonus floorspace conferred by ARHSEPP;</li> <li>proposes a floor-to-ceiling height of 2.7m on the second level in order to permit an additional floor level and therefore maximise yield which is of crucial importance in an affordable housing project. The requirement for a 3.3m ceiling on the first floor is not practical as offices are not permissible in the zone and any other non-residential use of this level would not be viable.</li> </ul>	Yes (metres) No (storeys)
Part N 1.4 Building setbacks	<p>C1. Setbacks shall be in accordance with Figures 10 &amp; 11. Note: Road widening requirements detailed in Section 1.5 of this Part may apply in certain locations.</p>	<p>Figure 10 indicates a nil front boundary setback and nil side boundary setbacks for this site. The front fencing of the ground level courtyards is set back 0.6m – 2.6m from</p>	Yes

Clause	Requirement	Proposal	Complies?
	<p>C4. Buildings facing the Great Western Highway are to be built to the boundary of adjoining properties to form a continuous street edge.</p> <p>Note: Side and rear setbacks and building separation, unless indicated otherwise in Figure 10 &amp; 11, are to be in accordance with setbacks indicated in Part B or Part C of this plan.</p>	<p>the front boundary. Apart from a small section of courtyard wall which is 3.6m from the back of the Transitway shelter, this complies with Clause 1.6 which requires a 5.5m setback from the kerb and 4m clearance behind the Transitway bus shelter. The minor section which is less than 4m is considered acceptable, as the 4m width allows for 2.5m footpath/cycleway + 1.5m landscaping. However as landscaping behind the shelter would have no visual benefit, it is proposed that the whole area behind the Transitway shelter be paved, therefore providing additional width for pedestrian and cyclist movement.</p> <p>A street wall height of 4 storeys is achieved in accordance with Clause 1.5 of Part C. The building has a nil side setback from the eastern boundary. A setback of 6.0m – 8.1m is proposed from the Broxbourne St boundary to provide an appropriate transition to development fronting Broxbourne St and to align and reflect the corner conditions, as required by Clause 3.11 of Part C.</p>	
Part N 1.5 Site Design and Appearance	<p>C1. Developments shall be oriented to front boundaries.</p> <p>C3. Vertical articulation and a break in the building facade is required above the fourth storey for buildings exceeding 25 metres in length.</p>	<p>The main building entry, windows and front balconies are oriented towards the Highway.</p> <p>The front facade is articulated vertically and horizontally.</p>	Yes
Part N 1.6 Road Widening	<p>C1. Road widening is required along both sides of the Great Western Highway to result in a footpath width of 5.5 metres from the kerb to the property boundary as indicated in Figure 12.</p> <p>C2. Properties located behind the Transitway stops shall have a 4 metre separation between the rear of the bus shelter and the building line to allow for the continuation of the shared pedestrian/ cycle footpath.</p> <p>Note: The 5.5 metre wide setback shall allow for a shared footpath consisting of the following dimensions:</p> <ul style="list-style-type: none"> <li>• A 1.5 metre verge from the kerb</li> <li>• A 2.5 metre shared path</li> <li>• A 1.5 metre distance from the shared path to the building line.</li> </ul>	<p>The front setback of the building, landscaping and fencing reflects the requirement for a 5.5m setback from the kerb and generally 4m behind the Transitway bus stop.</p> <p>It is noted that the 5.5m strip is not zoned SP2 – Infrastructure (Classified Road) under HLEP2013 and therefore is not subject to the acquisition provisions of Clause 5.1 of HLEP2013. Arrangements for construction, dedication and compensation for the "road widening" land therefore require resolution with Council and RMS.</p>	Yes



Clause	Requirement	Proposal	Complies?
<b>Part C - Commercial, Shop top housing and Mixed use development Controls</b> Many of the controls in Part C are superseded by site-specific controls in Part N of the DCP relating to the Mays Hill Transitway Precinct. Those controls of Part C which remain relevant are considered below.			
Part C 1.2. Site coverage, floor area and building use	C6. Commercial development shall be located at least at street level, fronting the primary street and where possible the secondary street. Residential dwellings may be permitted at ground floor within Zone B1 Neighbourhood Centre and B6 Enterprise Corridor. C8. Where residential dwellings are located at ground level and face the street, they shall be constructed as flexible floor plates to enable future commercial development.	The development includes a non-residential component at street level fronting the primary street (Great Western Highway). Consistent with Part N of the DCP, this is located behind the Transitway bus stop at the eastern end of the site. Non-residential use is not viable or proposed elsewhere on the site, but 3.5m ceilings are provided to residential units on the ground floor to allow their conversion to non-residential use should this become appropriate and viable in the future.	Yes
Part C 1.3. Building Height	C1. The minimum floor to ceiling height for a floor in a commercial building, or the commercial component of a building shall be as follows: <ul style="list-style-type: none"> <li>• Ground Floor: 3.5m</li> <li>• First Floor- regardless of use: 3.3m</li> <li>• All other floors: 2.7m</li> </ul> C3. Maximum building height in storeys shall be provided in accordance with the table below: <ul style="list-style-type: none"> <li>• 23m: 6 storeys</li> </ul>	See comment above and earlier comments re Clause 1.3 of Part N.	No
Part C 1.4. Setbacks, Separation and Depth	C6. Notwithstanding, a street wall height of four storeys (14-17m) is required in the B6 Enterprise Corridor zone on Great Western Highway at Mays Hill... C7. A 3 metre setback is required above the street wall height.	The development provides a street wall height at four storeys expressed by balcony frames.	Yes
Part C 1.5. Landscaping and Open Space	C5. Developments are to contribute to streetscape character and public domain amenity by: <ol style="list-style-type: none"> <li>relating landscape design to the desired proportions and character of the streetscape</li> <li>using planting and landscape elements appropriate to the scale of the development</li> <li>selecting appropriate indigenous species in accordance with Council's preference.</li> <li>mediating between and visually softening the bulk of large development for the person on the street.</li> </ol>	The proposed landscape treatment will achieve these requirements.	Yes

Clause	Requirement	Proposal	Complies?
	<p>Communal Open Space- Residential Uses</p> <p>C7. Communal open space is to comprise a minimum of 25% of the site area for each development.</p> <p>C8. Locate open space on a podium level or on roofs, making it accessible for all residents.</p> <p>C9. Communal open space may be located in deep soil zones.</p> <p>C10. Communal open space should be in part open to the sky, unless where it contains a gym, swimming pool or similar.</p> <p>C11. Communal open space shall be consolidated and configured in order to achieve a functional, useable space. The minimum dimension of communal open space in any one direction is 6m.</p> <p>C12. Where possible, dwellings must be orientated towards communal open space areas to provide passive surveillance.</p> <p>C13. Dwellings adjoining communal open space may provide private entries with adequate fencing to ensure a suitable level of privacy.</p> <p>C14. Opportunities for planting shall be provided.</p>	<p>The development provides 29.45% communal open space.</p> <p>The majority of the COS is in a large consolidated area at the rear of the site where it is accessible to all residents and maximises amenity by acoustic screening from the Highway, ideal orientation to northern sunlight and passive surveillance from the units above. The main COS has an area of 524m<sup>2</sup> and width of 8.8m.</p>	Yes
	<p>Private open space- Residential Uses</p> <p>C15. A minimum of one (primary) balcony and/or terrace must be provided for each residential unit.</p> <p>C16. Primary balconies must:</p> <ul style="list-style-type: none"> <li>i) Be located adjacent to the main living areas, such as the living room, dining room or kitchen to extend the dwelling living space;</li> <li>ii) Have a minimum dimension of 2.4m and with a minimum area of 10m<sup>2</sup> for 2+ bedroom apartments.</li> <li>iii) Council may consider dimension of 2m and a minimum area of 8m<sup>2</sup> for balconies of studio and 1 bedroom apartments.</li> <li>iv) Should be large enough to accommodate an outdoor dining table and seating.</li> <li>v) Provide for planter boxes to allow for plantings within private balconies.</li> </ul> <p>C17. Consider secondary balconies, including juliet balconies or operable walls with balustrades, for additional amenity and choice in larger apartments, adjacent to bedrooms and</p>	<p>Each ground floor unit has a private courtyard and each unit above has at least one balcony.</p> <p>Primary balconies are adjacent to living areas.</p> <p>Balconies are 2.3 – 2.4m wide.</p> <p>Space is available for planter boxes.</p> <p>3 units have secondary balconies.</p>	Yes

Clause	Requirement	Proposal	Complies?
	<p>for clothes drying, site balconies off laundries or bathrooms.</p> <p>C18. Design and detail balconies in response to the local climate and context. This may be achieved by:</p> <ul style="list-style-type: none"> <li>i) Locating balconies facing predominantly north, east or west to provide solar access;</li> <li>ii) Utilising sun screens, pergolas, shutters or louvres and operable walls to control sunlight and wind;</li> <li>iii) Providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions – along rail corridors, on busy roads or in tower buildings;</li> <li>iv) Ensure the long face of the balcony is oriented to the outside of the building;</li> <li>v) Choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy; and</li> <li>vi) Ensuring balconies are not so deep that they prevent sunlight entering the apartment below.</li> <li>vii) Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include:</li> <li>viii) Detailing balustrades using a proportion of solid to transparent materials to address site lines from the street, public domain or adjacent development. Full glass balustrades are not permitted as they do not provide privacy for the balcony or the apartment's interior, especially at night; and</li> <li>ix) Detailing balustrades and providing screening from the public, for example, for a person seated looking a view, clothes drying areas, bicycle storage or air conditioning units.</li> </ul> <p>C19. Use mechanisms to reduce noise impacts such as glass shutters to balconies.</p> <p>C20. Additional balconies should have a minimum depth of 1.5m.</p> <p>C21. Provide drying cupboards within balconies.</p> <p>C22. Provide water and gas outlets on the main balconies, terraces and courtyards.</p> <p>C23. Furniture layouts must accompany all development</p>	<p>Where possible, balconies have been positioned on the northern side of the building to maximise solar access and minimise exposure to Highway traffic noise.</p> <p>Balustrades are of perforated metal panelling.</p>	

Clause	Requirement	Proposal	Complies?
	<p>applications to ensure the useability of the balconies and terrace.</p> <p>C24. Coordinate and integrate building services, such as drainage pipes and utilities/fixtures, with overall facade and balcony design, for example, drainage pipes under balconies are often visible from below in taller buildings and negatively impact the overall facade appearance.</p> <p>Controls C27 – C38 specify requirements for Landscape Design and Pedestrian Areas.</p>		
Part C 2.2. Pedestrian access	<p>C1. The site and its planning is to be utilised to optimise accessibility to the development.</p> <p>C2. The design of developments shall comply with Disability (Access to buildings- Premise-Buildings) Standards 2010.</p> <p>C3. Design buildings to comply with Australian Standards (SS1428 Parts 1 &amp; 2) Design for Access and mobility).</p> <p>C4. Direct and unimpeded access from the car parking area to all residential units and commercial uses within a development shall be provided.</p> <p>C5. Main building entry points should be clearly visible from primary street frontages, well lit, legible and enhanced through building design and treatment.</p> <p>C6. Access to public areas of buildings shall not have unnecessary barriers or obstructions including uneven and slippery surfaces, steep stairs and ramps, narrow doorways, paths and corridors etc.</p> <p>C7. Developments must provide continuous paths of travel from all public roads and spaces as well as unimpeded internal access.</p> <p>C8. Public accessible spaces including access ways, entry paths and lobbies must use durable, no slip materials, tactile surfaces and contrasting colours</p>	<p>A landscape plan and details have been provided.</p> <p>Barrier free pedestrian access is provided from the basement carpark and the street to all units and the community facility. The <i>Access Overview</i> confirms that the development can comply with relevant access fit-out and detailing requirements at the CC stage. This can be required by condition of consent.</p>	<p>Yes</p> <p>Yes</p>
Part C 2.3. Building entries	<p>C1. Equal accessibility is to be ensured for all, in both residential and commercial uses.</p> <p>C2. The main entrance of buildings must be accessible for all members of the community.</p> <p>C3. Separate entries from the street are to be provided for cars, pedestrians, multiple uses (commercial and residential) and ground floor apartments.</p>	<p>Secondary entries are provided to ground floor courtyards.</p>	<p>Yes (apart from separate entries to ground floor units)</p>

Clause	Requirement	Proposal	Complies?
	<p>C4. Residential entries must be secure where access (e.g. lifts) is shared between commercial and residential uses.</p> <p>C5. Multiple cores which access above ground uses are to be provided where the site frontage is over 30m.</p> <p>C6. Dwellings off communal open space should have direct private entries.</p> <p>C7. Entries and associate circulation space are to be designed of an adequate size to allow movement of furniture.</p> <p>C8. Commercial development should include adequate areas for pedestrian movement, free from advertising or "overflow" retail structures.</p> <p>C9. Appropriate materials and treatments such as slip resistant materials, tactile surfaces and contrasting colours are to be used at building entries to ensure legibility and safety for all users.</p>	<p>The community facility entry is separate from the secure entry to the units.</p> <p>Two cores are provided.</p> <p>Ground floor units have direct access to adjoining COS at the rear of the site.</p>	
Part C 2.4. Vehicle access	<p>C1. Driveways shall be provided from laneways (existing or proposed), private accessways and secondary streets where possible.</p> <p>C2. If a building has access to a rear lane, side street or rights of way, the loading and unloading facilities and service access shall be provided from that lane.</p> <p>C3. The location of vehicular access shall consider existing services (power, drainage etc) and street trees.</p> <p>C4. One two way driveway is permitted per development site up to 10,000m<sup>2</sup>.</p> <p>C5. Driveways shall be located at the required distance from the intersection of two roads.</p> <p>C6. Vehicular access shall be integrated with the overall design of the building and shall consider site layout, streetscape character and façade design.</p> <p>C7. All vehicles must be able to enter and leave the site in a forward direction.</p> <p>C8. The width of driveways is limited to a maximum of 6 metres or 8 metres for commercial loading docks and servicing.</p> <p>C9. Pedestrian safety is to be maintained through design including ensuring clear site lines at pedestrian and vehicular crossings and clearly differentiating vehicular and pedestrian</p>	<p>A single 5.5m wide, two-way driveway is provided to the secondary street (Broxbourne St) at the maximum possible distance from the Highway.</p>	Yes



Clause	Requirement	Proposal	Complies?
	access. C10. Flexible vehicular crossing widths to a maximum of 8 metres will be considered depending on traffic flows, sight distances and the type of vehicles using the crossing. This is consistent with Part D.		
Part C 2.5. Parking	<p>C1. On-site parking is to be accommodated underground wherever possible, in zones where residential development is permitted.</p> <p>C2. Consolidate basement parking areas under building footprints to maximise the area available for landscaping.</p> <p>C3. No on-site parking is to be directly visible from an active or main street frontage.</p> <p>C4. Parking areas shall be designed to ensure pedestrian amenity and safety.</p> <p>C5. Natural ventilation is to be facilitated to basement and sub-basement car parking areas wherever possible and with regard to any flooding issues.</p> <p>C6. Ventilation grilles and structures shall be integrated into the façade and landscape design, should not be provided at active frontage and should not be near windows of habitable rooms and open space areas.</p> <p>C7. Safe and secure access is to be provided from on site parking for building users, including direct access from parking to lobbies.</p> <p>C8. Marked pedestrian pathways with clear lines of sight and safe lighting shall be provided.</p> <p>C9. Parking shall be provided as a logical and efficient structural grid.</p> <p>C10. Required visitor spaces must be capable of being accessed by visitors with a disability.</p> <p>C11. Driveway walls adjacent to the entrance of a basement car park are to be treated so that their appearance is consistent with the basement or podium walls.</p> <p>C12. Private car parking for shop top housing must be clearly identified and separated from regular business car parking must be clearly identified and separated from regular business car parking.</p> <p>C13. Visitor parking shall be clearly identified and may not be stacked parking.</p>	<p>All parking is provided in a basement.</p> <p>The basement is largely positioned underneath the building footprint. The northern part of the basement extends beyond the building footprint but additional soil cover is provided in raised planter beds to enable the growth of vegetation around the perimeter of the space.</p> <p>Natural ventilation is not possible and the basement will therefore be mechanically ventilated.</p> <p>Safe &amp; secure access is provided.</p>	Yes

Clause	Requirement	Proposal	Complies?
Part C 3.1. Safety and Security	Controls C1 – C12 specify requirements for safety and security consistent with the Crime Prevention Through Environmental Design (CPTED) principles. C13 requires large scale retail and commercial development and mixed use developments to provide a safety by design assessment in accordance with CPTED principles from a qualified consultant.	The design has addressed Crime Prevention Through Environmental Design (CPTED) principles. Details are provided in the statement addressing the SEPP65 Design Quality Principles (Principle 8 – Safety & Security). They include avoidance of concealment opportunities, territorial reinforcement of public and private spaces, natural surveillance of the public domain, installation of effective lighting and appropriate landscaping. Access to the residential entry foyer and lift will be electronically secured and monitored by CCTV.	Yes
Part C 3.2. Façade design and Building materials	Controls C1 – C20 specify requirements for building facades and building materials.	The design has addressed the matters identified in the relevant controls, as addressed in the Architectural Design Verification Statement.	Yes
Part C 3.5. Daylight Access	Controls C1 – C12 specify requirements for daylight access.	Solar access for this development is regulated by Clause 14(1)(e) of ARHSEPP. It is in generally similar terms to the DCP, but requires the 3 hrs of solar access to be between 9am – 3pm. 69.4% of the proposed units receive at least 3hrs of sunlight which effectively achieves the standard of both the ARHSEPP and C7.	Yes
Part C 3.6. Visual + Acoustic Privacy	Controls C1 – C11 specify requirements for visual and acoustic privacy.	The development is a multi-storey building which by virtue of the applicable FSR and height controls under HLEP2013, will be substantially higher than existing residential development on adjoining areas to the north. The building fronts the Highway to the south which encourages balconies and living rooms on the northern side of the building. In this context, it is inevitable that there will be increased potential for overlooking of properties to the north until those properties are redeveloped. However, the building provides a generous 10m rear setback which together with landscaping along the rear boundary, provides for an adequate level of privacy.	Yes
Part C 3.7. Managing External Noise and Vibration	Controls C1 – C6 specify requirements for managing external noise and vibration.	The site fronts Great Western Highway which is a classified road with AADT of over 40,000 vehicles per day. An acoustic report has therefore been submitted. It identifies measures to be incorporated in the design and construction of the development to ensure that the noise	Yes

Clause	Requirement	Proposal	Complies?
		and vibration levels specified in the DCP controls and in Clause 102 of the Infrastructure SEPP will be achieved. Implementation of these measures can be enforced through appropriate conditions of consent.	
Part C 3.8. Awnings	Control C1 requires awnings to all active street frontages. Controls C2 – C14 specify design requirements for awnings.	Weather protection of the entry to the community facility is provided by a canopy.	Yes
Part C 3.9. Apartment Layout	Controls C1 – C10 specify requirements for apartment layout.	The apartment size controls are achieved and the layout controls are generally achieved apart as detailed in the RFDC Compliance Table. The back wall of the kitchen in some units is 8.4-9.6m from the glassline. This is considered acceptable given that in each of these units, the kitchen is open to a living room with large glass sliding doors facing directly north that provide excellent ventilation and sunlight.	No, but minor variation achieves objective.
Part C 3.10. Flexibility and Adaptability- Residential Mix	Controls C1 – C9 specify requirements to enable the adaptation of buildings to different uses.	The ground floor has increased ceiling heights to enable residential or commercial use. The remainder of the building is designed as residential apartments. It is not practical to design the upper residential levels for future alternative use because of the different layouts, servicing arrangements and ceiling heights required for office use. It is further noted that the site is zoned B6 and that offices are prohibited in the zone. This indicates a planning intention that the precinct not be developed for office purposes. This is consistent with long established metropolitan planning objectives to consolidate office development in Parramatta CBD which is just 1.3km to the east of the site. Accordingly, there is no practical scope for the building to be adapted for office purposes within its lifespan and no benefit in providing for such in its design.	No, but variation supported on merit.
	Controls C10 – C12 specify requirements for apartment mix.	The development provides a mix of one, two and three bedroom units. 29% are one-bedroom units which exceeds the maximum 20%. This reflects the high level of unmet demand received by SGCH for single person accommodation. SGCH also manages a large number of two and three bedroom cottages which provide a suitable alternative for larger households.	No, but variation justified by affordable housing demand profile.

Clause	Requirement	Proposal	Complies?
Part C 3.11. Corner buildings	C1. Generally, corner building shall be designed to: i) Articulate street corners by massing and building articulation, ii) to add variety and interest to the street, iii) Present each frontage of a corner building as a main street frontage, iv) reflect the architecture, hierarchy and characteristics of the streets they address, and v) align and reflect the corner conditions.	Addressed in Part N.	Yes
Part C 3.12. Ground floor apartments	C1. Opportunities for the provision of on grade private gardens, directly accessible from the street or from the main living spaces should be explored in ground floor apartments. C2. The number of accessible ground floor apartments should be maximised. C3. Ground floor apartments should support a change or partial change in use, such as home office or corner shops (where permissible). C4. Individual entries from the street to ground floor apartments are encouraged in order to animate the street edge. C5. Privacy, safety and security for ground floor apartments shall be optimised through design mechanisms such as: i) appropriate fencing, lighting and landscaping, ii) Minimising sight lines from the street into apartments through a change in levels, iii) requiring windows and doors facing the street, iv) stepping up the ground floor from the level of the footpath a maximum of 1.2 metres, v) designing balustrades and establishing window sill heights to minimise site lines into apartments, particularly in areas with no street setback, vi) determining appropriateness of individual entries, vii) ensuring safety bars or screens are integrated into the overall elevation design and detailing. C6. Opportunities for solar access to ground floor units is to be increased by: i) providing higher ceilings and taller windows, ii) choosing trees and shrubs which provide solar access in winter and shade in summer.	Private courtyards directly accessible from living areas are provided to all ground floor units.  The development provides a total of 11 accessible units which achieves the 15% required by the DCP. Due to the critical need to minimise construction cost in affordable housing projects, the most economic way of accommodating these units is to stack them vertically. They are concentrated in the eastern part of the building due to the high number of SGCH tenants requiring accessible accommodation. The provision of dual lifts in close proximity to these units ensures that they enjoy quick, easy, barrier-free access to the street, communal open space and basement parking. Secondary street entries to the ground floor courtyards are proposed. Privacy and security for the ground floor units fronting the Highway is achieved by the proposed 1.7m high courtyard walls.	Yes

Clause	Requirement	Proposal	Complies?
Part C 3.13. Internal circulation & storage for residential uses	Controls C1 – C5 specify requirements for internal circulation.	Internal circulation is provided by two separate entries and lobbies. A maximum of 7 units utilises the eastern entry and 4 units for the western entry. Units have been arranged to minimise corridor length. All corridors and entries are of generous width.	Yes
	Controls C6 – C12 specify requirements for storage.	The storage figures of the DCP are the same as in the 'rule of thumb' for storage in the RFDC but are expressed in square metres rather than cubic metres, making them impossible to apply. It is assumed that the intention was to replicate the RFDC standards. The development complies with the amount of storage required.	Yes
Part C 3.14. Balconies	Controls C1 – C15 specify requirements for balconies.	Refer clause 1.5 above.	Yes
Part C 3.15. Natural Ventilation	Controls C1 – C15 specify requirements for natural ventilation.	70% of the units achieve cross ventilation. This is less than the suggested 80% but significantly more than the 60% recommended by the RFDC rule of thumb and is therefore considered acceptable.	No, but exceeds RFDC rule of thumb
Part C 3.16. Roof design	Controls C1 – C8 specify requirements for roof design.	A metal deck roof at 2 degree pitch is proposed.	Yes
Part C 3.17. Maintenance	Controls C1 – C9 specify requirements for maintenance.	Long building life and low maintenance cost are important objectives in the design of affordable rental housing. The development will therefore utilise high quality fixtures, materials and finishes which are durable, readily available and economic to maintain and service.	Yes
Part C 3.18. Waste Management	Controls C1 – C7 specify requirements for waste management.	A bin store room accommodating 32 x 240L bins is provided in the basement. This ensures isolation from the units and neighbours but easy access to the street for collection. A WMP has been submitted.	Yes
Part C 4.1. Wind Mitigation	Controls C1 requires a wind effects report for buildings 41m or greater in height. Controls C2 – C4 specify general wind control measures.	The building is 23m in height and therefore does not require a wind effects report. The building has been designed as far as practical to ensure balconies and windows benefit from cooling north-easterly summer breezes and the impact of adverse westerlies and southerlies in winter is minimised.	Yes
Part C 5.1. Public art	C1. Public Art is encouraged to be provided within the business centres, in accordance with Council's Public Art	The Public Art Policy 2012-2015 does not have any specific requirements for incorporation of public art within	NA



Clause	Requirement	Proposal	Complies?
	Policy 2012-2015. C2. Public Art provided shall develop the cultural identity of the community and reflect the culture of the community. C3. Artworks shall be integrated into the design of buildings and the landscape.	developments.	
Part C 5.2. Signage	Controls C1 – C9 specify requirements for signage.	No signage of a type that would require development consent is proposed as part of this development.	NA
Part C 5.3. Hours of Operation	Controls C1 – C3 specify requirements regarding hours of operation.	The maximum hours of 6:00am – 12 midnight for the B6 zone Mays Hill Precinct are noted. Appropriate hours of operation for the proposed community facility can be enforced through conditions of consent. As the facility may be used to deliver programs outside of working hours and possibly on weekends, operation from 7am - 10pm daily is suggested as appropriate.	Yes
Part C 7. Residential Mix for business zoned land	Controls C1 – C4 specify requirements for residential mix on business zoned land.	As previously noted in respect to 3.10 above, the development provides a mix of one, two and three bedroom units. 29% are one-bedroom units which exceeds the required 20%. This reflects the high level of unmet demand received by SGCH for single person accommodation. Less than 10 % of units are three-bedroom. SGCH also manages a large number of two and three bedroom cottages which provide a suitable alternative for larger households.	No, but variation justified by affordable housing demand profile.
Part C 9. Environmental Health	Controls C1 – C4 specify requirements for environmental health aspects of commercial uses.	Relevant environmental health requirements can be enforced through conditions of consent on the community facility.	Yes, with suitable conditions.
<b>Part B – Residential Controls</b>			
Many of the controls in Part B are superseded by controls in Part N of the DCP relating to the Mays Hill Transitway Precinct and in Part C of the DCP relating to Commercial, Shop top housing and Mixed use development Controls. Those controls of Part B which remain relevant are considered below.			
Part B 1.1. Building Materials	Controls C1 – C4 require building materials to be compatible with the streetscape and character of the locality, discourage use of light coloured metal roofing and prohibit black roof tiles.	The architectural plans include details of the proposed building materials and finishes. They include face brick walls, concrete roofing, aluminium framed windows and perforated metal balustrades. These are commonly used materials for multi storey residential flat buildings and will help ensure that the development is compatible with future development in the B6 Enterprise Corridor zone.	Yes
Part B	Controls C1 – C26 specify requirements for fencing. Front	The architectural plans include details of the proposed	Yes

Clause	Requirement	Proposal	Complies?
1.2. Fences	fences are generally required to be fully or partly transparent and not more than 1.5m high, although solid fencing to 1.8m high integrated with landscaping is permitted along the Highway for noise attenuation. Side and rear fences must generally be 1.5 – 2.1m high (maximum 1.5m high forward of the building line).	fencing materials, heights and finishes.	
Part B 1.3. Views	C1. Where significant and/or district views are currently enjoyed, or where views may be reasonably created, the design of development shall be designed to minimise the obstruction of such views. C2. Where the height and bulk of a development is likely to block a significant and/or district view, amendments to residential development proposals will be required, to retain, at least part of that view. Note: • The retention of views, however, should not preclude reasonable development rights. • Building setbacks, gaps between buildings and minimal floor to ceiling heights should be used in order to minimise the obstruction of views.	The site is on an elevated ridge. The development has been designed to ensure units take best advantage of the excellent district views available. The development will largely remove the potential for views to the south from future residential flat buildings on sites adjoining to the north. This is a necessary consequence of the development extending along the Highway frontage as required by Part N of the DCP. However, those neighbouring properties will still have potential for views to the north, west and east.	Yes
Part B 1.4 Privacy	Controls C1 – C9 specify requirements for visual privacy. Controls C10 – C22 specify requirements for acoustic privacy.	Addressed in Part C.  The site fronts Great Western Highway which is a classified road with AADT of over 40,000 vehicles per day. An acoustic report has therefore been submitted. It identifies measures to be incorporated in the design and construction of the development to ensure that the noise levels specified in the DCP controls and in Clause 102 of the Infrastructure SEPP will be achieved. Implementation of these measures can be enforced through appropriate conditions of consent.	Yes Yes
Part B 1.5. Landscaping and Open Space	Controls C1 – C16 specify requirements for the area, dimensions and position of landscaped area and private open space. Many of these controls are applicable to low and medium density housing. The principal standards for residential flat buildings that are relevant to this site in a business zone were addressed in Part C.	Addressed in Part C.	Yes
Part B	Controls C1 – C7 specify requirements for surveillance,	Addressed in Part C.	Yes

Clause	Requirement	Proposal	Complies?
1.6. Safety and Security	access control and clear definition of territory ownership.		
Part B 1.7. Building and Site Sustainability	Controls C1 – C9 encourage a variety of energy and water saving features including WSUD and rainwater tanks.	Refer Section 4.1.5 of this SEE dealing with SEPP (Building Sustainability Index: BASIX) 2004.	Yes
Part B 1.8 Sunlight Access	C7. The living rooms and private open spaces for at least 70% of dwellings within a residential flat development shall receive a minimum of 3 hours of direct sunlight between 9.00am and 4.00pm at the winter solstice (22 June).	As noted comments in Part C above, solar access for this development is regulated by Clause 14(1)(e) of the Affordable Rental Housing SEPP. It is in generally similar terms to C7, but requires the 3 hrs of solar access to be between 9am – 3pm. 69.4% of the proposed units receive at least 3hrs of sunlight which represents effective compliance with the standard of both the ARHSEPP and C7.	Yes
Part B 1.9 Cut and Fill	Controls C1 – C10 specify requirements for cut and fill.	The site is generally level and does not require significant cut and fill, other than excavation to accommodate the basement car park and driveway. Existing and proposed levels and retaining walls are shown on the DA drawings and comply with the relevant controls.	Yes
Part B 1.10 Demolition	Specifies controls on demolition.	The site is vacant. No demolition is proposed.	N.A.
Part B 1.11 Car Parking and Roads	Controls C1 – C4 provide that proposals to vary the requirements for carparking specified in Part A Clause 3.1 must be supported by a traffic and transport study.	The number of residential parking spaces required for this development is regulated by Clause 14(2)(a) of the Affordable Rental Housing SEPP which prevails over the DCP requirements. As noted under Clause 3.2 of Part A, the development satisfies this standard. The Traffic Assessment prepared by TTM confirms that the proposed number of residential and community facility parking spaces will meet the likely needs of the development.	Yes
	Controls C21 – C31 specify requirements for Vehicular Access and Driveways.	The Traffic Assessment prepared by TTM confirms that the design of the parking area meets the relevant DCP controls and Australian Standards or will be able to comply where it is more appropriate to impose conditions requiring compliance.	Yes
	Controls C32 – C39 specify requirements for Basement Parking.	A basement carpark with a single driveway is proposed, as encouraged by the DCP. The basement carpark meets the relevant controls.	Yes
Part B	C3. For multi dwelling development and residential flat	As confirmed by the Access Overview, the development	Yes

Clause	Requirement	Proposal	Complies?
1.12. Universal Housing and Accessibility	buildings, 15% of dwelling units shall comply with AS4299-1995- Adaptable Housing Class B.	can comply with relevant accessibility requirements, subject to detailing at CC stage. This can be required by condition of consent.	
Part B 1.13 Subdivision	C21. Council will allow the strata subdivision of residential flat buildings subject to compliance with all other related controls contained in this DCP.	It is proposed that the development will be strata subdivided. A plan of subdivision will be submitted in due course.	Yes
Part B 6. Residential Flat Buildings 6.1. Lot size and frontage	C1. The minimum lot frontage for residential flat buildings at the property line is as follows: • 24 metres if the property is located in the highlighted area in maps 1-8 (see Appendix 1), or • 28 metres for all other properties, or • 45 metres for all development 6 storeys or more.	The site has frontage of approximately 60m to the Highway which achieves the requirements of C1.	Yes
Part B 6.2 Site Coverage	C1. The maximum site coverage of any residential flat development shall not exceed 30% of the site area.	Part C provides that no site coverage control applies in the business zones.	NA
Part B 6.3. Setbacks and Separation	Front and side setbacks in this locality are regulated by Part N of the DCP. C5. The minimum rear setback for a residential flat buildings shall be: • five storeys or more - 30% the length of the site.	Front and side setbacks are addressed under Part N of the DCP. The site has a depth of 36-39m. The development is over 5 storeys and provides a rear setback of 10-14m. This is approximately 30% of the depth of the site.	Yes (Refer also to comments re Part N of the DCP).
	C7. Separation between any adjoining buildings, between portions of the same building or where there is more than one building on an allotment shall be- For residential up to 4 storeys: • 12 metres between habitable rooms and balconies. • 9 metres between habitable rooms and balconies and non-habitable rooms. • 6 metres between non-habitable rooms. For residential between 5- 8 storeys: • 18 metres between habitable rooms and balconies. • 13 metres between habitable rooms and balconies and non-habitable rooms. • 9 Metres between non-habitable rooms	Separation from buildings on 140-142 Great Western Hwy (on the eastern side of the proposed building) is covered by Part N of the DCP. The proposed building will be at least 13m from future three-storey development of 1 & 3 Broxbourne St to the rear of the site. This meets the requirements for buildings up to 4 storeys but is less than the 18m required for buildings of 5-8 storeys. It is considered appropriate to apply the 4 storey standard, as development on 1-3 Broxbourne is limited to 3 storeys. Levels of the development higher than this will be looking across the top of development on 1-3 Broxbourne St, not directly into windows and balconies at the same level, and therefore will not present a significant privacy impact.	Yes (Refer also to comments re Part N of the DCP).
	C9. Side and rear boundary setbacks shall be landscaped and may include private courtyards, communal open space and clothes drying facilities.	The only option for vehicular access is through the rear setback area. However this occupies only a small proportion of the rear setback area and the bulk of it is landscaped.	Yes

Clause	Requirement	Proposal	Complies?
	C11. The minimum setback for basement and semi-basement levels to the side and rear boundaries of an allotment is 3m.	The development provides a basement setback of less than 3m to the northern (rear) boundary and part of the eastern (side) boundary. Basement construction is expensive and it is therefore important to the financial viability of this affordable housing project that parking be confined to a single basement level. This requires the basement to be wider than might be achieved if two levels were provided. However, adequate deep soil area complying with ARHSEPP is nonetheless achieved, and it is proposed to provide a raised planter bed along the northern boundary to support the growth of trees and shrubs. Part N of the DCP requires a nil building setback to the eastern side boundary which negates any advantage in providing a 3m basement setback from that side.	No, but justified on merit.
	C12. An minimum upper storey setback of 3m is required for all floors above 4 storeys.	The development provides an upper storey setback of 3m above 4 storeys.	Yes
Part B 6.4 Height	C1. The minimum floor to ceiling heights shall be: <ul style="list-style-type: none"> <li>• 2.7 metres for habitable rooms.</li> <li>• 2.4 metres for non habitable rooms.</li> </ul>	The proposed ceiling heights are all 2.7m except for the flexible use ground floor units which have a ceiling height of 3.5m to enable their future adaptation to commercial.	Yes
	C3 The table specifies a maximum of 6 storeys where the building height is 21m and 7 storeys where it is 24m.	These controls are superseded by those addressed previously in Part C and Part N.	NA
Part B 6.5 Building Depth	C1. The maximum internal plan depth of a residential flat building shall be 18 metres. C2. Council may consider internal plan depths deeper than 18 metres for some forms of residential flat development, where it can be demonstrated that satisfactory solar access and ventilation is achieved through higher floor to ceiling heights or wider frontages.	The maximum internal plan depth is 21.8m. However as satisfactory solar access and ventilation is achieved, the basis for variation of the control has been met.	Yes
Part B 6.6. Open Space (Communal)	The relevant controls regarding communal open space are: C1. Communal open space shall be provided behind the building line, in one unbroken parcel. It shall have a minimum dimension of 4 metres in any direction. C3. For residential flat buildings, communal open space shall have a minimum area of 10m <sup>2</sup> per dwelling or 30% of the site area, whichever is the greater. C4. Communal open space shall be located where it is highly	The main area of communal open space is located behind the building in the rear setback area.  663m <sup>2</sup> of communal open space is provided which represents 29% of the site. This exceeds the 25% required by Part C of the DCP. The communal open space is visible from the rear balconies of all units. Paths of travel have been	Yes



Clause	Requirement	Proposal	Complies?
	<p>visible and directly accessible to the maximum number of dwellings. Excessively long paths of travel to and from communal open space must be avoided.</p> <p>C6. Communal open space shall be integrated with the site and designed with uses such as circulation, BBQ or play areas or passive amenity.</p> <p>C7. Communal open space shall be appropriately landscaped and ensure active and passive recreation through the provision of facilities such as seating, pergolas, barbeque facilities and the like.</p> <p>C8. Communal open space shall be clearly defined.</p> <p>C9. Communal open space shall be fenced and contain one item of heavy-duty playground equipment per five dwellings, and may contain facilities for adult recreation and permanent seating.</p> <p>Note: Where possible, communal open spaces should have a northern aspect and contain a reasonable proportion of unbuilt upon (landscaped) area and paved area.</p>	<p>minimised.</p> <p>The communal open space is clearly defined by fencing and planting and is appropriately landscaped for its intended recreational use, given that a high proportion of residents will be single person households or couples without children.</p> <p>The communal open space has a northerly aspect and is shielded from the Highway by the proposed building. Most of it will be soft landscaped.</p>	
Part B 6.6. Open Space (Private)	<p>The relevant controls regarding private open space are:</p> <p>C10. Each dwelling within a residential flat building shall have access to primary private open space, in the form of a deck, balcony, courtyard or terrace, accessible from main living areas of the dwelling.</p> <p>C11. Balconies shall be a minimum area of 10m<sup>2</sup>, with a minimum dimension in any one direction of 2m for studio and 1 bedroom units and 2.4m for 2+ bedroom units shall be provided as private open space for each dwelling.</p> <p>C12. Private open space is not encouraged within the street setback unless as a terrace or verandah which provides the potential for passive surveillance to the street. This area is not included in the minimum private open space area calculation.</p> <p>C13. Dwellings on the ground floor should be provided with a courtyard that has a minimum area of 10m<sup>2</sup> and a minimum dimension of 2.5 metres.</p> <p>C14. Where courtyards are provided to the street side of an apartment, the maximum fence wall height is 1.5 metres.</p> <p>C15. 1.8 metre high courtyard walls are not permitted to the public domain.</p>	<p>The ground floor units have courtyards and all others have a balcony. All are accessible from the living room.</p> <p>The balconies range from 10m<sup>2</sup> – 14m<sup>2</sup> and meet the minimum dimension requirements.</p> <p>Surveillance of the street from ground level courtyards is not practical given the minimal front setback allowed and consequent need to provide high front fencing for privacy and acoustic attenuation.</p> <p>Units on the ground floor have courtyards ranging from 11m<sup>2</sup> – 79m<sup>2</sup>. The 2.5m width is achieved except for two units fronting the Highway where the 5.5m kerb setback requirement prevents compliance.</p>	Generally complies

Clause	Requirement	Proposal	Complies?
	<p>C16. Where possible, private open space shall have a northerly or easterly aspect. Gas and water outlets shall be provided in these areas.</p> <p>C17. Secondary balconies should be considered for additional amenity.</p> <p>C18. Balustrades shall not be fully transparent, but shall be designed to allow views and casual surveillance of the street while providing for safety and visual privacy.</p> <p>C19. The depth of balconies shall not cause sunlight penetration to dwellings to be compromised.</p> <p>C20. Balconies shall not be continuous across the entire facade of the residential flat building.</p> <p>C21. Gas and water outlets shall be provided on primary balconies and terraces.</p> <p>C22. Appropriate measures shall be taken to ensure visual privacy is maintained between balconies within a development.</p> <p>C23. Furniture layouts must accompany all development applications to ensure the useability of all balconies.</p>	Refer Part C re balconies.	
Part B 6.7. Building Appearance	Controls C1 – C8 specify requirements for building facades. Controls C9 – C16 specify requirements for roof design.	Addressed in Part C.	NA
Part B 6.8. Building Entry and Pedestrian Access	<p>C1. Building entries shall be a clearly identifiable element of the building.</p> <p>C2. Entrances shall be visible from the street, sheltered and well lit.</p> <p>C3. Entrances shall be designed to avoid ambiguous and publicly accessible small spaces in entry areas.</p> <p>C4. Clear lines of sight shall be provided between one circulation space and the next.</p> <p>C5. The main building entry is to be separate from car parks or car entries.</p> <p>C6. Ground floor dwellings that are oriented towards the street may have their own entrances from the street.</p> <p>C7. High quality accessible routes are to be provided to the following areas of the site:</p> <ul style="list-style-type: none"> <li>• major entries;</li> <li>• lobbies,</li> <li>• communal open spaces,</li> </ul>	The development achieves these requirements – refer Part C.	Yes

Clause	Requirement	Proposal	Complies?
	<ul style="list-style-type: none"> <li>• site facilities,</li> <li>• parking areas, and</li> <li>• public streets.</li> </ul> <p>C8. The main building entrance shall be designed to be accessible from the street and car parking areas for less mobile persons.</p> <p>C9. Pedestrian and vehicle access ways are to be separate and clearly distinguishable.</p> <p>C10. The accessibility standard set out in Australian Standard AS 1428 (parts 1 and 2) is to be followed as a minimum.</p> <p>C11. Entries and circulation space shall be designed to allow movement of furniture between public and private spaces.</p>		
Part B 6.9. Parking and Vehicular Access	Controls C1 – C15 specify requirements for parking and vehicular access.	Addressed Part C.	NA
Part B 6.10. Dwelling Layout and Mix	Controls C6 – C15 specify requirements for dwelling mix and layout.	Addressed in Part C.	NA
Part B 6.11. Internal Circulation	Controls C1 – C6 specify requirements for internal circulation.	Addressed in Part C.	NA
Part B 6.12. Facilities and Amenities	<p>C1. Each dwelling shall be provided with individual laundry facilities located within the dwelling unit.</p> <p>C2. Open air clothes drying facilities should be provided in a sunny ventilated and convenient location, which is adequately screened from streets and other public places. 7.5 metres of line per dwelling shall be provided.</p> <p>C3. Mechanical drying appliances shall be provided for each dwelling and the provision of external drying areas at a rate of 3.0 metres of line per dwelling in a suitably screened position.</p> <p>C4. Council garbage collection services will be provided from the public road frontage only. Where 15 or more dwellings are proposed for a site, Council may require special arrangements to be made for bulk garbage collection.</p> <p>C5. A master antenna should be provided for any development of more than two dwellings.</p> <p>C6. Only one telecommunications / TV antenna / satellite dish will be permitted for each residential flat building.</p>	<p>Individual laundry facilities and clotheslines with 7.5m of line are proposed.</p> <p>The other detailed requirements can be addressed by conditions of consent.</p>	Yes

Clause	Requirement	Proposal	Complies?
	<p>C7. Satellite dishes, telecommunication antenna and other ancillary facilities shall be located away from the primary street frontage and incorporated into the overall building design, where possible.</p> <p>C8. The service courts or clothes drying areas shall be screened by walls at least 1.5 metres high.</p> <p>C9. Screens not being building walls may be of masonry or lapped, capped and stained timber or other material approved by Council, except that screen walls facing roads, pedestrian walkways, reserves or public places shall be of material used in the building external wall construction and in harmony with the building wall design.</p> <p>C10. Landscaped private courts shall be clearly defined either by building services or by screen walls or by fencing.</p> <p>C11. Metre box rooms for utilities shall be provided in the basement of residential flat buildings.</p> <p>C12. Mailboxes shall be integrated with the design of landscaped areas, fences and buildings, and shall not dominate the street front. They are to be clearly defined and easily accessible from the main access point of the building.</p> <p>C13. Mailboxes shall be designed and provided so that they are convenient for residents, shall not be at 90° to the street, does not require a postal employee to enter the site and shall not clutter the appearance of the development from the street.</p> <p>Note: Applicants should discuss with Australia Post the required dimensions and locations for mailboxes.</p> <p>C14. Storage shall be provided in locations convenient for the dwelling. Options include:</p> <ul style="list-style-type: none"> <li>• locating at least 50% of the required storage space within the dwelling;</li> <li>• dedicating storage rooms on each floor within the development;</li> <li>• dedicating storage in internal or basement car parks.</li> </ul> <p>Note: Storage space shall be excluded from the calculation of FSR.</p> <p>C15. Storage for individual dwellings not located within the dwelling shall be separate and secure for individual use.</p> <p>C16. Storage facilities shall be provided at the following</p>		

Clause	Requirement	Proposal	Complies?
	rates: <ul style="list-style-type: none"> <li>One Bedroom Dwelling: 6m<sup>3</sup></li> <li>Two Bedroom Dwelling: 8m<sup>3</sup></li> <li>3+ Bedroom Dwelling 10m<sup>3</sup></li> </ul> C17. Access to storage areas shall be accessible to wheelchair users and for less mobile persons. C18. All dwellings shall be clearly and appropriately numbered. C19. A garden maintenance and storage area shall be provided in all developments. It shall be conveniently located and connected to water and drainage.		
Part B 6.13. Natural Ventilation	Controls C1 – C4 specify requirements for maximising natural ventilation.	Addressed in Part C.	NA
Part B 6.14. Maintenance	Controls C1 – C6 specify requirements for ensuring long building life and ease of maintenance.	Addressed in Part C.	Yes
Part B 6.15. Waste Management	C1. Bin storage areas shall: <ul style="list-style-type: none"> <li>be located behind the building line and screened from the street and any public place;</li> <li>be accessible and in relatively close proximity to each dwelling;</li> <li>allow for unobstructed access that does not exceed a grade of 1:8 for bins to be wheeled to the collection point;</li> <li>not impact upon the amenity of adjoining premises or dwellings within the development, i.e. odour.</li> </ul> C2. Storage areas are to be of adequate size to store the required number of bins, durable and waterproof, well ventilated and should integrate with the design of the development. C3. The floor of bin storage areas shall be made of concrete construction and shall be properly graded to the drain. C4. A water hose shall be provided in close proximity to facilitate regular cleaning of bins and the storage area itself. C5. An area is to be nominated on-site for communal composting. C6. Every dwelling is to be provided with a waste cupboard or temporary storage area of sufficient size to hold a single days waste and to enable source separation.	A waste storage room accommodating 32 bins is provided in the basement. Bins will be wheeled by the trade waste contractor or cleaning contractor to the kerb for collection by Council's waste service. The gradient of part of the ramp is 1:7 which exceeds 1:8 but as this is a minor increase, it is considered acceptable.	Yes



Clause	Requirement	Proposal	Complies?
<b>Part A – General Controls</b>			
Part A 2.4. Vehicular Crossings, Splay Corners, & Kerb and Guttering	Most of the controls in this clause are of a type that would be enforced through standard conditions of consent. Specific controls are addressed below.	Compliance of the development can be enforced through standard conditions of consent.	Yes
	C2. Construct a plain concrete (not patterned or coloured) vehicle crossing at each vehicle entrance/exit to the property, to specifications found in Council's Vehicular Crossing Policy.	The development proposes a single vehicular crossing to Broxbourne St. It will be designed to comply with Council's Vehicular Crossing Policy. This can be enforced by a condition of consent.	Yes
	C6. Maintain pedestrian safety by minimising potential pedestrian and vehicular conflicts through: • Limiting the width and number of vehicle access points, • ensuring clear site lines at pedestrian and vehicle crossings, • utilising traffic calming devices, and • separating and clearly distinguishing between pedestrian and vehicular accessways.	To minimise vehicular conflict, no vehicular access is provided to the Highway. The development proposes a single vehicular crossing to Broxbourne St. The vehicle crossing point complies with applicable requirements, as confirmed in the Traffic Assessment prepared by TTM. Separation and clear distinction between pedestrian and vehicle accessways is provided.	Yes
	C8. Optimise the opportunities for active street frontages and streetscape design by: • making vehicle access points as narrow as possible • consolidating vehicle access within sites under single body corporate ownership • locating car park entry and access from secondary streets and lanes.	The proposed vehicle crossing is 5.5m wide and is located off a secondary road (Broxbourne St). The Traffic Assessment prepared by TTM confirms that this width is appropriate. It is intended that the driveway will be under single body corporate ownership to ensure its availability to both commercial and residential tenants and visitors.	Yes
Part A 3.1 Minimum parking spaces	C1. Table 3.1 would require 83 spaces for the residential component, calculated as follows: • 0.8 spaces/1BR unit x 21 units = 16.8 spaces • 1.0 spaces/2BR unit x 50 units = 50 spaces • 1.2 spaces/3BR unit x 1 unit = 1.2 spaces • 0.2 visitor spaces/unit x 72 units = 14.4 spaces  For the non-residential component, the Table 3.1 requires 1 space /20m <sup>2</sup> leasable GFA x 52m <sup>2</sup> = 3 spaces.  The total amount of residential and commercial parking that would be required is therefore 83 spaces.	38 car parking spaces are provided. This is less than the number required by the DCP but exceeds the 35 spaces that would be required in accordance with Clause 14(2)(a) of ARHSEPP (for social housing providers in an accessible area). The parking requirements of ARHSEPP are non-discretionary standards and prevail over those in the DCP (via Clause 8 of ARHSEPP). The lower rates of carparking required by ARHSEPP reflect the lower rate of car ownership in affordable housing projects. The amount of parking is therefore considered to meet the objective O1: <i>To ensure that adequate and convenient off-street parking facilities are provided for all vehicles generated by the various types of development.</i> Given the site's location directly adjacent to the Mays Hill	No, but meets prevailing statutory requirement of ARHSEPP, satisfies objectives of DCP and is supported by Traffic Assessment.

Clause	Requirement	Proposal	Complies?
		Transitway Station, it is also consistent with Objective 03: <i>To limit traffic generation associated with private vehicle use, in order to encourage public transport, walking and cycling, as alternative forms of transport, where possible.</i> The <i>Traffic Assessment</i> prepared by TTM confirms that the proposed amount of parking is adequate.	
Part A 3.2. Parking Design Guidelines	C8. Parking study is required in support of parking proposed for developments listed in Schedule 3 Infrastructure SEPP.	The proposal is not development of a type listed in Schedule 3 of the Infrastructure SEPP. In any event, the <i>Traffic Assessment</i> prepared by TTM confirms that the proposed number of parking spaces will meet the likely needs of the development.	Yes
Part A 3.3 Dimensions & Gradients	Controls C1 – C13 specify dimensional and gradient requirements for parking spaces, ramps and driveways.	The <i>Traffic Assessment</i> prepared by TTM confirms that the design of the parking area either meets the relevant DCP controls and Australian Standards or provides a satisfactory alternative solution.	Yes
Part A 3.4 Site Works	Controls C1 – C4 specify requirements for drainage, lighting and ventilation of car parks.	The <i>Traffic Assessment</i> prepared by TTM confirms that the design of the parking area meets the relevant DCP controls and Australian Standards or will be able to comply where it is more appropriate to impose conditions requiring compliance.	Yes
Part A 3.5 Access, Manoeuvring and Layout	Controls C1 – C27 specify requirements for internal roadways, general layout, driveways, setbacks, swept turning paths, clearances, pedestrian circulation, speed humps, linemarking and signposting of car parks.	The <i>Traffic Assessment</i> prepared by TTM confirms that the design of the parking area meets the relevant DCP controls and Australian Standards or will be able to comply where it is more appropriate to impose conditions requiring compliance.	Yes
Part A 3.6 Parking for the Disabled	Controls C1 – C9 specify requirements for parking spaces for the disabled .	The <i>Traffic Assessment</i> prepared by TTM confirms that the design of the parking area meets the relevant DCP controls and Australian Standards or will be able to comply where it is more appropriate to impose conditions requiring compliance.	Yes
Part A 3.7 Referrals/Other Approvals	Requires approval by other authorities for Integrated Developments or referral to RMS for comment under the Infrastructure SEPP.	The proposal is not Integrated Development nor does it require referral to the RMS for comment under Clause 104 of the Infrastructure SEPP.	N.A.
Part A 4.1 Preservation of trees	Guides the management of existing trees within Holroyd City.	There are no significant trees on the site.	N.A.
Part A 4.2. Development Works	C3. Development proposals must consider existing trees situated on adjacent properties with adequate setbacks to	The Survey Plan identifies trees on neighbouring sites. Appropriate measures to protect neighbouring trees can	Yes

Clause	Requirement	Proposal	Complies?
including existing trees and landscaping	any works and protection measures stipulated in accordance with AS4970-2009 to ensure their long term survival. C5. Development shall not impact trees on public land.	be enforced through conditions of consent.	
	Controls C9-C18 require submission of a Landscape Plan and set requirements for landscaping works and landscape specifications.	The Landscape Plan and details have been designed to comply with the relevant requirements of these controls.	Yes
	Controls C19 – C22 specify landscape requirements during the construction phase and after construction.	These requirements can be enforced through conditions of consent.	Yes
Part A 5. Biodiversity	This element applies to environmentally sensitive land identified in HLEP2013 and to any other land containing threatened species, populations or ecological communities or their habitats.	The site is vacant cleared land that has undergone remediation following its previous use as a petrol station. It is not environmentally sensitive land under HLEP2013 nor does it contain threatened species, populations or ecological communities or their habitats. Although this element technically does not apply to the site, the relevant objectives of this element will be promoted by the proposal to include indigenous plantings and rain water harvesting in the development.	Yes
Part A 6.1. Cut & Fill and Retaining Walls	Controls C1 – C14 specify general requirements for cut and fill.	The site is generally level and does not require significant cut and fill, other than excavation to accommodate the basement car park and driveway. There are no drainage easements affecting or benefitting the site. Existing and proposed levels and retaining walls are shown on the DA drawings and comply with the relevant controls.	Yes
Part A 6.2. Site Contamination and Land Filling	C1 provides that site contamination investigation may be required in accordance with SEPP55 and Council's Contaminated Land Management Policy.	The site was previously used as a service station, a use which is identified in the <i>Managing Land Contamination Planning Guidelines</i> under SEPP 55 - Remediation of Land as a potentially contaminating activity. A <i>Preliminary Waste Classification</i> (PWC) has been prepared by Coffey Environments Australia Pty Ltd. The PWC notes that the site was previously remediated and partly filled. The PWC involved a review of the previous contamination assessment, as well as further sampling and analysis of the soil. It concludes that the fill material to be excavated for the development can be disposed to landfill licensed to receive General Solid Waste (non-putrescible), subject to additional testing and assessment following excavation and prior to off-site disposal. This	Yes, subject to conditions.

Clause	Requirement	Proposal	Complies?
		can be required by conditions of consent.	
	C2: New building works may need to demonstrate the geotechnical stability of sub-surface conditions prior to Council issuing a Construction Certificate.	A <i>Geotechnical Investigation</i> has been prepared by Coffey Geotechnics Pty Ltd. It confirms that the sub-surface conditions of the site are suitable for the development, subject to recommendations. These recommendations can be required by conditions of consent.	Yes, subject to conditions.
Part A 6.3. Erosion and Sediment Control	Controls C1 – C29 specify requirements for Minimum Erosion and Sediment Control Standards, Vegetation, Sediment Fencing, Stormwater control, Site Access, Turf Filter Strips, Stockpiles, Guttering and downpipes and responsibility for implementation of measures.	A <i>Sediment and Erosion Plan</i> has been prepared by Enstruct Group Pty Ltd. Further detailing and compliance with the Sediment and Erosion Plan can be enforced through appropriate conditions of consent.	Yes, subject to conditions
Part A 6.4 Erosion and Sediment Control Plan	C1. Requires submission of an ESCP where the proposal involves disturbance of the soil surface or any changes in the rate or volume of runoff. Controls C3 – C11 set requirements regarding the form and content of the ESCP.		
Part A 6.5. Salinity management	Controls C1 – C9 specify requirements for determining the level of salinity risk and implementing the appropriate response.	The site is identified in the HLEP2013 Salinity Map (SAL_008) as having Moderate Salinity Potential. A <i>Salinity Assessment &amp; Management Response</i> has been prepared by Coffey Geotechnics Pty Ltd that includes a Level 1 salinity management response.	Yes
Part A 7.1. Roof and Surface Water 7.2. Stormwater Drainage-Acceptable Systems 7.3. Stormwater Drainage-Technical	The controls specify requirements regarding the types of system permitted and their design. C4 permits pump systems for basement car parks subject to specified criteria.	A Stormwater Management Report and drawings have been prepared by Enstruct Group Pty Ltd. Compliance with the details and recommendations of the report can be required by conditions of consent.	Yes, subject to conditions
Part A 7.4. Easements	Controls C1 – C8 specify requirements for drainage easements.	No drainage easements currently affect or benefit the site and none are required or proposed to accommodate drainage from the development.	N.A.
Part A 7.5. Water Sensitive Urban Design (WSUD)	Controls C1 – C5 specify requirements for WSUD for developments on sites of over 2,500m <sup>2</sup> .	The site is 2,251m <sup>2</sup> and being less than 2,500m <sup>2</sup> , is not subject to these controls.	NA
Part A 8. Flood Prone Land	Controls specify requirements for development on flood prone land.	The site is not identified as affected by flooding on the Flood Control Lot Map. Nor would this be expected given its location on an elevated ridge.	N.A.

Clause	Requirement	Proposal	Complies?
Part A 9. Managing External Road Noise and Vibration	Controls C1 – C6 require an acoustic/vibration report for sites fronting a classified road and compliance with specified vibration and noise levels.	Addressed in Part C.	Yes
Part A 10. Safety and Security	Control C1 requires a site management plan and formal crime risk assessment for large developments which would create a crime risk.  Controls C2 – C8 specify design requirements to discourage crime and facilitate its detection.	The proposal is a mixed use residential/community facility development of moderate scale. It is not of a nature or scale that would create a crime risk.  The design has addressed Crime Prevention Through Environmental Design (CPTED) principles. Details are provided in the statement addressing the SEPP65 Design Quality Principles (Principle 8 – Safety & Security). They include avoidance of concealment opportunities, territorial reinforcement of public and private spaces, natural surveillance of the public domain, installation of effective lighting and appropriate landscaping. Access to the residential entry foyer and lift will be electronically controlled and monitored by CCTV. Non-slip pavements will be specified in pedestrian areas.	N.A.  Yes
Part A 11.1. Site Waste Minimisation and Management Plan	Controls C1 – C4 require a SWMP and set requirements regarding its form and content.	A WMP has been prepared. Compliance can be required by conditions of consent.	Yes, subject to conditions
Part A 11.3. Residential Land Use Waste Management	Controls C1 – C13 specify requirements for storage of individual waste and recycling bins within units, for storage of communal waste and recycling bins within the basement and for their collection.	Each unit will have space in the kitchen for storage of waste and recycling bins. A room is provided in the basement for communal wheeled waste and recycling bins. Residents will be responsible for taking their waste and recyclables to the bin room and sorting it into the appropriate bin. These will be wheeled by contractors to the Broxbourne St kerbside for collection by Council/trade waste contractor.	Yes
Part A 12. Services	Controls C1 – C8 require existing utility services to be taken into account to minimise disruption, and require satisfactory arrangements to be made with service providers for provision of services to the development.	Details of existing utility services are shown on the Survey Plan. The development has been designed to minimise disruption to existing service installations. Service providers have been contacted and have confirmed that services can be supplied to the development. Provision has been made for an electricity substation.	Yes
Part A 12.1. Telecommunications	Controls C12 – C16 specify requirements for antennae and communications dishes on buildings.	A common TV antenna will be provided on the roof and reticulated by cable to all units and commercial tenancies.	Yes



Clause	Requirement	Proposal	Complies?
Facilities		The relevant controls and objectives will be observed in designing and locating the antenna. This can be enforced through an appropriate condition of consent.	