

Proposal: Demolition of existing structures; consolidation of 9 lots into 1 lot; construction of 3 residential flat buildings ranging in height between 5 and 7 storeys and comprising 197 units over 1 level of basement accommodating 257 car parking spaces.

The proposal has a capital investment value of more than \$20M and the consent authority is the Joint Regional Planning Panel.

Location: 31, 33 & 37B Garfield Street, Wentworthville

Lot 29A, DP 307785	31 Garfield Street
Lot 2, DP 393797	33 Garfield Street
Lot 1, DP 264287	37B Garfield Street
Lots 6-9, DP 264286	37B Garfield Street
Lot 3, DP 212307	37B Garfield Street
Lot 1, DP 212306	37B Garfield Street

Proponent: Universal Property Group Pty Ltd

**Capital
Investment**

Value: \$42.8 million

File No.: DA2014/555

Author: Andrew Robinson, Consultant Planner – Andrew Robinson Planning Services Pty Ltd – for Holroyd City Council

RECOMMENDATION

1. That the JRPP support the variation to the height of buildings principal development standard specified under Clause 4.3 of Holroyd LEP 2013, in accordance with the request under Clause 4.6 of the LEP submitted by the proponent.
2. That the application proposing demolition of existing structures; consolidation of 9 lots into 1 lot; construction of 3 residential flat buildings ranging in height between 5 and 7 storeys and comprising 197 units over 1 level of basement accommodating 257 car parking spaces, be approved subject to the conditions outlined in Attachment G of this report.

SUPPORTING DOCUMENTS

Attachment A – Locality Plan
Attachment B – Architectural & Landscape Plans
Attachment C – Revised Statement of Environmental Effects
Attachment D – Clause 4.6 Variation
Attachment E – Design Verification Statement
Attachment F – Submissions
Attachment G – Draft Conditions of Consent

EXECUTIVE SUMMARY

This development application proposes the demolition of existing structures; consolidation of 9 lots into 1 lot; construction of 3 residential flat buildings ranging in height between 5 and 7 storeys and comprising 197 units over 1 level of basement accommodating 257 car spaces.

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

The original application, seeking consent for the erection of 200 units was placed on public exhibition for a period of thirty (30) days during February and March 2015. Letters were sent to adjoining and surrounding owners and occupiers, an advertisement was placed in the local paper and a notice was placed on site. In response, eight (8) submissions were received, including seven (7) individual submissions and a petition with eleven (11) signatories.

The application was referred to Council's Building Services Section, Development Engineering Section, Traffic Section, Landscaping Section, Environmental Health Unit, Waste Management Section, Strategic Planning Section and Community Services Section (Social Planning and Accessibility).

In addition, the application was referred to Roads and Maritime Services and NSW Police Holroyd LAC. The external referral authorities raised no objection to the proposal, subject to the implementation of a number of recommended conditions.

The original proposal was assessed and a number of non-compliances with Council's DCP were identified and additional information was required to enable a full and proper assessment of the application to be undertaken. In addition, the Statement of Environmental Effects contained a number of discrepancies with other supporting documentation submitted with the application. Accordingly, the original application was deferred in April 2015 for the submission of amended plans/further information.

Amended plans and supporting documentation were submitted in response to Council's request for additional information and a second public exhibition took place in June and July 2015. A further two (2) submissions were received reiterating previous concerns raised.

At the JRPP Briefing meeting on 15 June 2015, the Panel raised a number of concerns, in particular with regard to the orientation of certain units, separation distances between parts of the development and adjoining residential uses, the ability of landscaped areas over the basement to sustain landscaping and a lack of information on the submitted shadow diagrams. The Panel also recommended that independent urban design advice be sought with respect to the proposed height variation and the relationship of the proposed development to adjoining residential buildings.

To address the concerns raised by the JRPP, the plans were further amended and the revised scheme now proposes a total of 197 units.

The amended proposal has been assessed by Council's independent Town Planning Consultant and it is considered that all of the matters raised in the deferral have now been satisfactorily addressed. This report discusses the merits of the amended design.

The application is referred to the Sydney West Joint Regional Planning Panel for consideration pursuant to Clause 23G and Schedule 4A of the *Environmental Planning & Assessment Act 1979*, as the development has a capital value in excess of \$20 million.

The proposed development exceeds the building height principal development standard under Clause 4.3 of *Holroyd Local Environmental Plan 2013*. An Exception to Development Standards request made pursuant to Clause 4.6 of the LEP has been submitted with the application and is considered to be well founded and is supported.

There are a number of non-compliances with the numeric provisions of Holroyd DCP 2013. These are considered to be minor and are acceptable under the circumstances of the case and given that the objectives of the relevant provisions have been satisfied.

It is considered that the proposed development is appropriate for the site and for the locality and will have minimal impact on the surrounding environment. Based on an assessment of the application, it is recommended that the application be approved subject to the conditions as outlined in Attachment G of this report.

SITE DESCRIPTION AND LOCALITY

The site is known as Nos. 31, 33 & 37B Garfield Street, Wentworthville and comprises nine (9) allotments identified as follows:

Lot 29A, DP 307785	31 Garfield Street
Lot 2, DP 393797	33 Garfield Street
Lot 1, DP 264287	37B Garfield Street
Lots 6-9, DP 264286	37B Garfield Street
Lot 3, DP 212307	37B Garfield Street
Lot 1, DP 212306	37B Garfield Street

In addition, it is proposed that a pedestrian connection through the site between Mildred Street and Garfield Street be created under a Voluntary Planning Agreement (VPA). The pedestrian connection will rely on the pathway through the western side of No. 6 Mildred Street (Lot 6, DP 25843) also owned by the owner of the abovementioned properties.

The site is located on the eastern side of the Cumberland Highway and is to the north of Mildred Street, south of Pritchard Street and west of Garfield Street.

The western side of the site has a 193m frontage to the Cumberland Highway. However, access to the site is via Garfield Street to the east of the site. The frontage to Garfield Street is restricted to 35.32m at the northern end of the site, as well as a 4.265m strip mid-way along Garfield Street that is to be closed to access and landscaped (deep soil). The total site area is 13,233.3m².

The site is currently occupied by the Old Wentworthville Bowling Club, including 2 bowling greens, a Club House and on-site parking. All existing buildings / structures etc are to be demolished.

The topography of the site is relatively flat. However, there is a fall of approximately 3m across the site from the eastern side to the western boundary.

The site is currently surrounded by dwellings in a low density residential setting. However, the area is in a transitional period, following rezoning to allow for higher densities and

additional land uses under *Holroyd Local Environmental Plan 2013*. The proposed development represents the first site in this location to seek approval to redevelop in line with the built form and desired character envisaged under the current LEP and DCP controls.

The site is approximately 350m from the Wentworthville town centre and within 560m walking distance from Wentworthville Railway Station. Public bus services are available from Station Street, approximately 230m walking distance to the east of the site. The Great Western Highway and M4 Motorway are located approximately 560m and 770m respectively to the south of the site.

Aerial View of Site and Surrounds



Source: Google Maps

PROPOSAL

The application (as amended) proposes demolition of all existing structures on the site, consolidation of the 9 allotments into 1 lot and construction of 3 residential flat buildings ranging in height between 5 and 7 storeys over a single basement level.

The development comprises a total of 197 dwellings (incl. 30 adaptable dwellings) consisting of 2 x 1 bedroom (1%), 115 x 2 bedroom (58.4%) and 80 x 3 bedroom (40.6%) dwellings, over a single basement level containing parking for 257 cars and 121 bicycles. The proposed development has a gross floor area of 15,826.5m².

Specific details of the proposal are as follows:

Residential Units

The 197 residential units within the 3 residential flat buildings comprise the following mix:

Building A – 5 storeys

- 37 x 2 bedroom
- 31 x 3 bedroom
- Total - 68 units

Building B – Part 5 & part 6 storeys

- 2 x 1 bedroom
- 45 x 2 bedroom
- 22 x 3 bedroom
- Total – 69 units

Building C – Part 5 & part 7 storeys

- 33 x 2 bedroom
- 27 x 3 bedroom
- Total – 60 units

Of the 197 units, 30 have been nominated as adaptable units.

Parking

The single level of basement parking extends underneath the 3 residential flat buildings. Vehicular access to the basement is via a single driveway from Garfield Street, leading into the basement behind Building C.

A total of 257 parking spaces are proposed, with the following breakdown:

- 217 resident spaces
- 40 visitor spaces

Of these 257 spaces, 34 are accessible spaces (30 resident and 4 visitor).

In addition, a dedicated car wash bay and racks to accommodate 121 bicycles are provided, dispersed throughout the basement.

Servicing

There is a loading bay at ground level in the undercroft area at the south-western corner of Building C. Loading and unloading for Buildings B & A can utilise the trafficable pathway and turning area between the 2 buildings, designed to accommodate a medium rigid vehicle (MRV).

Waste and recycling storage rooms (6) are provided in the basement adjacent to each lift core. The waste and recycling storage rooms have been designed to accommodate the required number of waste and recycling bins that will include a combination of 240 litre and 1100 litre bins. Garbage chutes have been provided on each floor of the buildings to allow

residents to readily dispose of waste and recycling. There is a central garbage collection area at ground floor level adjacent to Building C and a service lift in the basement below the collection point will be used to transfer all bins to the collection point.

Communal Open Space

The proposed development provides 36% of the site area as landscaped communal open space, with a total area of 4,770m². The communal open space has been divided into 3 areas and ensures that the residents of each buildings have access to communal open space adjacent to their particular building. Area 1, located on the southern side of Building A has an area of 1,370m². Area 2, located between Buildings A & B has an area of 2,450m² and Area 3, located between Buildings B & C has an area of 950m².

As depicted on the Site Plan and Landscape Plan, the communal open space areas provide pathways, turfed areas and planted garden beds, with shade trees (incorporating 2 areas of deep soil within the basement footprint), shrubs and groundcovers. Communal Areas 2 & 3 also incorporate playgrounds, BBQ facilities with tables and chairs and communal kitchen gardens.

Tree Removal

There are 54 trees of various types, sizes and ages on the site. It is proposed to remove 16 of the existing trees. The applicant's Arborist considers these trees to be **of** low to moderate retention value.

Pedestrian Connection between Mildred Street and Garfield Street - (VPA)

As described earlier, at the request of Council, the application also proposes to provide a public walkway linking Mildred Street and Garfield Street to the south of the site, via a landscaped pathway through the western side of No. 6 Mildred Street (Lot 6, DP 25843) also owned by the owner of the subject site.

The public walkway is proposed to be facilitated through a Voluntary Planning Agreement (VPA) between Council and the proponent and the VPA offer comprises:

- A 3m footpath (including landscaping and lighting) to be constructed as works-in-kind; and
- A public access right-of-way for the proposed footpath.

The purpose of the public walkway is to provide a more direct pedestrian connection between the residential properties to the south of the site and the Wentworthville commercial centre and railway station. As agreed to in discussions between Council and the proponent, the 3m wide public walkway is to be constructed and lit (using bollard style lighting) by the proponent. However, the walkway will be covered by a right-of-carriageway and will be maintained by the developer.

The VPA will need to be in place prior to the issue of a Construction Certificate and a condition to this effect has been included in the recommended conditions contained at Appendix F.

SECTION 79C OF THE EP&A ACT

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

(1) *Matters for consideration—general*

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

(a) *the provisions of:*

- (i) *Any environmental planning instrument***

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

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

A BASIX Certificate (No. 577538M) has been submitted with the application and demonstrates that the proposed development meets the required water, thermal comfort and energy targets. The BASIX Commitments specified in the BASIX Certificate and nominated on the architectural drawings will need to be incorporated into the construction and fit-out of the development. A condition to require the BASIX commitments to be implemented in the construction of the development will be included in the recommended conditions of consent. As such, Council is satisfied that the sustainability obligations under the SEPP have been met.

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

Given the former use of the site as the Wentworthville Leagues Bowling Club, there is the potential for the land to be contaminated. There is also potential for asbestos and/or other hazardous materials in the existing buildings on the site.

The application is accompanied by a Targeted Environmental Site Assessment prepared by NG Child & Associates and dated 14 October 2014, as well as a Hazardous Materials Survey also prepared by NG Child & Associates, dated 8 May 2015.

The Targeted Environmental Site Assessment provides details of the Stage 1 Environmental Site Assessment and soil condition assessment undertaken on the site. An inspection of the site identified 3 portable LPG tanks on the site, as well as the likelihood of asbestos being present in the Green Keepers Shed and the Club House Building. Accordingly, the report makes the following recommendations:

- *That the three portable LPG storage vessels present at the site at the time of the site inspection associated with this assessment are removed prior to the commencement of demolition works at the site;*
- *That an appropriately detailed survey of materials containing asbestos at the site is prepared, and included in a Site Demolition Plan to be prepared and approved prior to the commencement of demolition or other works at the site;*
- *That appropriately detailed instructions and procedures re the safe handling and disposal of materials containing asbestos from the site, prepared in accordance with relevant Holroyd City Council, WorkCover NSW, and NSW EPA guidelines are included in the Site Demolition Plan; and*
- *Following demolition and prior to the commencement of construction at the site, an independent Site Validation Report is prepared to confirm that all material containing asbestos has been removed from the site, and that no asbestos fragments, including fragments from the demolition process, remain at the site.*

The report also details the results of the soil sampling and analysis from 31 samples collected at the surface and at various depths up to 3m from 5 bore holes across the site. Laboratory analysis was undertaken on a total of 23 of the 31 collected samples, including 16 soil samples, 1 duplicate sample, 1 blank sample, one trip spike sample, and four samples of materials from the site suspected to contain asbestos. Testing was undertaken for heavy metals, hydrocarbons and other analytes. However, the results of the analysis indicated that *no contaminants from a wide and representative range were detected at levels at or even approaching concentrations of potential concern in any of the soil samples from the site.*

The key findings of the Stage 1 Environmental Site Assessment and soil condition assessment are as follows:

- *None of the 31 soil samples collected from the site provided any physical indication of contamination, either by discoloration, staining or odour;*
- *No indication of the introduction to or presence of imported or contaminated fill was identified at the site;*
- *None of the sixteen representative soil samples from the site sent to the NATA accredited laboratory of Envirolab Services for analysis indicated the presence of heavy metals, petroleum hydrocarbons, volatile organic compounds, phenolic compounds or pesticide residues at concentrations even approaching relevant soil quality guideline levels;*

- *Asbestos was not detected in soil samples from the site;*
- *On this basis, the soils at the site are assessed as being free of contamination, and the requirements of SEPP 55 in relation to the soil quality required for prospective residential development at the site are satisfied;*
- *None of the 31 soil samples collected from the site provided any physical indication of the presence of salt or salinity; and*
- *Preliminary geotechnical implications from the limited hand augured soil bores involved in this soil quality investigation are that the soils and sub strata at the site will be demonstrated by a detailed geotechnical investigation to be appropriate for the type and scale of development and construction proposed.*

The Hazardous Materials Survey also identifies asbestos containing material in the Green Keepers Shed and the Club House Building, as well as Synthetic Mineral Fibre (SMF) in the air conditioning ducting, sarking, insulation and compressed suspended ceiling panels in the Club House building. Accordingly, during the demolition phase, these materials will need to be handled, stored and disposed of in accordance with the relevant legislation and guidelines.

Council's Environmental Health Officer has reviewed both reports and is satisfied that provided all of the recommendations for the handling, removal and disposal of hazardous materials are implemented during demolition works, there will be no risk to human health.

Therefore, on the basis of the above, the site will be suitable for the proposed development and residential use following the safe demolition and removal of the hazardous materials identified in the buildings on site that are to be demolished.

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

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

In July 2015, Amendment No. 3 to SEPP 65 took effect and the accompanying Residential Flat Design Code (RFDC) was replaced with the Apartment Design Guide (ADG). However, as this application was lodged, but not determined prior to the coming into effect of the amendment, the transitional provision at cl. 31 of the SEPP applies, such that the application is to be assessed and determined as if the amendment had not taken effect.

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

By virtue of its height and number of dwellings, the proposed development is subject to SEPP 65 considerations. A Design Verification Statement has been submitted from the registered architect who designed the building and certifies that the proposal is consistent with the 10 design principles.

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

Part 1 – Local Context

Primary Control	Guideline	Provided	Compliance
Building Height	To ensure the proposed development responds to the desired scale and character of the street and local area and to allow reasonable daylight access to all developments and the public domain	<p>The site is subject to two (2) height principal development standards under Holroyd LEP. The LEP stipulates a maximum height of 18m towards the middle of the site, with a 15m maximum height over the remainder.</p> <p>The proposed development complies with the 15m height limit, however, has a maximum height of 20.8m on that part of the site with the 18m height limit, therefore exceeding the height limit by 2.8m.</p> <p>Notwithstanding, it is considered that despite exceeding the principal height standard, there is sufficient justification to warrant a variation and the proposed built form will be appropriate and will allow for sufficient daylight access to and within the development and the surrounding public domain.</p>	No – Clause 4.6 Exceptions to Development Standards request submitted.
Building Depth	Generally, an apartment building depth of 10 – 18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	The depth of each of the buildings does not exceed 18m.	Yes
Building Separation	<p>Up to four storeys / 12 metres:</p> <ul style="list-style-type: none"> 12m between habitable rooms/balconies; 9m between habitable rooms/balconies and non-habitable rooms; and 6m between non-habitable rooms 	<p>Building A is 5 storeys, Building B is part 5 and part 6 storeys and Building C is part 5 and part 7 storeys.</p> <p>The adjoining sites are yet to be developed to the height & density potential permitted under HLEP 2013. The adjoining sites to the north have a 15m height limit, so</p>	

	<p>Five to eight storeys / up to 25 metres:</p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies; • 13m between habitable rooms/balconies and non-habitable rooms; and • 9m between non-habitable rooms 	<p>potential for 4/5 storeys. The adjoining sites to the east and south have a 9m height limit, so potential for 2/3 storeys. Accordingly, it is reasonable to require the proposed development to provide at least half of the required building separation distances.</p> <p>Northern side: Building C is setback 6.1m from the boundary and provides half of the required 12m separation between buildings up to 4 storeys.</p> <p>However, the 5th storey does not meet the required 9m 'share' for buildings between 5-8 storeys. Whilst the balcony would comply at 6m, the building line would need to have a setback of 9m. However, the building line for the 5th storey is set back 8.4m (i.e. 600mm encroachment).</p> <p>Eastern side: The setback of the buildings to the site boundary to the east varies between 7.2m and 9.7m. This achieves at least half of the required 12m separation distance between buildings up to 4 storeys, as well as the 9m for 5 storeys and above.</p> <p>Southern side: The setback to the southern boundary varies, being 8.365m at its closets and approx. 16m at its greatest. This achieves at least half of the required 12m separation distance between buildings up to 4 storeys.</p> <p>However, the 5th storey does not meet the required 9m 'share' for buildings between 5-8 storeys. Whilst the balcony would comply at 6m, the building line would need to have a setback of 9m. However, the building line for the 5th storey is set back</p>	<p>Yes</p> <p>No, however considered satisfactory (refer to commentary below and at end of table).</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No, however considered satisfactory (refer to commentary below and at end of table).</p>
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		<p>8.4m (i.e. 600mm encroachment).</p> <p>The proposed separation distances to existing 2 and 3 storey adjoining buildings are acceptable given the privacy impacts have been minimised and reasonable solar access is provided to those adjoining residents. It is considered that the objective of “providing visual and acoustic privacy for existing and new residents” has been satisfied, taking into account that the RFDC states that “building separation controls may be varied in response to site and context constraints”.</p> <p>At this stage, the separation distances that apply between 5 to 8 storey buildings are not applicable, as the adjoining residential buildings to the north do not have any levels at the same height (i.e. they are not 5-8 storey buildings). This issue will need to be re-examined if and when the adjoining sites are proposed for redevelopment.</p> <p>Notwithstanding, the proposed separation distances to existing 2 and 3 storey adjoining buildings to the north are acceptable given the privacy impacts will be minimised through landscape screening and that any development to the north is likely to orientate unit living areas and balconies to the north to take advantage of the northerly aspect. Again, it is considered that the objective of “providing visual and acoustic privacy for existing and new residents” has been satisfied, taking into account that the RFDC states that “building separation controls may be varied in response to site and context constraints”.</p>	
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Street Setbacks	To establish the desired spatial proportions of the street and define the street edge. To relate setbacks to the area's street hierarchy.	This site has its principal street edge to the Cumberland Highway. However, vehicular and pedestrian access to the site is not gained from this frontage. The 3 buildings have varied setbacks to the Cumberland Highway frontage, with a minimum of 5.8m for Building C at its closest point, but generally greater than 6m. Building C also has a small frontage to Garfield Street, where the proposed setback matches the existing predominant existing street setback.	Yes
Side and Rear Setbacks	To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings. Test side and rear setbacks with building separation, open space, deep soil zone requirements and overshadowing of adjoining properties.	Side setbacks exceed 3m minimum required under Part B of the Holroyd DCP 2013. Due to the irregular shape of the site and relationship to adjoining properties, a rear boundary is hard to define. However, where the site adjoins the rear or side boundary of an adjoining property, a minimum setback of 7.2m is provided. COS, deep soil zones & shadow impacts are satisfactory.	Yes
Floor Space Ratio (FSR)	To ensure that development is in keeping with the optimum capacity of the site and the local area. (FSR is not specified in the Design Code).	Holroyd LEP 2013 stipulates an FSR of 1.2:1. The FSR proposed is 1.19:1	Yes

Part 2 – Site Design

Primary Control	Guideline	Relevant Control	Compliance
Deep Soil zones	A minimum of 25% of the open space area of a site should be a deep soil zone, more is acceptable.	47% of the site area is landscaped area, equating to 6272.3m ² . Of this, approx. 63% is provided as deep soil. Primarily around the perimeter of the site, but also with 2 deep soil zones within the basement footprint.	Yes
Fences and walls	To define the edges between public and	Public and private land will be defined by landscaping,	Yes

	private land.	mailboxes and surface treatments.	
Landscape design	To add value to residents' quality of life within the development in the forms of privacy, outlook and views, and provide habitat for native indigenous plants and animals.	The amended landscape design has been assessed by Council's Landscaping and Tree Management Officer, who has recommended approval.	Yes
Open space (communal)	Provide a communal open space (COS) which is appropriate and relevant to the context of the buildings setting. An area of 25% to 35% of the site is to be provided as communal open space.	36% of the site area is provided as COS (4,770m ²). The COS is divided into 3 areas to ensure residents of each buildings have access to COS adjacent to their particular building. Area 1, located on the southern side of Building A has an area of 1,370m ² . Area 2, located between Buildings A & B has an area of 2,450m ² and Area 3, located between Buildings B & C has an area of 950m ² .	Yes
Orientation	To protect the amenity of existing development, and to optimise solar access to residential apartments within the development and adjacent development. The RFDC indicates that sites should be planned to optimise solar access by positioning and orienting buildings to maximise north facing walls where possible and to provide adequate building separation.	The 3 buildings have been designed and orientated to maximise a northerly aspect, with 150 units (76%) having a north / north-west facing balcony and living room, thereby having good solar access to main living areas.	Yes
Stormwater management	To ensure adequate stormwater management.	The drainage design has been assessed by Council's Development Engineer and is considered satisfactory.	Yes
Safety	To ensure residential developments are safe, and contribute to public safety.	The application has been assessed by the NSW Police who have recommended the implementation of a range of design features to enhance safety and security. These recommendations will be included in conditions of consent, should consent be granted.	Yes

Visual privacy	<p>To provide reasonable levels of visual privacy externally and internally, during the day and at night.</p> <p>To maximise outlook and views from principal rooms and private open space without compromising privacy.</p>	<p>The generous separation distance between the 3 buildings and predominantly northerly orientation of balconies and living rooms provides good levels of visual privacy within the site.</p> <p>Where there are south and east facing balconies that look towards adjoining residential buildings, the combination of setbacks / separation distance, screening devices and landscaping will provide for suitable visual privacy to adjoining residences.</p>	Yes
Building entry	To create entrances with identity and assist in orientation for visitors.	The entries to each building are well-defined and legible from the pedestrian pathways to each building and within the site.	Yes
Parking	To minimise car dependency, whilst still providing adequate car parking.	Total number of parking spaces complies with DCP. Bicycle parking in accordance with the DCP has also been provided.	Yes
Pedestrian access	<p>Connect residential development to the street.</p> <p>Provide barrier free access to 20% of dwellings.</p>	<p>Adjacent to the driveway off Garfield Street is a pedestrian pathway that forms part of the through site pedestrian link to Mildred Street, being offered under a VPA.</p> <p>Barrier free access to all units is possible, with the nominated adaptable units dispersed through the 3 buildings.</p>	Yes
Vehicle access	Limit width of driveways. Locate driveways away from main pedestrian entries, and on secondary streets.	Vehicle access via a driveway from Garfield Street. As noted earlier, adjacent to the driveway is a pedestrian pathway that forms part of the through site pedestrian link to Mildred Street, being offered under a VPA. A two-way driveway and single entry/exit to the basement level parking is proposed.	Yes

Part 3 – Building Design

Primary Control	Guideline	Relevant Control	Compliance
Apartment layouts	Depth of single aspect apartment – 8 metres.	Of the 197 units, only 21 are single aspect, with depths less than 8m.	Yes

	<p>Back of the kitchen not more than 8 metres from a window.</p> <p>Apartment sizes:</p> <table><tr><th>Dwelling Type</th><th>Minimum Area</th></tr><tr><td>Studio</td><td>40m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>95m</td></tr></table>	Dwelling Type	Minimum Area	Studio	40m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	95m	<p>The majority of kitchens have a window. The remainder have the back of kitchen less than 8 metres to a window.</p> <p>The one bedroom units are 58.58m².</p> <p>The 2 bedroom units range in size from 70m² to 72.22m².</p> <p>The 3 bedroom units range in size from 91.08m² to 102.4m².</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No, however, considered satisfactory. Refer below for further details.</p>
Dwelling Type	Minimum Area												
Studio	40m ²												
1 bedroom	50m ²												
2 bedroom	70m ²												
3 bedroom	95m												
Apartment mix	To provide a diversity of apartment types, which cater for different household requirements now and in the future.	2 x 1, 115 x 2 & 80 x 3 bedroom units are proposed, including 30 adaptable units	Yes										
Balconies	Minimum 2 metres in depth.	All primary balconies are at least 2.4 metres wide.	Yes										
Ceiling heights	Minimum ceiling height of 2.7 metres for residential units.	A minimum floor to ceiling height of 2.7m is provided.	Yes										
Internal circulation	Where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to 8.	<p>Each of the 3 buildings are served by two lifts within separate cores, with one core on the east side & one core on the west side of each of the buildings.</p> <p>However, a double loaded corridor is only provided at the western end of each building, where the maximum number of units accessed off a single core/corridor is no more than 5 for each building.</p>	Yes										
Storage	<p>To provide adequate storage for everyday household items within easy access of the apartment, and to provide storage for sporting, leisure, fitness and hobby equipment.</p> <p>At least 50% of required storage should be within each apartment.</p>	<p>All units provided with 50% of the storage requirement (in addition to wardrobes and kitchen cupboards) within units and directly accessible from the living areas. The other 50% is provided in the basement, where on average, each unit will have access to up to 7.89m³.</p> <p>The combined internal and basement storage will achieve the required minimum area for</p>	<p>Yes</p> <p>Yes</p>										

	<table><tr><th>Dwelling Type</th><th>Minimum Area</th></tr><tr><td>1 bedroom</td><td>6m³</td></tr><tr><td>2 bedroom</td><td>8m³</td></tr><tr><td>3 bedroom</td><td>10m³</td></tr></table>	Dwelling Type	Minimum Area	1 bedroom	6m ³	2 bedroom	8m ³	3 bedroom	10m ³	each unit type.	
Dwelling Type	Minimum Area										
1 bedroom	6m ³										
2 bedroom	8m ³										
3 bedroom	10m ³										
Acoustic privacy	To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private opens spaces.	There are some instances where a bedroom of one unit adjoins the living room of the next unit. Notwithstanding, standard construction methods in accordance with the Building Code of Australia will ensure acoustic privacy between units.	Yes								
Daylight access	<p>Optimise the number of apartments receiving daylight access to habitable rooms and principal windows.</p> <p>Optimise daylight access to habitable rooms and private open space, particularly in winter</p> <p>Design for shading and glare control, particularly in summer using shading devices, such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting.</p> <p>Living rooms and private open spaces for at least 70 % of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in midwinter.</p> <p>In dense urban areas a minimum of two hours may be acceptable.</p> <p>Limit the number of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total apartments proposed.</p>	<p>The 3 buildings have been designed and orientated so that the majority of units have a north facing balcony and living room. This allows for good solar access to main living areas.</p> <p>73% have a north facing living room or kitchen and private open space, thus will receive more than 3 hours solar access to main living areas.</p> <p>All balconies are accessed directly off main living areas, allowing solar access to penetrate into internal living areas.</p> <p>Less than 10% of the 197 units are single aspect apartments with a southerly aspect.</p>	Yes								

Natural ventilation	<p>Limit building depth from 10 to 18 metres.</p> <p>60% of units should be naturally cross ventilated.</p> <p>25% of kitchens should have access to natural ventilation.</p>	<p>The depth of the building from glass line to glass line is less than 18 metres.</p> <p>89% of the units are dual aspect and achieve natural cross-ventilation.</p> <p>74 of kitchens have a window and/or external door. Therefore, 38% are cross ventilated. The remainder have the back of kitchen less than 8m to a window.</p>	Yes
Facades	<p>Facades should define and enhance the public domain.</p>	<p>The elevations of each building are articulated with varying setbacks, vertical and horizontal differentiation of materials and finishes, windows, entry foyer, terraces and balconies.</p> <p>As such, each building enhances and connects with the surrounding public domain.</p>	Yes
Roof design	<p>To integrate the design of the roof into the overall facade.</p>	<p>Each building has a flat roof that integrates with the overall façade. The roof design is considered appropriate.</p>	Yes
Energy efficiency	<p>To reduce the necessity for mechanical heating and cooling.</p>	<p>BASIX Certificate submitted.</p>	Yes
Maintenance	<p>To ensure long life and ease of maintenance for the development.</p>	<p>Considered satisfactory</p>	Yes
Waste management	<p>Provide a Waste Management Plan.</p> <p>Allocate storage area.</p>	<p>Amended plans referred to Council's Waste Management Officer, who has no objection to approval.</p> <p>WMP provided is satisfactory.</p> <p>Bin storage & collection satisfactory.</p>	Yes
Water conservation	<p>Reduce mains consumption, and reduce the quantity of stormwater runoff.</p>	<p>BASIX Certificate outlines water conservation requirements. Stormwater collected on site will be managed via an OSD system.</p>	Yes

As demonstrated above, the proposal is considered to comply with the requirements of the Residential Flat Design Code (RFDC), with the exception that one of the 3 bedroom units

does not meet the required minimum area, being 3.2m² below the recommended minimum. Notwithstanding, this unit has an extensive outdoor private recreation space and this extension of the internal living space is considered to suitably compensate for the slightly reduced internal area. As such, the proposed development is considered to be acceptable with regard to the design quality requirements of SEPP 65.

The table provides a discussion on the separation distances between the proposed buildings and buildings on adjoining sites, but does not provide details on the separation distances between the three (3) buildings on the site. The separation distance between Block A and Block B is 22.32m. This exceeds the recommended 18m between habitable rooms for buildings of between 5-8 storeys. Similarly, the separation distance between Block B and Block C is approx. 24m, which again exceeds the recommended 18m between habitable rooms for buildings of between 5-8 storeys. As such, it is considered that the separation between each of the proposed buildings is acceptable.

At the JRPP briefing meeting, the Panel requested that independent urban design advice be sought with respect to the proposed height variation and the relationship of the proposed development to adjoining residential buildings. Council engaged the services of an urban design consultant to review the scheme and a discussion on her comments is provided later in the report under the heading *Built Environment*, in the Section 79C commentary.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across the State. The ISEPP also contains provisions with respect to roads and traffic, including development in or adjacent to road corridors and road reservations. Clauses 102 & 104 apply to development on sites that are likely to be affected by road noise.

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

The Cumberland Highway is a Classified Road and as such, the proposed development is subject to the noise requirements outlined in Clause 102 of the ISEPP.

Clause 102(3) of the ISEPP states that consent must not be granted to a residential development affected by road noise or vibration unless the consent authority is satisfied that appropriate attenuation measures will be incorporated in the design and construction in order to ensure that the following LAeq levels are not exceeded:

- (a) *in any bedroom in the building - 35 dB(A) at any time between 10.00pm and 7.00am,*
- (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.*

In support, the applicant has provided an Acoustic Assessment that examines the potential for acoustic impacts on the amenity of future residents with respect to traffic noise from the Cumberland Highway.

Attended and unattended noise monitoring was used to measure the existing background noise levels. Calculations were then performed to predict the likely interior noise levels, taking into account the external noise levels, the area of building elements exposed to traffic noise, the absorption characteristics of rooms and the noise reduction performance of various elements such as windows and doors.

The report indicates that the proposed concrete roof, floor slabs and masonry external walls will not require any further acoustic treatment, in order to meet the relevant noise criterion. However, recommendations for glazing treatment and the use of acoustic seals on certain windows and doors are set out in the report. Provided that these recommended glazing and acoustic seals are implemented during construction, the report concludes that the internal noise levels will comply with the requirements of the ISEPP set out above.

Council's Environmental Health Unit has reviewed the findings and conclusions of the report and considers the recommendations contained within are satisfactory.

Clause 104 – Traffic-generating development

Given the proposed development has a size or capacity greater than 75 dwellings and the proposed access to the development is within 90 metres of a Classified Road, the application was referred to Roads and Maritime Services (RMS) for comment. RMS raised no objection to the proposed development, subject to the inclusion of a number of recommended conditions on any consent.

Holroyd Local Environmental Plan 2013

Holroyd Local Environmental Plan 2013 applies and the site is located within the R4 High Density Residential zone. The proposed development is defined as a 'Residential Flat Building' (Buildings A, B & C) under the LEP, which are permissible with consent in the zone.

The objectives of the R4 High Density Residential zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*

The RFB proposed will provide 197 units on the site, replacing the former Bowling Club use, commensurate with the zoning of the site under *Holroyd Local Environmental Plan 2013*.

A summary of the key LEP controls is provided in the Compliance Table below:

LEP Clause	Proposal	Compliance
Clause 2.2 – Zoning <ul style="list-style-type: none"> • Zoned R4 High Density Residential 	The proposed development constitutes 'residential flat buildings' which are permissible with consent in the R4 High Density Residential zone.	Yes
Clause 4.3 – Height of Buildings <ul style="list-style-type: none"> • max. of 18m in middle of site. • max. of 15m for remainder. 	Blocks A & B comply. However, Block C exceeds the 18m statutory height limit by 2.8m.	No Cl. 4.6 Exception request submitted.

<p>Clause 4.4 – Floor Space Ratio</p> <ul style="list-style-type: none"> max. FSR of 1.2:1. 	<p>The proposed development has an overall FSR of 1.19:1.</p>	<p>Yes</p>
<p>Clause 5.10 – Heritage Conservation</p>	<p>Nos. 41 & 45 Garfield Street are heritage listed properties in the vicinity of the site. A Heritage Impact statement has been submitted and concludes that the proposed development will not impact on the heritage significance of these heritage properties as there is sufficient separation distance and boundary screening is being maintained. Council's Heritage Advisor has reviewed the Heritage Impact Statement and raises no objection.</p>	<p>Yes</p> <p>Unlikely to have an adverse heritage impact.</p>
<p>Clause 6.2 – Earthworks</p>	<p>All excavation for the basement levels will need to be designed, managed and carried out in a manner that does not have a detrimental impact on the adjoining properties.</p>	<p>Yes</p> <p>Condition to be imposed to ensure any adverse environmental impacts associated with excavation of the basement level are minimised or mitigated.</p>
<p>Clause 6.3 – Essential services</p>	<p>All utility services that are required to service the proposed development are available and any required amplification of services (i.e. substation kiosk etc) could be made available if required.</p>	<p>Yes</p>
<p>Clause 6.4 – Flood Planning</p>	<p>The site is identified by Council as a flood planning lot.</p> <p>The applicant has provided sufficient detail on stormwater management and safe refuge requirements / evacuation procedures to satisfy Council's DCP flood controls.</p>	<p>Yes</p>
<p>Clause 6.8 – Salinity</p> <ul style="list-style-type: none"> the site is identified as being subject to 'moderate' salinity potential. 	<p>During and following excavation there is the potential for soil salinity to have adverse environmental impacts.</p>	<p>Yes</p> <p>Condition to be imposed to ensure any adverse impacts associated with salinity are minimised or mitigated.</p>

Therefore, with the exception of the height breach, the proposed development is satisfactory with regard to the provisions of Holroyd LEP 2013.

The application is accompanied by an Exception to Development Standards request made under Clause 4.6 of the LEP, arguing that strict compliance with the height development standard is unreasonable and unnecessary in the circumstances of the case.

Clause 4.6 of the LEP allows for a development standard to be varied provide that:

(3)(a) *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*

(3)(b) *there are sufficient environmental planning grounds to justify the variation.*

The applicant's justification is reproduced (in part) below:

The subject design seeks to provide a building form which is generally compatible with the approved and proposed building forms for development of lands in this locality. The basis for the current design and reasoning for exceeding the height control is addressed in detail as part of the SEPP65 assessment at Appendix D of the SEE. The general basis for the height non-compliance is:

- *The area of height non-compliance with in the site is located adjacent to the Highway and well removed from any neighbouring residential property.*
- *the area of height non-compliance relates to a site footprint of less than 4% of the site.*
- *the design and positioning of the proposed buildings on the site is unlikely to result in any significant impacts on neighbouring lands with regard to overshadowing, privacy and visual impact.*

Further, the applicant submits that:

The proposed variation to the development standard has been considered in light of the abovementioned (zoning) objectives and potential environmental impacts and strict compliance is considered to be unreasonable and unnecessary for the following reasons:

1. *The development design has attempted to reduce height and scale and bulk of the building form adjacent neighbouring residentially zoned lands, including identified heritage items, in order to reduce bulk/scale, overlooking and overlooking issues for the neighbouring properties;*
2. *Consolidation of the additional height towards the Cumberland Highway (western) frontage is considered a more desirable outcome from an amenity viewpoint;*
3. *The additional height along the Highway frontage ensures an acceptable level of site presence with the building form providing prominent site identification;*
4. *There is unlikely to be any adverse visual or acoustic privacy impacts;*
5. *There will be no adverse overshadowing impacts on surrounding premises;*

6. *The proposal will not result in the loss of any views from adjoining properties due to the sites relative isolation;*
7. *The proposal is considered to demonstrate good urban design, is not excessive in terms of bulk and scale and provides a positive contribution to the streetscape; and*
8. *The non-compliance is relatively minor and does not involve the construction of a whole additional floor. The proposed non-compliance is 2.8m in height and applicable to less than 4% of the site area. The desired future character for the areas is for 5 storey residential flat buildings and the proposal will be predominantly compatible with this character. The breach in the height limit will not be discernible as there is no current or future adjoining residential development to judge it against. The development will be read as a 5 storey residential flat building adjoining the neighbouring properties.*

In considering the Clause 4.6 request, the consent authority must be satisfied that:

- (i) *the applicant's written request is satisfactory in regards to addressing subclause (3) above, and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives of the relevant zone.*
- 5(a) *The consent authority must also consider whether contravention of the development standard raises any matter of significance for State or Regional environmental planning, and*
- 5(b) *The public benefit of maintaining the development standard.*

It is considered that strict compliance with the height of buildings development standard is unreasonable and unnecessary in this instance and that sufficient environmental planning grounds exist to substantiate the proposed variation.

The proposed additional height is not considered excessive in terms of its relationship and visual impact to the Cumberland Highway and will provide an appropriately scaled edge to the higher density Wentworthville town centre to the north.

The proposed variation is considered to be in the public interest as it facilitates the orderly and economic development of the land, where the higher built form and smaller built footprint allows for a maximisation of communal open space and landscaped setting in which the buildings will sit. If the height of buildings development standard was to be strictly adhered to, this would necessitate the removal of the uppermost floor level of Building C that contains 5 units. As the development complies with the allowable floor space ratio for the site, it is reasonable to assume that the proponent would want to replace the units elsewhere in the development. This would create a larger building footprint / site coverage, reducing the extent of landscaping and communal open space across the site and potentially creating greater impacts on adjoining properties due to increased building bulk.

The orientation of the affected building and location of the higher element away from the adjoining residential properties means that the visual impact will be minimal and there is no additional overshadowing to adjoining properties as a result of the additional building height. Having regard to the discussion provided above, the Clause 4.6 request is considered to be well founded and as such, a variation to the height standard is warranted in this instance.

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

There are no draft environmental planning instruments affecting the site.

(iii) any development control plan

Holroyd Development Control Plan 2013

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

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

- (1) The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:*
- a) giving effect to the aims of any environmental planning instrument that applies to the development,*
 - b) facilitating development that is permissible under any such instrument,*
 - c) achieving the objectives of land zones under any such instrument.*

The provisions of a development control plan made for that purpose are not statutory requirements...

Section 79C(3A) of the EP&A Act states:

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
- b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
- c) may consider those provisions only in connection with the assessment of that development application.*

*In this subsection, **standards** include performance criteria.*

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

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

Part A – General Controls

Control			Provided	Complies (Yes/No)
Car Parking				
Parking rates for dwellings in the R4 zone:			257 parking spaces are provided including 217 resident spaces (incl. 30 accessible spaces) and 40 visitor spaces (incl. 4 accessible spaces) are provided.	Yes
Bedrooms in Dwelling	Minimum	Maximum		
Studio/1 bedroom	0.8	1		
2 bedroom	1	1.5		
3 bedroom	1.2	2		
4+ bedroom	1.5	2		
Visitor / dwelling	0.2	0.5		
Based on 2 x 1 bedroom, 115 x 2 bedroom and 80 x 3 bedroom dwellings, a minimum of 213 resident parking spaces and 40 visitor spaces are required (total of 254 spaces).				
Bicycle parking to be provided as follows:			121 bicycle parking spaces are provided.	Yes
Bedrooms in Dwelling	Minimum	Maximum		
1 bedroom	0.5	Unlimited		
2 bedroom	0.5	Unlimited		
3 bedroom	0.5	Unlimited		
Visitor / dwelling	0.1	Unlimited		
Therefore, a minimum of 120 bicycle spaces are required.				
Parking				
Dimensions of Car Parking Facilities, Gradients, Driveways, Circulation and Manoeuvring to comply with AS 2890.			Council's Traffic Engineer has assessed the basement layout plan, together with the Traffic Report and is satisfied that the design and layout of the carparking spaces, aisles widths and manoeuvring areas will comply with AS 2890.	Yes

Accessible parking is to be provided at a rate of 2 spaces per 100 spaces. - 4 spaces would be required.	34 accessible parking spaces are to be provided – 1 for each adaptable unit and 4 visitor spaces.	Yes
Erosion & Sediment Control		
An erosion and sedimentation control plan is to be submitted.	A detailed erosion and sedimentation control plan was submitted with the application and is considered to be acceptable.	Yes
Stormwater Management		
A concept stormwater management design and accompanying drainage calculations are to be submitted.	Council's Development Engineer has reviewed the Stormwater Drainage Plans & calculations & advises that the design is acceptable subject to the imposition of recommended conditions should consent be granted.	Yes
Waste Management		
A communal waste and recycling room located in the basement and capable of accommodating: <ul style="list-style-type: none"> 1 x 1100 litre garbage bin per 8 units 1 x 240 litre recycling bin per 3 units is to be provided. This equates to a total capacity of 27,500 litres for garbage bins and 16,080 litres capacity for recycling bins.	Six (6) communal waste and recycling storage rooms are located in the basement, adjacent to each lift. The plans indicate these have been designed to accommodate both the 1100 litre bins and 240 litre bins. Council's Waste Management Officer has reviewed the bin storage areas and is satisfied that they will accommodate the required number of waste and recycling bins.	Yes
A garbage chute system is to be provided in multi-storey buildings containing more than 3 storeys.	A garbage chute system is provided in each building.	Yes

Part B – General Residential Controls

Control	Provided	Complies (Yes/No)
Building Materials		
Schedule of Colours & Finishes to be submitted.	Schedules of the proposed colours and materials have been provided with the application.	Yes
Fences		
Front fences to be solid ≤1m and be ≥50% transparent to 1.5m.	Details of fencing were not provided with the application. However, this can be conditioned to ensure compliance with the DCP requirements.	Yes

Views		
Minimise obstruction of views.	No significant views will be obstructed.	Yes
Landscaping		
A max. of 50% of the landscaped area shall be forward of the front building line. The majority of landscaped area to be at the rear of the building.	<p>Intent achieved. Due to the irregular shape of the site and its relationship to surrounding streets and properties, there is no predominant front building line.</p> <p>However, the site has extensive perimeter planting and landscaping and communal facilities (min. 600mm soil depth) over the basement, providing approx. 47% of the site area as landscaped area.</p>	Yes
Sunlight Access		
<p>1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.</p> <p>Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.</p>	The living areas and at least 50% of the POS of adjoining dwellings will receive 3 hours solar access between 9am and 4pm during mid-winter.	Yes
Cut & Fill		
<p>Cut: max. 1m; max. 0.45m within 0.9m of side/rear boundary. Cut controls are not applicable where basement parking is proposed.</p> <p>Fill: max. 0.3m within 0.9m of side/rear boundary; $\geq 0.6\text{m}$ to be contained within the building; if $> 0.15\text{m}$ shall occupy max. 50% of the landscaped area.</p>	<p>Following excavation and pouring of the basement roof slab, the area of the basement roof not built upon is to be covered by 600mm of soil (with a proprietary drainage sub-base) to support landscaping and lawns.</p> <p>However, the Landscape Architect for the project has indicated that this soil material will be a proprietary growing medium developed for above slab planter areas.</p>	Yes
Car Parking & Roads		
<p>New driveways shall be 1.5m from boundary.</p> <p>For RFB Max gradient 1:20 first 6m then 1:5, with intermediates.</p> <p>Access from basements to all units to be accessible for wheelchair users.</p>	<p>The driveway will be approx. 4m from the boundary and this setback area incorporates a landscaped strip and a covered flood water channel.</p> <p>Council's Traffic Engineer is satisfied with the proposed driveway gradients.</p> <p>Access from the basement all residential units is available for wheelchair users, with lifts being located as close as possible to</p>	Yes

	accessible car spaces in the basement.	
Universal Housing & Accessibility		
15% of units shall be adaptable units Class B.	30 units (15.2%) are nominated as adaptable units.	Yes

Part B - Residential Flat Building Controls

Control	Provided	Complies (Yes/No)				
Lot Size & Frontage						
Minimum frontage of 45m for residential flat buildings of 6 storeys or greater.	The site has a frontage of approx. 193m to the Cumberland Highway.	Yes				
Site Coverage						
Maximum site coverage of 30% of site area.	The proposed development has a site coverage of 28%.	Yes				
Setbacks and Separation						
Minimum setback from principal street frontage shall correspond to the existing prevalent setback, but no less than 6m. The area between the street alignment and the building setback is to be landscaped.	A 10.8m setback from the principal street is proposed. The areas between the buildings and the street alignment will be landscaped with a variety of trees, shrubs and grassed areas.	Yes				
A rear setback of 30% of the length of the site required for development of 5 or more storeys.	Due to the irregular shape of the site and multiple street frontages, the rear boundary is not definitive. Notwithstanding, the minimum setback to a boundary is less than 30% of the length of the site at 6.2m.	No But considered acceptable				
A minimum side setback of 3m is required.	A minimum 3m side setback is provided.	Yes				
Height						
Minimum floor to ceiling heights shall be: <ul style="list-style-type: none">2.7m for habitable rooms2.4m for non-habitable rooms	All rooms have a minimum floor to ceiling height of 2.7m.	Yes				
Maximum building height in storeys shall be: <table><tr><th>Height (m)</th><th>Storeys</th></tr><tr><td>15</td><td>4</td></tr></table>	Height (m)	Storeys	15	4	The proposed number of storeys exceeds these limits as follows: <ul style="list-style-type: none">18m zone – Part 5 & Part 7 storeys	No (but considered acceptable)
Height (m)	Storeys					
15	4					

18	5	<ul style="list-style-type: none">15m zone - 5 storeys	on merit)
Notwithstanding, the DCP does recognise that there may be instances where a greater number of storeys may be able to be achieved and still comply with the statutory building height limits under the LEP. As such, appropriate heights/number of storeys can be determined based on the findings of an assessment of the relevant controls such as floor to ceiling height, floor space ratio, flooding, amenity and character.			
Depth			
The maximum internal plan depth of a residential flat building shall be 18m.	The 3 buildings generally have an internal depth of no greater than 18m.	Yes	
Open Space			
A minimum of 10m ² per dwelling or 30% of the site area (whichever is the greater) is to be provided as communal open space.	4,770m ² (36%) of the site area is provided as communal open space. Three distinct areas of communal open space are provided, one for each building. This satisfies the intent of the DCP.	Yes	
Each dwelling is to be provided with a primary balcony accessed off the living area, with a minimum depth of 2.4m and minimum area of 10m ² is to be provided for each 2+ bedroom unit.	All units have a primary balcony accessed off the living area, with a minimum depth of 2.4m and minimum area of 10m ² .	Yes	
Building Appearance			
Facades are to be composed with an appropriate scale, rhythm and proportion, which respond to the building's use and desired contextual character.	This area is in transition to a much higher residential density and character than currently exists. The facades have generally been designed to be appropriately articulated / modulated and will be in keeping with the likely future character of the locality. The upper levels (Level 5 and above) have been differentiated from the lower levels through the use of lightweight external materials and colour choice.	Yes	
Building Entry and Pedestrian Access			
Building entries are to be clearly identifiable, well lit and accessible from the street and parking area.	Each building entry is clearly identifiable and an interconnecting series of pedestrian paths throughout the site provides pathways from the street and between the buildings.	Yes	

Parking and Vehicular Access		
<p>Only basement parking is permitted for residential flat buildings.</p> <p>Vehicle entries are to be kept to a minimum and where possible, located off secondary streets.</p> <p>Car spaces for adaptable dwellings must meet AS 4299.</p> <p>One independent car wash bay (that does not serve as a visitor parking space) is to be provided.</p>	<p>A single level basement parking level is provided.</p> <p>A single vehicle entry point is provided off Garfield Street and the internal driveway leads to a single entry point to the basement.</p> <p>30 accessible parking spaces designed in accordance with AS 4299 have been allocated – 1 per adaptable dwelling.</p> <p>An independent car wash 3.8m x 5.4m has been provided.</p>	Yes
Dwelling Layout and Mix		
<p>Residential units are to have the following minimum internal areas:</p> <ul style="list-style-type: none"> 1 bedroom units – 50m² 2 bedroom units – 70m² 3 bedroom units – 95m² 	<p>With the exception of 1 x 3 bedroom unit, the required minimum unit sizes are met.</p> <p>The non-compliant 3 bedroom unit has an area of 91.08m². This unit was the result of a modification to the plans to provide a greater separation distance to an adjoining property, where a 2 bedroom unit was removed and another 2 bedroom unit became the 3 bedroom unit. This particular unit has a large (74.4m²) POS area and the reduced internal size is considered to be acceptable in this instance.</p>	<p>No</p> <p>(but considered acceptable on merit)</p>
Internal Circulation		
<p>Where dwellings are arranged off a double loaded corridor, the number of dwellings accessed from a single core/corridor is to be limited to 8.</p> <p>Amenity and safety in circulation spaces should be increased through use of generous corridor widths, appropriate lighting, adequate ventilation and daylight access, where possible. Tight corners and corridor lengths should be minimised. Stairs should be located internally.</p>	<p>Units in the triangular shaped end of each building are accessed off a double loaded corridor. However, access is to no more than 8 units per core. The remainder of units are accessed of single loaded corridors.</p> <p>The circulation corridors have an acceptable width and will be well lit. Corridor lengths are considered reasonable and all stairs are located internally.</p>	Yes
Facilities and Amenities		
Each dwelling is to be provided with a laundry.	Each dwelling has an internal laundry.	Yes

Letterboxes are to be integrated into the landscape design and be convenient for residents and postal workers. Storage facilities are to be provided at the following rates: <ul style="list-style-type: none"> • 1 bedroom dwelling – 6m³ • 2 bedroom dwelling – 8m³ • 3 bedroom dwelling – 10m³ 	A bank of letterboxes is to be located at the pedestrian pathway off Garfield Street. Resident storage facilities to meet the required capacity are provided both within dwellings and in the basement either behind parking spaces or in designated storage zones.	
Natural Ventilation		
The site is to be planned and buildings designed to promote and guide natural breeze and facilitate cross ventilation.	93% of the units are cross ventilated	Yes

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

Building Heights

The DCP stipulates that the maximum building height in storeys shall be 4 storeys where the statutory height limit is 15m and 5 storeys where the statutory height limit is 18m.

Notwithstanding, the DCP does recognise that there may be instances where a greater number of storeys may be able to be achieved and still comply with the statutory building height limits under the LEP. As such, appropriate heights/number of storeys can be determined based on the findings of an assessment of the relevant controls such as floor to ceiling height, floor space ratio, flooding, amenity and character.

The proposed number of storeys exceeds these limits as follows:

- 18m zone – Part 5 & Part 7 storeys
- 15m zone - 5 storeys

In this instance, it is considered that the proposed number of storeys is acceptable and provides an appropriate urban design response. Further discussion on this issue is provide under *Built Environment* below.

Unit Area

As noted in the table, Unit 401 has an internal area of 91.8m², being 3.2m² less than the required 95m² for 3 bedroom units. This unit was created under the amended scheme, where there were originally 2 x 2 bedroom units in this location. One of the units was removed and the remaining unit was replanned and increased from a 2 bedroom to a 3 bedroom unit. However, this unit also has a 74.4m² balcony area, well in excess of the required minimum. As such, it is considered that this adequately compensates for the slightly reduced internal area.

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

A draft Voluntary Planning Agreement (VPA) to provide a through-site public pedestrian link between Mildred Street and Garfield Street has been offered by the proponent. This arose

through discussions between Council's Strategic Planning section and the proponent. The final details of the VPA will need to be finalised prior to the issue of a Construction Certificate and a condition to this effect has been included in the recommended conditions of consent at Appendix F.

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

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

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

Built Environment

Whilst the development is relatively large in terms of its overall scale and relationship to the existing surrounding built form, it is considered that the architectural treatment and use of differentiating colours and materials will assist in minimising visual amenity impacts. With regard to context and setting, it is important to note that the site borders an R3 Medium Density Residential zone with a 9m statutory height limit to the south and east and a B2 Local Centre zone to the north, where the statutory building height varies from 10m to 23m. As such, any development on the site needs to provide an appropriate transition from the higher density Local Centre zone to the north to the medium density residential zone to the east and south. Notwithstanding, the rezoning of the site to allow for high density residential development is aimed at facilitating the delivery of additional residential accommodation while ensuring that new development is compatible with the existing / or anticipated future built form and character, while also providing suitable amenity for existing and future residents.

Therefore, the test for compatibility in this context, would be to consider whether the overall height of the buildings is appropriate with regard to visual privacy, solar access, overshadowing, etc.

Council's urban design consultant was asked to review the original scheme, in particular to comment on the proposed height variation and the relationship of the proposed building heights to the adjoining lower scale residential properties. Her comments have been paraphrased / incorporated into the commentary provided below.

Although a small portion of Building C exceeds the LEP statutory height limit and the number of storeys exceeds those nominated under Holroyd DCP, the site coverage has been kept to below the 30% maximum stipulated in the DCP and large areas of useable communal open space have been provided. In the context of this site, a higher scale development with a lower site coverage is considered to achieve a better urban design outcome, than a scheme with lower buildings but a higher site coverage.

The general arrangement of the taller building elements towards the Cumberland Highway frontage with the lower portions of each building running lengthways across the site towards the adjacent lower scale buildings is considered appropriate and consistent with the desired future character as embodied in Council's controls. The lengthways massing of the buildings reduces their impact on the adjacent residential properties in Garfield Street and in particular, the heritage listed properties in Garfield Street. The massing allows view corridors towards the Cumberland Highway to be maintained and minimises overlooking and overshadowing of adjoining properties. In addition, the massing will assist in minimising acoustic impacts and maximises solar access to the new residential units.

Despite exceeding the statutory limit, the additional height at the north-western corner of Building C is considered appropriate in terms of an urban design response, as this taller element adjacent to the Cumberland Highway will provide an appropriately scaled edge to the higher density Wentworthville town centre behind.

Block A will appear quite bulky to the residents to the south in Mildred Street. However, at its closest point, it is a minimum of 8.36m from the common boundary, providing more than it's require 'share' of a 12m separation distance. The balcony edges on the 5th floor level at the south-western end of the building has been setback slightly more than the levels below in order to achieve the 9m 'share' of the recommended separation distance for buildings between 5-8 storeys. The remainder of Block A is setback either 12.5m or 16.6m from the common boundary with the Mildred Street properties. Combined with the approx. 2m difference in levels between the site and the Mildred Street properties, these setbacks will assist in minimising the visual impact of Block A on the Mildred Street properties. Further, landscaping along the common boundary will also soften the visual bulk of the building.

All elevations of each building provide visual interest through articulation and variety in materials and finishes. The architectural treatment of and use of lightweight materials for Levels 5 and above on each building assists in reducing the building massing and defines the 'top' of each building.

The overall composition of the development is considered to be appropriate and will be a positive attribute for the Wentworthville area.

Natural Environment

With regards to environmental impacts on the natural environment, the applicant has submitted an Arboricultural Impact Assessment, which indicates that there are 54 trees on site covered by Council's Tree Management Order. Of these, sixteen (16) are proposed to be removed. However, the report provides an assessment of the condition and value of each of the trees to be removed and concludes that they are of low to moderate retention value. Council's Landscape Officer raises no objection to the removal of the nominated trees.

The Landscape Plan submitted with the application proposes significant landscaping of the site, utilising a combination of shade trees, screening plants, shrubs, feature plants and turf. As such, it is considered that the landscaping associated with the proposed development will provide for an enhanced natural environment across the site.

The site has been identified by Council as being a flood affected lot. However, hydraulic modelling indicates that the site is not affected by the 1 in 100 year flood, but may experience some minor flooding due to overland flows from local upstream catchments during a severe rainfall event. Mainstream flood waters are currently conveyed by the Cumberland Highway and an adjacent drainage channel. However, in order to minimise any flooding risk and to manage any 1 in 100 year flooding from upstream catchments, a 2.8m wide covered flood water channel is proposed along the southern and eastern boundaries of the site. This will collect any overland flow flood waters in Mildred Street and Garfield Street and convey them to large underground flood storage tanks to be located at the northern end of the site. From here, water will be discharged to the Cumberland Highway. As such, the residential flat buildings will be afforded sufficient protection from flood water in an extreme event.

Environmental Impacts - Traffic & Parking

The amended development provides for on-site parking as required under Holroyd DCP 2013.

A development of this scale has the potential to have an impact on the local traffic network. The applicant prepared a Traffic and Parking Impact Assessment that examines the likely traffic and parking implications of the development, including an assessment of the likely traffic generation and anticipated vehicle movements with regard to the potential to impact on the performance and operation of the surrounding road network and key intersections. The report concludes that the additional traffic volumes can be accommodated without significantly affecting intersection performance. Council's Traffic Engineer has reviewed this report and raises no objections.

Environmental Impacts - Solar Access and Overshadowing

The design maximises opportunities for solar access to the units within the development. While there will be some mid-winter overshadowing of dwellings in Mildred Street to the south, 3 hours of solar access to the living areas and at least 50% of the rear yards will be maintained. As such, it is considered that the development is satisfactory with regard to solar access and overshadowing.

Environmental Impacts - Acoustic Amenity

The issue of acoustic amenity and noise impacts from traffic noise generated along the Cumberland Highway frontage was addressed earlier in the report under the discussion on the requirements of the Infrastructure SEPP.

In summary, provided that the recommended glazing and acoustic seals for the nominated windows and doors are implemented during construction, the internal noise levels will comply with the requirements of the Infrastructure SEPP, AS 2021-2000 and Holroyd DCP.

Social Impact

In accordance with Council's *Social Impact Assessment Policy August 2012*, a Social Impact Assessment was prepared and submitted for Council's consideration. Council's Social Planner has assessed the report and found that it has been prepared in accordance with Council's methodology and provides a review of the proposed development's potential to impact on population structure, housing, mobility and access, community connectedness, health and wellbeing, crime and safety, and the local economy.

Council's Social Planner identified that the positive impacts of the proposal are the supply of additional housing in the locality; the maintenance of social diversity through a variety of unit types and sizes; increase viability of the Wentworthville commercial area (long term - from the additional resident population and short term - during the construction phase); improved safety in the area due to the additional passive surveillance provided by new residents; and the physical improvements to the locality due to the design/aesthetics of the proposal.

The negative impacts are confined to the short term impacts during demolition and construction. However, these impacts can be minimised / controlled through the implementation of a Construction Management Plan (to address traffic control, noise and dust). A condition to this effect has been included within the recommended conditions of consent contained at Appendix F.

Economic Impacts

The proposed development is not anticipated to have any adverse economic impacts.

(c) the suitability of the site for the development

The site is considered suitable for a proposed residential flat development as it is a large site zoned for this type of development, is accessible and is located in proximity to the shops and services and public transport facilities available in the Wentworthville town centre.

There are no known physical constraints, environmental impacts, natural hazards or exceptional circumstances that would render the site unsuitable for the proposed development.

(d) any submissions made

The original application was placed on public exhibition from 03/02/14 to 07/03/14 and eight (8) submissions were received, including seven (7) individual submissions and a Petition with eleven (11) signatories. Amended plans and supporting documentation was received in response to Council's deferral letter and these were placed on public exhibition between 22 June and 6 July 2015. A further two (2) submissions were received, reiterating concerns raised in previous submissions. The most recent amended plans, in which the proposed development was reduced from 200 units to 197 units were not considered to be of sufficient change, or to create additional concerns and a third public exhibition period was not undertaken.

The main issues raised in the submissions are summarised below:

Issue: Proposal exceeds the height limit set under Holroyd LEP.

Comment: As discussed earlier in the report, the variation to the LEP statutory height limit is supported, having regard to the justification put forward by the proponent.

The height non-compliance relates only to the western end of Building C, adjacent to the Cumberland Highway frontage. From an urban design point of view, the additional height in this location is acceptable and the arrangement of a taller building component at the Cumberland Highway frontage, with the lower portion of the building running lengthwise across the site, providing an appropriate transition to the adjacent lower scale residential properties. The additional height also provides an appropriately scaled edge to the higher density Wentworthville commercial area to the north-east. The additional height in this location does not cause overshadowing to adjacent properties, or an unacceptable impact on solar access within the site, between Buildings C & B.

Issue: Will erode the heritage significance of nearby heritage listed properties.

Comment: Nos. 41 & 45 Garfield Street are heritage listed properties in the vicinity of the site. To address the potential for adverse impacts on the significance of these properties, the application was accompanied by a Heritage Impact Statement. This report concluded that the proposed development will not have an adverse heritage impact on these properties as there is sufficient separation distance between them and the proposed development and boundary screening is being maintained. Council is satisfied with the findings of the Heritage Impact Statement.

Issue: Increased noise during and post construction.

Comment: The short term impacts associated with demolition and construction noise are an unfortunate consequence of any construction project. However, conditions relating to restrictions on construction hours, construction traffic management, site cleanliness and waste management, erosion and sediment control etc have been included in the recommended conditions of consent and these will assist in minimising the adverse noise impacts on the surrounding residential neighbourhood.

Issue: Potential for exposure to asbestos during demolition.

Comment: The handling, storage and disposal of asbestos and other hazardous materials that have been identified in the existing buildings on the site will need to be undertaken in accordance with WorkCover NSW, and NSW EPA guidelines. This will include the need for the provision of appropriately detailed instructions to demolition workers and the implementation of procedures in relation to the safe handling and disposal of materials containing asbestos from the site, in accordance with relevant WorkCover NSW, and NSW EPA guidelines. Further, following the demolition works and prior to the commencement of construction at the site, an independent Site Validation Report will need to be prepared to confirm that all material containing asbestos has been removed from the site, and that no asbestos fragments, including fragments from the demolition process, remain at the site.

Issue: Air pollution due to increased traffic.

Comment: The additional residential population will increase traffic in the local area. However, modern cars have sophisticated emission control systems that minimise the amount of pollution that they emit. While there may be increased levels of vehicle exhaust, this is not considered to be of sufficient magnitude so as to cause an unreasonable environmental impact.

Similar to demolition and construction noise, the potential for increased air pollution is an unfortunate consequence of any construction project. However, conditions relating to restrictions on construction hours, construction traffic management, the need for all loads to be covered, site cleanliness and waste management, erosion and sediment control etc have been included in the recommended conditions of consent and these will assist in minimising the potential for adverse impacts on the surrounding residential neighbourhood due to increased air pollution.

Issue: Insufficient on-site parking.

Comment: The proposed development provides on-site parking that exceeds the minimum required under Council's DCP by 3 spaces. It is considered that this will satisfy the parking demand generated by the development.

Issue: Main vehicular entry should be from the Cumberland Highway.

Comment: As a heavily trafficked State Road, the Roads and Maritime Services is not agreeable to allowing vehicular access to/from the Cumberland Highway.

Issue: Orientation of Block B should be changed to be parallel with the Cumberland Highway.

Comment: Orientation of Block B so that its long edge faces the Cumberland Highway is not acceptable in terms of an urban design outcome. This would cause the majority of units to have a westerly aspect. The current orientation of all 3 buildings maximises the northerly orientation of balconies and living areas, in order to achieve the required solar access.

Issue: Traffic and parking impacts in Garfield Street and surrounding Streets, including the inability of Garfield Street to accommodate the additional traffic and parking demands.

Comment: Vehicular access to the site is via a single driveway off Garfield Street. The traffic and parking assessment submitted with the application provides an assessment of the anticipated traffic generation that will result from the proposed development, together with an assessment of the potential impact this traffic may have on the operation of the nearby intersections. This assessment concluded that the additional traffic volumes can be accommodated without significantly affecting intersection performance. Council's Traffic Engineer has reviewed this report and raises no objections.

Issue: Overlooking of adjoining and surrounding properties.

Comment: The majority of units in each building have north facing living areas and balconies, such that they do not look towards the adjoining residential properties in Garfield Street and Mildred Street. Nevertheless, there are a number of units that have balconies that face towards adjoining properties. Appropriate separation distances between the 3 proposed buildings and adjoining residential properties have been provided. Further, as suggested by the JRPP at the briefing meeting, the orientation of the balconies to the four units on the north-eastern corner of Building B were reorientated from east facing to north facing in order to reduce the potential for overlooking of the adjoining property. This also improved solar access to each of these units.

In addition to the existing vegetation around the perimeter of the site, screen planting using advanced species (25 litre pot size) of *Acacia implexa* (Hickory Wattle) is proposed. These will reach a mature height of 3m and in conjunction with the building setbacks, will assist in minimising opportunities for overlooking from the upper levels.

As such, it is considered that the potential for overlooking will be minimal.

Issue: Overshadowing and loss of solar access to adjoining properties.

Comment: The shadow diagrams submitted with the application indicate that during mid-winter, there will be some impacts from overshadowing from Building A to adjoining properties, particularly the four (4) residences at the western end of the northern side of Mildred Street. However, these properties will receive between 2-3 hours solar access to their living areas and at least 50% of their rear yards during mid-winter. The extent of overshadowing will be substantially reduced during the summer months. Further, it is noted that these properties have also been 'up-zoned' to R3 Medium Density Residential and therefore have the potential to be redeveloped in the future.

Issue: Loss of property values.

Comment: This claim has not been substantiated by any supporting documentation. There are a number of socio-economic factors that determine the value of real estate at any particular time and the proposed development cannot be held solely responsible for any perceived

impact to the value of adjacent or surrounding properties. Further, property devaluation is not identified as a 'head of consideration' under Section 79C of the *Environmental Planning & Assessment Act 1979* and therefore cannot be used as a reason for refusal of an application in the absence of substantive documentation that goes to the economic impacts of the development.

Issue: Development will have a detrimental impact on streetscape and character of the area.

Comment: The built form and character of the area is in transition, having been 'up-zoned' to allow for higher density residential development under Holroyd LEP 2013. As such, the established low density residential character of the area will change as sites are redeveloped in line with the zoning objectives. It is considered that the proposed development is in keeping with the form and scale of development anticipated by Council in this location.

Issue: Noise associated with garbage collection.

Comment: A central waste and recycling pick-up point within the site (adjacent to Building C) has been nominated. A Building Manager will be appointed and will be responsible for bringing the bins from the various waste and recycling storage rooms in the basement up to the collection point and returning them following collection. Collection vehicles will enter the site via the driveway off Garfield Street and service the bins on site. As such, there will be no impact on Garfield Street in terms of a proliferation of bins on the street awaiting collection and the noise associated with collection will be restricted to the one location. It is also noted that the use of a number of 1100 litre bins, in addition to 240 litre bins will reduce the time required for collection, thereby reducing prolonged noise during servicing.

Issue: Safety concerns for pedestrians and drivers.

Comment: There is a common duty of care for both pedestrians and drivers to be mindful of the potential for vehicle / pedestrian conflict in urban areas. This duty of care exists irrespective of the traffic and pedestrian volumes.

Issue: Size of some units smaller than required under DCP.

Comment: With the exception of one of the 3 bedroom units, all of the units achieve the minimum area required under the DCP. The 3 bedroom unit is 3.2m² below the required minimum area. However, this unit has a substantial POS area that provides an extension of the living area and compensates for the reduced internal area.

(e) the public interest

The long term positive benefit of the proposed development is the provision of additional housing choice in a high density residential setting, commensurate with the zone objectives and within proximity to the Wentworthville commercial area and public transport options.

The short term benefits include the provision of employment for tradespersons, builders, landscapers and the like who will undertake physical construction of the development.

During demolition and construction, it is acknowledged that there will be some short term impacts to the amenity of nearby residents (noise of demolition / construction work, truck movements, deliveries, etc). However, these short term impacts are a 'necessary'

consequence of any construction project and it is considered that the long term positive benefits outweigh these short term adverse impacts.

As noted earlier in the report, conditions relating to restrictions on construction hours, construction traffic management, site cleanliness and waste management, erosion and sediment control etc have been included in the recommended conditions of consent and will assist in minimising the adverse impacts on the surrounding residential neighbourhood.

INTERNAL REFERRALS

During the assessment process, comments were sought from a number of sections within Council. Although a number of issues were raised to the original scheme, these matters have now been satisfactorily addressed through the provision of additional information, as detailed below:

Environmental Health Unit	No objections raised, subject to conditions
Landscaping /Trees	No objections raised, subject to conditions
Building Services	No objections raised, subject to conditions
Accessibility	No objections raised, subject to conditions
Traffic Section	No objections raised, subject to conditions
Development Engineering	No objections raised, subject to conditions
Waste Services	No objections raised, subject to conditions
Strategic Planning	No objections raised
Community Services (Social Impact Assessment)	No objection raised, subject to conditions

EXTERNAL REFERRALS

Comments were also sought from the following external authorities:

Roads and Maritime Service	No objection raised, subject to conditions.
NSW Police Service	No objection raised, subject to standard recommendations.

SECTION 94 CONTRIBUTIONS

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 94 of the *Environmental Planning and Assessment Act 1979* and Holroyd Section 94 Development Contributions Plan 2013 will be required to be paid. The site is located within the Wentworthville Precinct Contributions area and the following contributions apply:

- 2 x 1 bedroom units @ \$8,144 per unit = \$16,288
- 115 x 2 bedroom units @ \$13,774 per unit = \$1,584,010
- 80 x 3 bedroom units @ \$19,283 per unit = \$1,542,640
- Credit given for 2 existing 3 bedroom dwellings = \$38,566
- TOTAL = \$3,104,372

The contribution amount has been calculated based on the current rates under the Section 94 Contributions Plan. However, the actual amount payable will be determined at the time of payment in accordance with the rates in force at the time of payment. The final Section 94 contribution will be determined as part of the Voluntary Planning Agreement (VPA).

A condition requiring payment of this contribution prior to issue of a Construction Certificate has been included in the recommended conditions of consent provided at Attachment F.

RECOMMENDATION

As identified above, the proposed development is within a R4 High Density Residential zone, which aims to provide a variety of housing types to meet the needs of the community, in a high density residential environment. The proposed development facilitates these zone objectives and seeks to achieve a redevelopment of the site in accordance with its environmental capacity and future vision for the area.

It is considered that the amended scheme is a sound response to the constraints of the site, and is responsive to concerns raised in Council's deferral letter, as well as the issues raised by the JRPP at the briefing meeting.

The justification for the proposed breach to the 18m height of buildings principal development standard provided by the proponent in the Clause 4.6 Exceptions to Development Standards request is considered to be well founded and is supported.

Variations to numerical provisions of Holroyd DCP have been assessed as being relatively minor and/or acceptable, given site constraints and general compliance with the objectives of the particular provisions.

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

The development provides additional housing in the locality, with an appropriate mix of unit types and sizes in keeping with maintaining social diversity. The buildings are set in landscaped surrounds that provide large and useable areas of communal open space for the enjoyment of future residents. The site is located within walking distance of the shops and services provided by the Wentworthville commercial centre. The site is also in proximity to Wentworthville Station and numerous bus stops, offering good access to public transport services.

Having regard to the above, it is recommended that the application proposing the demolition of existing structures; consolidation of 9 lots into 1 lot; construction of 3 residential flat buildings ranging in height between 5 and 7 storeys and comprising 197 units over 1 level of basement accommodating 257 car parking spaces, be approved subject to conditions as outlined in Attachment G of this report.