

Proposal: Construction of a multi dwelling housing development comprising 57 x 3 storey dwellings, basement and grade level parking for 143 cars and associated subdivision into 2 Torrens title lots.

Location: Lot 4012, DP 1154533, Driftway Drive Pemulwuy

Proponent: Baini Design

**Capital
Investment**

Value: \$16,066,791 (QS figure based on amended design – CIV of development as initially lodged was \$25,689,000)

File No: DA 2014/616/1

Author: Mark Stephenson, Senior Development Planner
Holroyd City Council

RECOMMENDATION

1. That the application proposing the construction of a multi dwelling housing development comprising 57 x 3 storey dwellings, basement and grade level parking for 143 cars and associated subdivision into 2 Torrens title lots, be approved subject to conditions as outlined in Attachment F of this report.

SUPPORTING DOCUMENTS

AT-A Site Locality Plan
AT-B Architectural / Landscape Plans
AT-C Statement of Environmental Effects
AT-D Traffic Report
AT-E Submissions
AT-F Draft Conditions of Consent

EXECUTIVE SUMMARY

This development application proposes the construction of a multi dwelling housing development comprising 57 x 3 storey dwellings, basement and grade level parking for 143 cars and associated subdivision into 2 Torrens title lots.

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, the Holroyd Local Environmental Plan 2013 and the Holroyd Development Control Plan 2013.

The original application, seeking consent for construction of a part 3 / part 4 storey multi dwelling housing development comprising 97 dwellings over basement parking for 139 cars, was placed on public exhibition for a period of thirty (30) days. 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, Council received 9 individual letters, 2 letters from MPs (on behalf of residents), 52 form letters and 2 petitions with a combined 178 signatories objecting to the proposal.

The application was subsequently amended to its current proposal and renotified as a result for a period of fourteen (14) days. In response, Council received 6 individual letters and a petition with 8 signatories objecting to the proposal. The concerns raised are discussed in detail in the body of this report.

Council is satisfied that the amendments made to the proposed development are not so significant as to warrant a new Development Application, having regard to the main change being the deletion of all dwellings within the middle section of the site, as they were creating adverse privacy and overshadowing impacts, and replacing these dwellings with a larger common open space area.

The application was referred to Council's Development Engineering Section, Landscaping and Tree Management Section, Traffic Section, Environmental Health Unit, Waste Management Section, Strategic Planning Section, Community Services Section (Social Planning and Accessibility) and Strategic Planning Section (Heritage). In addition, the application was referred externally to NSW Police Holroyd LAC and NSW Rural Fire Service. All issues raised by the internal and external bodies have been satisfactorily resolved and no further objections have been raised, subject to the implementation of conditions.

The application is referred to the Sydney West Joint Regional Planning Panel for consideration pursuant to Clause 23G of the Environmental Planning & Assessment Act 1979, as the development (when originally lodged) had a capital investment value (CIV) of \$25,689,000. The amended application has reduced CIV of \$16,066,791. Advice from the Joint Regional Planning Panel confirms that the CIV of a proposed development is to be calculated at the time of lodgement of the DA for the purposes of determining whether an application should be determined by a regional panel.

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

SITE DESCRIPTION AND LOCALITY

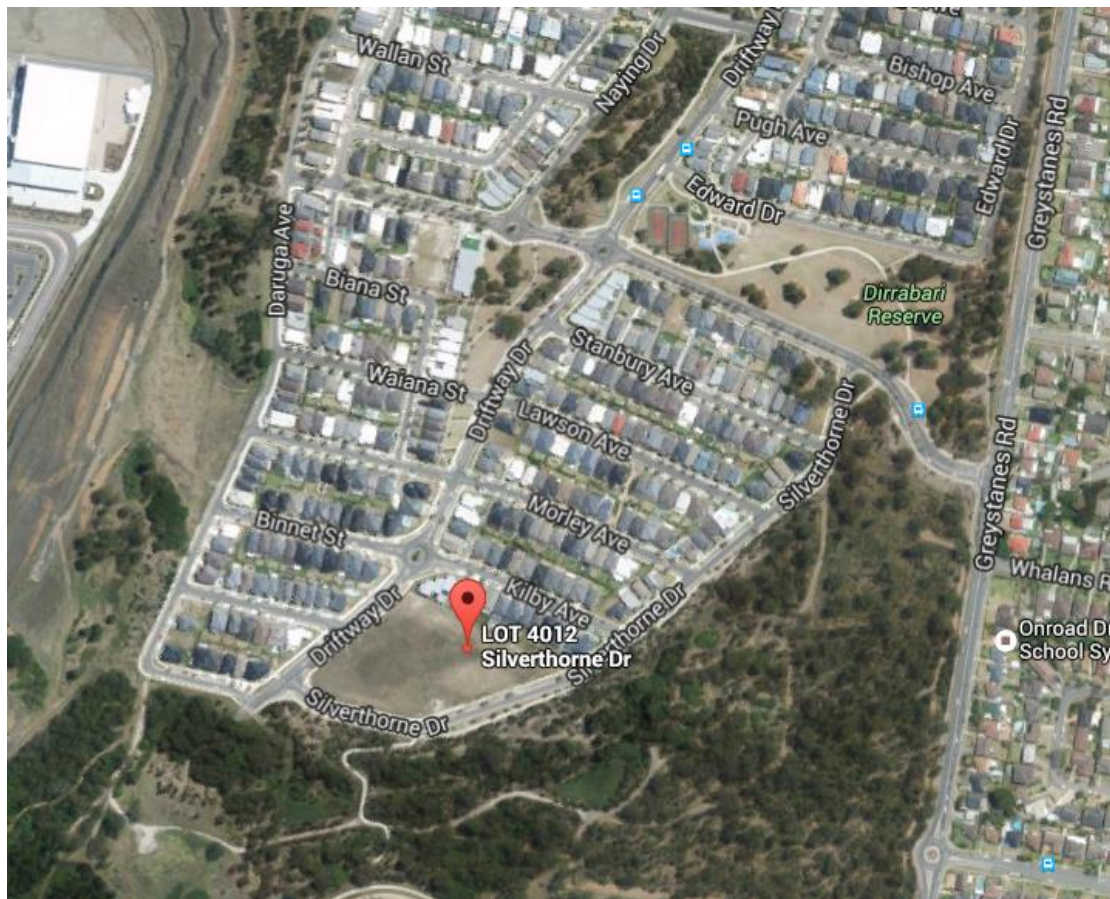
The subject site is legally described as Lot 4012, DP 1154533, and is known as Lot 4012 Driftway Drive, Pemulwuy.

The site has an area of 12,451sqm and is an irregular shaped lot bordered to the north by residential dwellings facing Kilby Avenue, to the west by Driftway Drive and to the south and east by Silverthorne Drive. The site is located within the southern part of the Pemulwuy Estate known as Nelson's Ridge.

The subject site is devoid of vegetation other than grass cover. It has a significant fall from north to south of approximately 8 metres (average gradient of 1:13).

The subject site is one of the last remaining super lots created under the Greystanes Estate – Residential Lands Precinct Plan, October 2002. The Precinct Plan was created under the provisions of State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area. The site was zoned Residential under the SEPP and ‘multi-unit housing’ was designated for this lot within the Precinct Plan.

State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area was repealed by the Holroyd Local Environmental Plan 2013. In accordance with the provisions of the Holroyd LEP, the site is zoned R4 High Density Residential.



Locality Plan (Source: Google Maps, 2016)



PROPOSAL

This application proposes the construction of a multi dwelling housing development comprising 57 x 3 storey dwellings, basement and grade level parking for 143 cars and associated subdivision into 2 Torrens title lots.

Specific details of the proposed development are as follows:

Multi-dwelling housing

- 57 dwellings

- Each dwelling is 3 storey comprising:
 - Ground floor living, dining and kitchen
 - First floor bedrooms, bathroom and en-suite
 - Second floor bedroom, en-suite and balcony
- Each dwelling is provided with a front and rear courtyard
- 12 adaptable dwellings provided

Communal Open Space

- The central area of the site is provided as communal open space, with a total area of 3,989.65sqm.
- The common open space area incorporates landscaping, shade structures and facilities.

Parking and Access

- 57 grade level parking spaces are provided behind the dwellings fronting Driftway Drive. 16 of these spaces are enclosed with the remaining uncovered spaces. Access is provided off Silverthorne Drive.
- 87 spaces are provided within the basement level, which is accessed via a second driveway also located along Silverthorne Drive.
- 29 accessible parking spaces and 1 car wash bay provided
- 143 spaces provided in total

Subdivision

It is proposed to subdivide Lot 4012 into 2 Torrens title lots in order to reflect the stages of the proposed development. The proposed lots contain the following areas:

Proposed Lot 1 – 3,578sqm

Proposed Lot 2 – 9,022.94sqm

Proposed internal road – 840sqm

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

A BASIX Certificate (No. 580532M_03, dated 24 July 2015) 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

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

The southern part of the Greystanes Estate (known as the Southern Residential Lands) formed part of the Boral quarry. Quarrying operations were relocated and the site was remediated as part of a Remediation Action Plan (RAP) prepared by HLA Envirosciences (2001) for the whole estate.

Holroyd Local Environmental Plan 2013

As identified above, the Greystanes Estate was created under the provisions of State Environmental Planning Policy (SEPP) No 59—Central Western Sydney Economic and Employment Area. At the time, the site was zoned Residential under the SEPP and ‘multi-unit housing’ was designated for this lot within the Precinct Plan. Under the Precinct Plan, ‘multi-unit housing’ allowed for the following housing types:

- Aged Housing
- Apartments
- Townhouses
- Residential Flat Buildings

With the commencement of the Holroyd Local Environmental Plan 2013, the SEPP (now known as SEPP 59—Central Western Sydney Regional Open Space and residential) was repealed and the site was zoned R4 – High Density Residential. ‘Multi dwelling housing’ is permitted within the R4 zone, and is subject to the consent of Council.

The objectives of the R4 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.*

Clause 2.3(2) provides that Council must have regard to the objectives for development in a zone when determining a Development Application in respect of land within the zone. The proposed development is considered to be consistent with the objectives of the zone as it

provides for the housing needs of the community. The Greystanes Estate also provides a variety of housing types, such as apartments, aged care housing, multi-dwelling housing, attached housing and detached housing. The proposed 3 storey multi-dwelling housing adds to this variety.

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

Standard	Required/Permitted	Provided	Compliance
4.1	Minimum subdivision lot size - 900sqm	Proposed Lot 1 – 3,578sqm Proposed Lot 2 – 9,022.94sqm Proposed internal road – 840sqm * The above figures do not accurately reflect the size of Lot 4012. In this regard, it is recommended that an amended subdivision plan be submitted prior to the release of the linen plan.	Yes, subject to condition
4.3	Height of Buildings - 12.5 metres	10.15 metres	Yes
Standard	Required/Permitted	Provided	Compliance
4.4	Floor Space Ratio - Max. 0.85:1	With a site area of 12,451sqm, the max permitted floor area is 10,583sqm. The proposed gross floor area is 6,346.95sqm (0.51:1)	Yes
4.6	Exceptions to development standards	N/A	N/A
5.9	Preservation of Trees or Vegetation	No trees on site	N/A
5.10	Heritage	Whilst the site is not heritage listed, there are 3 items in close proximity: - Grey Box Reserve and Aboriginal scarred trees - Boothtown Aqueduct - Prospect Hill	Council's Heritage Advisor has indicated that the proposal does not impact on the significance of the heritage items.
6.1	Acid Sulfate Soils	The site is not affected by ASS	N/A
6.4/6.7	Flood Planning and Stormwater Management	The site is not subject to flooding. Council's Development Engineer has reviewed the stormwater drainage concept and advises	Yes

		that the design is acceptable subject to the imposition of conditions.	
6.5	Terrestrial Biodiversity	There is no evidence of any terrestrial biodiversity on the site.	Yes
6.8	Salinity	The site is located on lands identified as being affected by moderate salinity.	To be conditioned

Holroyd Development Control Plan 2013

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

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

Part A – General Controls			
Standard	Required/Permitted	Provided	Compliance
3.1	Car Parking: <u>Residential</u> - 1 space per 3 b/r unit (57 units) = 57 spaces (max. 2 per dwelling = 114) - Visitor parking 0.2 spaces per unit (57 units) = 11.4 spaces (12) (max. 0.5 per dwelling = 29)	114 resident spaces + 1 car wash 29 visitor spaces (Total 143)	Yes Yes
3.3	Dimensions of Car Parking Facilities, Gradients, Driveways, Circulation and Manoeuvring.	Council's Traffic Engineer has assessed the submitted plans and documentation and advised the proposal is acceptable, subject to conditions.	Yes
3.5	Driveways Driveways shall be setback a minimum of 1m from the side boundary.	>1m provided	Yes
3.6	Accessible parking - 2 spaces per 100 spaces - 1 space per adaptable unit	12 required. 1 for each adaptable dwelling. 29 provided	Yes
6.1	Retaining walls		

	- Generally <1m in height.	There are a number of retaining walls proposed. Most are less than 1 metre in height, however, the retaining walls at the rear of the dwellings fronting Driftway Drive are approximately 1.5 metres in height. Given the topography of the site, this is considered acceptable.	
6.3	Erosion and Sediment Control	A detailed sediment and erosion control plan was submitted and is considered to be acceptable.	Yes
7.4	Stormwater Management	Council's Development Engineer has reviewed the stormwater drainage plans and calculations and advises that the design is acceptable.	Yes
11	Site Waste Minimisation and Management Plan (SWMMP)	Council's Waste Officer has reviewed the proposed waste and recycling arrangements and SWMMP and has advised that they are acceptable.	Yes
Part P – Pemulwuy Residential Controls			
Standard	Required/Permitted	Provided	Compliance
4.1	Architectural Character		
	- Provide a variety of building types and housing types throughout Pemulwuy in accordance with Figures 23 [Pemulwuy North] and 24 [Pemulwuy South].	The subject site is identified as being for multi-unit housing and an area for increased density. The proposed multi-dwelling development supports this.	Yes
	- Accommodate a range of innovative dwelling types including single dwellings, home offices and home/work spaces.	All dwellings are attached 3 storey townhouses. The Pemulwuy Estate (which this control is relating to) provides a range of dwelling types and styles.	Yes
	- Design, model and articulate dwellings with a consistent relationship to the street and to each other.	The proposed units are articulated and have a consistent relationship with each other.	Yes
	- Design with a simplicity of building elements that create a contemporary façade. Avoid	Satisfactory contemporary building elements.	Yes

	<p>historical reproduction styles.</p> <ul style="list-style-type: none"> - Modulate side boundary setbacks and incorporate courtyards, atria, toplights and the like to maximise solar access to dwellings. - Prefer elevated finished floor levels and entries, balconies and street elevations to improve outlook and surveillance of streets and open spaces. - Ensure all dwelling entries are clearly visible from the street by day and night. - Ensure a maximum 500mm cut and 500mm fill for allotments unless otherwise stated elsewhere. 	<p>Side boundary setbacks satisfactorily modulated.</p> <p>Elevated floor levels are provided where possible. Satisfactory surveillance is provided to the street and internal common areas. Dwelling entries are visible from the street or internal pathways.</p> <p>Cut is minimal, except for basement – considered satisfactory.</p> <p>Fill ranges from 0 up to 1m, at the rear of the dwellings fronting Driftway Drive. Considered satisfactory given slope of site.</p> <p>At the request of Council, the fill associated with the proposed dwellings backing onto the dwellings fronting Kilby Avenue was reduced given privacy concerns. The fill in this area now does not exceed 500mm.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No, however, considered satisfactory.</p> <p>Yes</p>
4.4	<p>Building articulation and street address</p> <ul style="list-style-type: none"> - Develop the architectural character of buildings with appropriate solar protection elements, expressed door and window openings, and the like. - Design buildings which incorporate articulation to the built form and do not rely on “add on” structures to break up the façade. - Accommodate a range of roof forms in order to provide variety and reduce the bulk and 	<p>Satisfactory architectural character provided.</p> <p>Articulation provided.</p> <p>Satisfactory roof forms provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	scale of the streetscape.		
4.5	Setbacks <ul style="list-style-type: none"> - Front of building – 3m - Rear setback – <ul style="list-style-type: none"> A. North-South Lots: <ul style="list-style-type: none"> * Lot depth max. 35m = 6m. * Lot depth >35m = 8m. B. East-West Lots: <ul style="list-style-type: none"> * Little Streets = 3m from garage to dwelling. - * Other streets = 4.5m - Side setback – <ul style="list-style-type: none"> Type C low density townhouse/rowhouse = 0m to both. Type D Apartments + higher density townhouses = 3m - Secondary street frontage – 4m 	<p>3.5m front setback provided for all dwellings facing Driftway drive.</p> <p>6.5m front setback provided for all dwellings facing Silverthorne drive.</p> <p>6m rear setback provided to dwellings backing onto Kilby Avenue. It is envisaged that the dwellings within the proposed development would at some point in the future be strata subdivided, achieving a lot less than 35 metres in depth.</p> <p>This setback is 6m at ground floor level, 6m at first floor level and 9m for second floor level.</p> <p>4.8 metres from Unit 16 to northern side boundary.</p> <p>6.5m front setback provided for all dwellings facing Silverthorne drive</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

4.6	Solar Access		
	- Windows of north facing/orientated habitable rooms of dwellings are to receive a minimum of 4 hours of direct sunlight between 8.00am and 4.00pm on 22 June.	Amended plans show that all dwellings would receive minimum solar access requirements.	Yes
	- New development must not result in windows to north facing living areas of neighbouring dwellings receiving less than 4 hours direct sunlight between 8.00 am and 4.00 pm 22 June.	No impact on existing dwellings.	Yes
	- Private open space is to achieve at least 3 hours of direct sunlight between 9am and 3pm in on 22 June for 50% of the required private open space	Amended plans show that the POS areas of all dwellings would receive minimum solar access requirements.	Yes
	- Where relaxation of these controls has occurred, design initiatives that maximise natural light into dwellings are to be incorporated. For example, through wider frontages, courtyard housing, and material selection.	N/A	N/A
	- On north facing facades, minimise summer solar access and maximise winter solar access. To achieve this, consider measures such as external horizontal shading, eaves, awnings, balconies, pergolas with appropriate planting and the like.	Balconies, and shading devices provided to north, east and west facades. Also, BASIX certificate submitted will ensure adequate thermal performance of dwellings.	Yes
	- On east and west facing facades, minimise summer solar access and maximise winter solar access. To achieve this, consider measures such as external adjustable vertical shading, sliding screens and adjustable louvers and the like.	Balconies, and shading devices provided to north, east and west facades. Also, BASIX certificate submitted will ensure adequate thermal performance of dwellings.	Yes

4.7	External Private open space		
	Provide useable private open space, directly accessible from living and/or dining areas to each dwelling.	POS is provided directly from living or dining areas.	Yes
	Type A, B and C dwellings are required to provide an area equivalent to 20% for Pemulwuy South and 30% for Pemulwuy North of the total site area as a pervious (soft) surface. Type D dwellings (and Type M in the case of Pemulwuy South) are required to provide an area equivalent to 20% of the total site area as external private open space, at ground level or in the form of a balcony;	Proposed development is Type C therefore 2,490sqm (12,451x.2) total POS required for the site. 3,364.91sqm provided	Yes
	All private open space (excluding balconies) is to have a minimum dimension of 3 metres which is to be accessible from living or dining areas, and be suitable for outdoor living;	All POS areas have a minimum dimension of 3m and are accessible from living and dining areas.	Yes
	Balconies are to have a minimum dimension of 2.4 metres where they are accessible from living or dining areas. In such cases, they can be used in the private open space calculation. This dimension may be reduced to 1.8 metres where functionality can be demonstrated;	Balconies provide minimum dimensions and are accessible from bedrooms.	Yes
	Balconies should be located to provide active street frontages.	Balconies activate the streets and internal pathways and communal open space.	Yes
	A minimum of 20% for Pemulwuy South and 30% for Pemulwuy North of the total site area shall remain as a pervious (soft) surface, unless otherwise noted on Figures 39 and 40.	A pervious area of a minimum 3,735.3sqm is required in accordance with figure 40. 5,218.98sqm of pervious area provided.	Yes
	Where impervious areas exceed 80% for Pemulwuy South and 70% for Pemulwuy North of the total site area, Council will require an on-site detention	N/A	N/A

	<p>system.</p> <p>No more than 45% of the front setback area shall be paved or sealed (inclusive of driveway). Where a double garage is proposed, this may increase to no more than 50% of the front setback.</p> <p>Provide a minimum 500mm setback (in the form of a landscape strip/garden bed) between the driveway and side boundary. It is required that this area be planted with suitable native plant species.</p> <p>The driveway and pedestrian access path shall be separated by a landscape strip/garden bed.</p>	<p>Setback areas satisfactorily landscaped – only driveway areas paved.</p> <p>Landscaping provided between the driveways and side boundaries.</p> <p>Driveways and pedestrian paths are separated by landscaping.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4.9	<p>Privacy</p> <p>Dwellings are to maximise visual privacy through consideration of the layout of internal rooms and external living spaces, design of openings, screens, walls and choice of materials</p> <p>Protect privacy and encourage integrated outdoor living spaces by orienting primary openings in living areas to the street and/or rear gardens.</p> <p>Upper storey windows (excluding stairwells), and balconies (within 6 meters of the rear boundary) facing a side or rear boundary must incorporate privacy measures.</p> <p>Achieve privacy in the design of housing by providing the following separations to all</p>	<p>The amended design appropriately maintains privacy between dwellings.</p> <p>Primary living area openings are orientated to front and rear yards.</p> <p>Whilst the development complies in this respect, it is considered that the first floor windows of the dwellings that back onto properties fronting Kilby Avenue have the potential to impact upon privacy and should therefore be provided with privacy screening (dwellings 17-33). A condition to this effect has been included within the draft conditions of consent.</p> <p>Amended plans show minimum separations are provided. However, the</p>	<p>Yes</p> <p>Yes</p> <p>Yes, subject to condition.</p> <p>Yes, subject to condition.</p>

	<p>openings (windows, doors or balconies) between rooms in multi-unit dwellings and between openings facing the rear boundary of single dwellings at ground level:</p> <p>a) 6 metres between non-habitable rooms;</p> <p>b) 9 metres between a habitable and non habitable room;</p> <p>c) 9 metres between a habitable room and a balcony; and</p> <p>d) 12 metres between habitable rooms.</p> <p>Where possible, openings should be off set to reduce setbacks, and in addition, screening and other treatments may be considered in reducing separation distance whilst maintaining adequate visual privacy.</p> <p>Elevated ground floor levels to the rear or side of the property, including the main built form, terraces, decks and balconies that exceed 500mm above natural ground level must incorporate privacy measures to minimise potential overlooking.</p> <p>Upper floor windows or balconies within 6 metres of the rear boundary must incorporate privacy measures.</p> <p>Dwellings are to maximise acoustic privacy through consideration of the layout of internal rooms and external living spaces, design of openings, screens, walls and choice of materials.</p> <p>The design of buildings should minimise the opportunity for sound transition through the building structure and should</p>	<p>indicative dwelling designs show low height balustrading between balconies. Therefore, it is recommended that the separating walls between balconies are full height.</p> <p>Appropriate levels of privacy are afforded to dwellings within the development, subject to the imposition of appropriate conditions as referred to above.</p> <p>Visual privacy is maintained.</p> <p>Amended plans show finished levels achieve a maximum of 500mm above NGL.</p> <p>Privacy on the ground floor is maintained through the provision of fencing.</p> <p>Upper level windows are at 6 metres. Notwithstanding, as discussed above, privacy measures are recommended for the first floor bedroom windows for dwellings that back onto properties fronting Kilby Avenue</p> <p>Satisfactory internal room layout. Bedrooms adjoin bedrooms, living areas adjoin living areas.</p> <p>Solid walls proposed between units. Satisfactory room layouts.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
--	---	---	--

	A pedestrian pathway is required from the front boundary to the entry of the dwelling, and must be separate from the driveway.	All pedestrian entries are separate from the driveway entries. All dwellings have pedestrian entries from the street frontage or internal pathways.	Yes
4.15	<p>Fencing</p> <p>The front fence piers and base are to be constructed of rendered, bagged or face brickwork to match the style of the home, with a light weight see-through infill.</p> <p>Front fencing must return along the boundary to the front building facade.</p> <p>Maximum height of 1.2 metres from natural ground on the street side of the fence, except where slopes exceed 1:8.</p> <p>Side and rear fencing is to be 1.8m high lapped and capped timber fencing, or must be reduced to 1.5m high when built on top of a retaining wall. Colorbond fencing or similar is not permitted. Where the retaining wall exceeds 1.2m, the combined wall plus fence should not exceed 2.4m.</p> <p>On sloping land, the height of fencing must step to follow the slope of your allotment as shown in Figure 50 The low wall plinth must be no greater than 0.6m at the highest step.</p>	<p>1.2m brick and in-fill slats proposed.</p> <p>Fencing continuous along Silverthorne Drive and Driftway Drive.</p> <p>Street fencing to Driftway Drive and Silverthorne Drive shown on the elevation plans is 1.2m high.</p> <p>To be conditioned</p> <p>0.6m plinth heights proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>To be conditioned</p> <p>Yes</p>
4.16	<p>Adaptable and Affordable Housing</p> <p>Ensure that 20% of multi-unit housing, shop-top housing and mansion house apartments are compliant with Class C – Adaptable Housing Features as set out in Australian Standard AS4299.</p>	12 adaptable dwellings required. 12 provided.	Yes

	Ensure that 100% of adaptable housing is compliant with Adaptable Housing Class A or B.	Council's Accessibility Consultant has indicated that the post adaptation plans do not demonstrate compliance with AS 4299-1995. Standard conditions to be imposed.	Pre CC condition to be imposed.
4.17	Safety, Security And Lighting Identify lots edging open spaces as suitable for increased densities, thereby maximising the number of dwellings which overlook open spaces. Incorporate passive open space surveillance into lot layout and design of residences, including balconies, porches, etc. Ensure all dwelling entries are clearly visible from the street by day and night. Design first floor uses to overlook the street and car parking areas. Ensure private landscaping does not provide opportunities for concealment e.g. along pathways or adjacent to service areas.	Increased density provided on the site. 24 dwellings overlook Grey box Reserve. Surveillance over the reserve is provided. Dwelling entries are visible from the street and internal pathways. Bedrooms overlook the street and internal pathways. Landscaping is satisfactory. Standard condition to be imposed regarding lighting of pathways.	Yes Yes Yes Yes To be conditioned
4.18	Bushfire Protection Development must comply with Planning for Bushfire Protection (NSW Rural Fire Service: 2006) or subsequent amendments.	A Bushfire Hazard Plan was requested by NSW RFS. This was prepared by the applicant's bushfire consultant, and was considered satisfactory by the RFS.	Yes

4.20	<p>Servicing</p> <p>Provide each dwelling with a secure external clothes drying area with access to sunlight and breezes, screened from the public domain.</p> <p>Locate adequate rubbish and recycling areas where they are convenient and accessible.</p> <p>In addition to garages, the adequate storage of bulky goods in multi-unit housing is required at a rate of: a) 7.5 cubic metres for a studio/one bedroom unit; b) 10 cubic metres for a two bedroom unit; and c) 12.5 cubic metres for units with three or more bedrooms.</p> <p>Antennae, satellite dishes, water tanks, service metres and solar heating should be sited to minimise their impact on the public domain.</p>	<p>It is envisaged that external drying areas would be provided in the rear private courtyards of dwellings. Details of such should be indicated on the architectural plans and provided to the PCA.</p> <p>The applicant has indicated that each dwelling will store their own waste/recycling bins, however, it is unclear how this will occur in practice. In this regard, it is considered appropriate that further details of individual or communal bin storage be provided prior to the issue of a CC.</p> <p>The submitted architectural plans do not demonstrate compliance with this requirement. In this regard, it is considered appropriate that further details of internal/external storage be provided to the PCA.</p> <p>To be conditioned</p>	<p>To be conditioned</p> <p>Pre CC condition to be imposed</p> <p>To be conditioned</p> <p>To be conditioned</p>
6.1	<p>Height Limits – Pemulwuy South</p> <p>Three storey zone. Maximum external wall height is to be 10 metres.</p> <p>Maximum building height is to be 12.5m.</p>	<p>Amended plans now show 3 storey maximum. Max external wall height of 9.6m</p> <p>10.15m</p>	<p>Yes</p> <p>Yes</p>

11.1	Site Contamination and Remediation	The southern part of the Greystanes Estate (known as the Southern Residential Lands) formed part of the Boral quarry. Quarrying operations were relocated and the site was remediated as part of a Remediation Action Plan (RAP) prepared by HLA Envirosiences (2001) for the whole estate.	Yes
11.3	Waste Management	<p>Council's Waste Management Section has reviewed the proposed waste and recycling arrangements and has indicated that bins for general waste and recycling are to be contained within each dwelling and presented to the kerb for collection.</p> <p>However, the applicant has indicated that each dwelling will store their own waste/recycling bins, however, it is unclear how this will occur in practice. In this regard, it is considered appropriate that further details of individual or communal bin storage be provided prior to the issue of a CC.</p>	Pre CC condition to be imposed
11.4	Soil Erosion & Sediment Control	A detailed sediment & erosion control plan was submitted & is considered to be acceptable.	Yes

As demonstrated above, the proposal is considered to comply with the requirements of Part 3 of the Holroyd DCP 2013.

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

N/A

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

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

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

Context and Setting

The proposed development is located within the R4 High Density Residential zone, which aims to provide for the housing needs of the community within a high density residential environment. The site is adjoined by R4 zoned land to the north and beyond this to the north and west is R3 Medium Density Residential zoned land. Whilst the R4 zone permits residential flat buildings, multi-dwelling housing is also permissible. The proposed development is considered to be consistent with the zone objectives.

The site is identified within the DCP as able to accommodate 3 storey development. Even though adjoining and surrounding development is predominantly two-storey in form, 3 storey development exists throughout the estate, and is permissible in many areas of the estate.

The overall height, density and presentation of this development is considered to be appropriate for the site and the locality.

Built Environment

It is considered that the proposed development (as amended) will have a positive impact on the built environment and is acceptable in terms of streetscape presentation and overall bulk and scale. It is also considered that 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.

Environmental Impacts - Traffic & Parking

The development provides in excess of the number of minimum parking spaces required by the Holroyd DCP 2013. The development provides 2 spaces per dwelling and double the amount of visitor parking. The development however, does not exceed the maximum number of spaces allowable under the DCP.

With regard to traffic, it is noted that a development of this scale has the potential to have an impact on the local traffic network. As such, the applicant prepared a traffic impact assessment report to assess the likely traffic implications of the development, to determine whether the development is satisfactory, and recommend appropriate remedial measures if required. The report prepared by Varga Traffic Planning Pty Ltd, dated 3 July 2015 states that, based on RMS rates, 57 dwellings would yield a traffic generation of 37 vehicle trips per hour during peak commuter periods. The traffic consultant concludes the following:

The project increase in traffic activity as a consequence of the development proposal is minimal, consistent with the rezoning objectives of the area, and will clearly not have any unacceptable traffic implications in terms of road network capacity or traffic-related environmental effects.

Council's Traffic Engineer has reviewed the proposed development and submitted traffic report, and has advised that this satisfactorily addresses traffic impacts on local roads and

nearby intersections. In this regard, the proposed development is considered acceptable in terms of traffic and parking.

Environmental Impacts - Flooding and Stormwater Management

Council's mapping system indicates that the site is not affected by flood. Council's Engineers have no objection to the proposal, which complies with Council's requirements for stormwater management. The proposed development includes a Pollution Control Device (PCD), which will control and minimise the disturbance and impacts of stormwater runoff.

Given the size of the site, the development is required to comply with water sensitive urban design (WSUD) requirements. The proposal includes the provision of 9 x 10,000 litre rainwater tanks to capture and re-use stormwater for toilet flushing and clothes washing. The proposed water quality treatment system has been designed to ensure that pollutant removal rates satisfy Council's requirements.

The proposal is considered satisfactory by Council's development engineers subject to further details to be submitted in relation to WSUD at Pre CC stage.

Environmental Impacts - Solar Access and Overshadowing

It is considered that the architect has addressed the issues of solar access and overshadowing that existed in the original design, by deleting the dwellings that were proposed to be located in the centre of the site. These have been replaced with common open space.

The amended plans show that all dwellings, private courtyards and common areas would receive the minimum solar access requirements. In addition, being on the southern and south-eastern side of existing development, there is no overshadowing to existing residential properties.

Natural Environment

The site is currently devoid of any significant vegetation and contains only grass cover. The submitted landscape plan proposes significant landscaping throughout the site as part of the proposed development as illustrated in the landscape concept plans prepared by Canvas Landscape Architects. The proposal includes extensive soft and hard landscaping, which includes gazebos, pergolas, seating, BBQ facilities and play space.

Whilst the adjoining Grey Box Reserve is not mapped as being Bush Fire Prone, the application was referred to the NSW Rural Fire Service (RFS) for comments. The RFS requested the submission of a Bush Fire Hazard Assessment Report. The report, prepared by Building Code & Bushfire Hazard Solutions, was assessed and considered satisfactory by the RFS, who imposed appropriate conditions

Having regard to the above, the proposed development is not considered to adversely affect the natural environment and will provide for appropriate landscaping to soften the development and provide passive recreation space for residents.

Social Impact

In accordance with Council's *Social Impact Assessment Policy August 2012*, a Social Impact Initial Review was prepared and submitted for Council's consideration.

Council's Social Planner indicated that, whilst a Comprehensive Social Impact Assessment was not undertaken, the proposal is consistent with the objectives contained within the

Greystanes Estate Precinct Plan, which comprised extensive community consultation. In this regard, additional consultation is not considered to be required.

Additionally, Council Social Planner indicated that potential social impacts were addressed through the earlier process of developing the Greystanes Estate Precinct Plan. For example, the Precinct Plan addressed the requirements for recreational space, walking and cycling tracks, village green and a community centre in detail (for the whole of the estate).

Specific positive impacts of the development include:

- Supply of a more diverse and affordable housing mix at a suitable location (i.e. Close to Pemulwuy Marketplace, public transport and parks.
- Improved safety from ‘passive’ surveillance of two street frontages and open space by the new residents.
- Improved social connectivity (with opportunities for incidental encounters within the central pathway access and other common space areas).
- Short term generation of employment during construction and flow-on effects to local businesses with resident spending.
- Potential for increased active transport – with proximity to public transport, shops, large parks, cycleways and other community services.
- Opportunities for passive and active recreation.

Council’s Social Planner stated that potential negative social impacts are confined to short term construction impacts. However, these potential impacts can be mitigated through the implementation of a suitable Construction Management Plan.

(c) the suitability of the site for the development

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

With regard to potential site contamination, the southern part of the Greystanes Estate formed part of the Boral quarry. Quarrying operations were relocated and the site was remediated as part of a Remediation Action Plan (RAP) prepared by HLA Envirosciences (2001) for the whole estate.

The site is quite large with a total site area of 12,451sqm. The site can easily accommodate the number of dwellings proposed, and the proposed development demonstrates compliance with Council’s development controls for the site.

At a strategic level, the site was designated within the Greystes Estate Precinct Plan for ‘multi-unit housing’ permitting ‘Aged Housing’, ‘Apartments’, ‘Townhouses’ and ‘Residential Flat Buildings’. The proposed multi-dwelling proposal is consistent with this aim.

(d) any submissions made

The original application, seeking consent for construction of a part 3 / part 4 storey multi dwelling housing development comprising 97 dwellings over basement parking for 139 cars, was placed on public exhibition for a period of thirty (30) days. 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, Council received 9 individual letters, 2 letters from MPs (on behalf of residents), 52 form letters and 2 petitions with a combined 178 signatories objecting to the proposal.

The application was subsequently amended to its current proposal and renotified as a result for a period of fourteen (14) days. In response, Council received 6 individual letters and a petition with 8 signatories objecting to the proposal. The concerns raised are discussed in detail below, with the issue highlighted in bold and comments provided thereafter.

1. Character, Context and Height

The proposed development is not consistent with the character of the surrounding area, being two-storey dwellings. This will clearly reduce property values. The proposed 3 storey development is much too high when compared to surrounding 2 storey development.

Comment:

There are a number of 3 storey dwellings in Pemulwuy. There are a number of zones within Pemulwuy that permit three storey development for detached dwellings. There is no indication that the current 3 storey development in Pemulwuy is having any impact on property values, nor should they.

2. High Density

The development does not comply with the original development of this estate. The density is far too high. This is a gross over-development of a small site.

Comment:

As identified in the body of this report, the Greystanes Estate was created under the provisions of State Environmental Planning Policy (SEPP) No 59—Central Western Sydney Economic and Employment Area. At the time, the site was zoned Residential under the SEPP and ‘multi-unit housing’ was designated for this lot within the Precinct Plan. Under the Precinct Plan, ‘multi-unit housing’ allowed for the following housing types:

- Aged Housing
- Apartments
- Townhouses
- Residential Flat Buildings

With the commencement of the Holroyd Local Environmental Plan 2013, the SEPP (now known as SEPP 59—Central Western Sydney Regional Open Space and residential) was repealed and the site was zoned R4 – High Density Residential. ‘Multi dwelling housing’ is permitted within this zone. The LEP introduced a floor space ratio (FSR) for the site, being 0.85:1. With a site area of 12,451sqm, the maximum permitted floor area is 10,583sqm. The proposed gross floor area is 6,346.95sqm (FSR = 0.51:1), which is well below the maximum permitted.

The proposed development is not considered an overdevelopment of the site as it is compliant with regard to floor space ratio, setbacks, common and private open space, landscaping, parking and building heights. Also, as discussed in the report above, visual privacy can be maintained to adjoining residences, subject to appropriate privacy screening.

3. Housing Mix

The development does not provide a mix of dwelling types.

Comment:

Part P of the Holroyd DCP 2013 (formerly the Greystanes Estate Residential Lands Precinct Plan) requires that a variety of building types and housing types are provided throughout the Pemulwuy estate in accordance with Figures 23 [Pemulwuy North] and 24 [Pemulwuy South] of the DCP. The subject site is identified within the DCP as being for multi-unit housing. The proposed multi-dwelling development supports this.

All dwellings are 3 storey townhouses. The Pemulwuy Estate (which the above control relates to) provides a range of dwelling types and styles, such as 3 storey residential flat buildings, 2 and 3 storey detached dwellings, 2 storey row housing, single storey aged care housing, etc.

4. Overshadowing

The proposed 3 storey development will cause undue overshadowing

Comment:

The subject site is located to the south and south-east of existing residential development, and therefore no overshadowing occurs. The shadow diagrams for the subject development indicates that shadows will fall upon the central open space area and onto Silverthorne Drive, however, the common open space area and private courtyards will still receive the minimum solar access requirements.

5. Privacy

The dwellings that back onto the residents of Kilby Avenue have large sliding doors and rear balconies on the 3rd storey and are only setback 6 metres from the boundary, severely impacting privacy. The proposed filling of these dwellings also appears to be quite high

Comment:

The finished levels of the dwellings backing onto dwellings fronting Kilby Avenue have been amended so that they are lower than the Kilby Avenue dwellings by up to 1 metre. This reflects the level difference between the two rows of dwellings.

The 3rd storey balconies of dwellings 17-33 have been removed to maintain privacy. However, the 2nd storey (first floor) bedroom windows of these dwellings have the potential to impact privacy of the rear-adjointing dwellings. In this regard, it is considered appropriate to include privacy screening to these windows.

6. Setbacks

All north/south facing homes in Pemulwuy South have rear setbacks of 6 metres (south facing) and 8 metres (north facing). These were limitations set by original development for two-storey dwellings backing onto two-storey dwellings. Not three-storey dwellings backing onto two-storey dwellings.

Comment:

Three (3) storey development is permissible on this site, and was permissible on this site when created in 2002 by the original developer. The subject dwellings are south-facing and provide a rear setback of 6 metres, which complies with the DCP.

7. Traffic / Transport

Access to the development is inappropriate and dangerous, particularly turning left into Silverthorne Drive and right out of Silverthorne Drive. A round-about or a no right/left turn needs to be considered. Current infrastructure is insufficient for increased number of vehicles.

Comment:

The additional traffic generated from the development (i.e. 37 vehicle trips per hour during peak commuter periods as per the submitted Traffic Report) does not warrant the provision of a round-about, or any other traffic measures. Council's Traffic Engineers have assessed the development and consider that there will be no impact to surrounding intersections.

The existing infrastructure is not sufficient to cater for the increase in population. There is no train station to support the increase in residences, and the development is not near regularly accessible public transport

Comment:

The Pemulwuy Estate, much like the rest of the Holroyd LGA is not in the immediate proximity of a train station. However, Pendle Hill Station is only 2.5kms from the Estate. There are also regular bus services that operate within the estate on weekdays and on weekends. The closest operating bus stop to the site is 375 metres, within walking distance.

Part B of Holroyd DCP states *"multi-dwelling housing is not permitted with a frontage to roads with a carriageway less than 6.5 metres"*. The Silverthorne Drive carriageway is only 5 metres, whereas Driftway Drive is 8 metres.

Comment:

When the estate was planned, it was subject to a Precinct Plan formulated in accordance with SEPP 59 provisions. The Greystanes Estate Residential Precinct Plan was, prior to 2013, a stand-alone document. It now forms part of the Holroyd DCP 2013 (Part P), and has site specific controls relating to multi-dwelling housing and road hierarchy, and contains its own Transport Plan and Transport Design Guidelines.

The road hierarchy in Pemulwuy South (pg. 718) indicates that Silverthorne Drive is a 'Local Street', which has the capacity for a traffic volume of 300 – 3,000 vehicles per day. The traffic report submitted in support of the application indicates that the proposed 57 dwelling development would potentially generate in the order of 37 vehicle trips per hour during commuter peak periods. This generation rate is minimal and would easily sit at the low end of the carrying capacity envisaged for this road.

Driftway Drive is at the top of a site that has a significant fall (greater than 1 in 10). The two proposed driveways are along Silverthorne Drive, which has a frontage of 228 metres and is a 'Local Street' as opposed to Driftway Drive, which is a 'Collector Road'. Whilst the northern end of Driftway Drive acts as a bus route, it is envisaged that this bus route will continue through to the southern end of Driftway Drive. Given that Driftway Drive is a Collector Road, and will accommodate a bus route at some point in the future, driveway access onto Silverthorne Drive is considered to be the safer and better option.

There is not enough parking to cater for the development. Kerb street parking is insufficient; streets are already congested with resident parking in front of houses.

Comment:

In accordance with Council's DCP, the proposed development is required to provide 57 residential parking spaces and 12 visitor parking spaces. The development provides 114 car parking spaces for residents (2 per dwelling) and 29 visitor spaces, plus 1 car wash. As such, there is more than the minimum car parking spaces provided on site. In addition, given the length of both street frontages and the fact that only 2 vehicular crossings are proposed, only 1 on-street space will be lost as a result of the development, meaning that 31 on-street car spaces will be available for visitors to the locality.

8. Waste Management

How will the current waste pick-up be amended to sufficiently dispose of extra household waste? Will garbage trucks be able to fit in the narrow streets?

Comment:

Council's Waste Management Section has reviewed the proposed method of waste collection, and advises that the waste service arrangements are satisfactory. Council's Waste Management Section has indicated that garbage trucks can travel along both Driveway Drive and Silverthorne Drive.

However, the applicant has indicated that each dwelling will store their own waste/recycling bins, however, it is unclear how this will occur in practice. In this regard, it is considered appropriate that further details of individual or communal bin storage be provided prior to the issue of a Construction Certificate.

9. Noise Pollution

Undue noise will be created from the high number of dwellings.

Comment:

Whilst noise generated by individual dwellings within the site would be similar to the noise generated by any residential dwelling, it is considered that noise generated by a multi dwelling development would be proportionally higher due to the concentration of dwellings. However, this would be commensurate with higher density living, which has been envisaged for this site since 2002.

An acoustic report was submitted in support of the application, which assessed noise generated by the proposed development and the impact of road noise on the proposed development. The acoustic report concludes that the proposed development will satisfy the requirements of the Infrastructure SEPP with regard to road noise and the Industrial Noise Policy with regard to noise generated by the development.

10. Environmental Pollution

The development will have a negative and serious impact to the adjoining Grey Box Reserve, as it is located adjacent to the conservation area. The area is already subject to illegal dumping. Due to the influx of high volume rental units, the propensity for dumping increases, which impacts on the surrounding environment, detracts from the area and increases Council costs.

Comment:

There is no evidence to suggest that a high proportion of rental tenants will occupy the proposed development. It is unclear what impact that residents on a residential allotment would have on a Public Reserve located opposite, other than providing increased security to reduce illegal dumping.

11. Upkeep of Common Property

Concern is raised over the upkeep and maintenance of common property within the site, as it is a problem with apartments near Pemulwuy shopping centre.

Upkeep and maintenance of the development will be the responsibility of the owner's corporation.

12. Property Values

A different demographic will reduce property values.

Comment:

There is no evidence to indicate that the future occupiers of the proposed development will be any different to the socio-economic demographic that currently resides within Pemulwuy. Notwithstanding, impact on property prices is not a planning consideration.

13. Local Infrastructure and Facilities

Local resources and facilities will become inadequate if this development is approved. There are already insufficient school facilities in the locality.

Comment:

The estate is serviced by two commercial precincts, a small neighbourhood centre (Nelsons Ridge Plaza) with food and drinks premises and business premises, and a larger Local Centre with a large format Woolworths and specialty shops. Whilst smaller to the Greystanes Shopping Centre, which also contains a large format Woolworths and specialty shops, the Pemulwuy Estate would be less than 1 quarter the size of the Greystanes catchment.

With regard to schools, it is noted that there are four state primary schools, 2 state high schools and a catholic college, just in Greystanes, all within 2kms of the Pemulwuy Estate. The State Government, who is charged with the provision of school infrastructure, also imposes housing targets on local Councils to accommodate population growth, and would not do so if the existing infrastructure was inadequate. As a stakeholder, the Department of Education was given the opportunity to comment on the Holroyd LEP 2013 when it was publicly exhibited. No objection was raised to the increased density.

14. Consultation

Minimal and inadequate effort has been made by the developer to consult with the community.

Comment:

Whilst Council advocates early consultation with surrounding residents by developers, it is not a requirement for this to occur. Notwithstanding, it is noted that this site has been designated for high density residential development since 2002.

(e) the public interest

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

INTERNAL REFERRALS

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

Development Engineering Section	No objection, subject to conditions
Traffic Management Section	No objection, subject to conditions
Landscaping and Tree Management Section	No objection, subject to conditions
Environmental Health Unit	No objection, subject to conditions
Waste Management Section	No objection, subject to conditions
Strategic Planning Section (Heritage)	No objection, subject to conditions
Community Services Section (Social Planning and Accessibility)	No objection, subject to conditions

EXTERNAL REFERRALS

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

Holroyd Police	No objection
NSW Rural Fire Service	No objection, subject to conditions

SECTION 94 CONTRIBUTIONS

The subject site is located within the Pemulwuy contributions area and the following contributions are imposed under the Pemulwuy Contributions Plan 2015:

- Residential
 - 57 dwellings @ \$9,137 per dwelling/lot = \$520,809
 - Credit given to 1 x existing lot = \$9,137
 - Total **\$511,672**

RECOMMENDATION

As identified above, the proposed development is within an R4 High Density Residential Zone, and accords with the development types envisaged for this site under the former Greystanes Estate Residential Lands Precinct Plan and the Holroyd LEP 2013.

The proposed development complies with the provisions of the Holroyd LEP 2013 and controls contained within Part P of the Holroyd DCP 2013 – Pemulwuy Residential Controls.

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

The overall height, density and presentation of this development is what the Holroyd LEP and DCP are trying to achieve for this site and locality.

Having regard to the above, it is recommended that the application proposing the construction of a multi dwelling housing development comprising 57 x 3 storey dwellings, basement and grade level parking for 143 cars and associated subdivision into 2 Torrens title lots, **be approved subject to conditions as outlined in Attachment F of this report.**