

JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No	JRPP No. 2015SYW060
DA Number	2015/2/1
Local Government Area	Holroyd City Council
Proposed Development	Demolition of existing structures; consolidation of 4 lots into 1 lot; construction of a part 3; part 5 and part 8 storey mixed use development comprising 89 dwellings and 3 commercial tenancies over 2 levels of basement parking accommodating 116 carparking spaces.
Street Address	158 – 162 Great Western Highway and 8 Hannah Street Westmead
Applicant/Owner	Westmead Building P/L
Number of Submissions	4 submissions and a petition signed by 63 people
Regional Development Criteria (Sch. 4A of the Act)	The project has a capital investment value of more than \$20M and the Joint Regional Planning Panel is the consent authority.
List of All Relevant s79C(1)(a) Matters	• Environmental Planning and Assessment Act 1979 (EP&A Act) • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX) • State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings • State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) • Holroyd Local Environmental Plan 2013 (HLEP 2013) • Holroyd Development Control Plan 2013 (DCP 2013)
List all documents submitted with this report for the panel's consideration	AT-A Site Locality Plan AT-B Architectural Plans AT-C Statement of Environmental Effects including Clause 4.6 statements AT-D Design Verification Statement AT-E Traffic Report AT-F Acoustic Report AT-G Contamination Report AT-H Submissions AT-I Draft Conditions of Consent
Recommendation	Demolition of existing structures; consolidation of 4 lots into 1 lot; construction of part 3, part 4 and part 8 storey residential flat building accommodating 89 residential units and 3 commercial tenancies over two levels of basement parking accommodating 116 carparking spaces be approved by way of deferred commencement consent subject to imposition of appropriate terms and conditions as outlined in Attachment I of this report.

Report by	Sohail Faridy, Coordinator Development Assessment Holroyd City Council

Assessment Report and Recommendation Cover Sheet

Proposal: Demolition of existing structures; consolidation of 4 lots into 1 lot; construction of part 3, part 4 and part 8 storey residential flat building accommodating 89 residential units and 3 commercial tenancies over two levels of basement parking accommodating 116 carparking spaces. The proposal has a capital investment value of more than \$20m and the consent authority is the Joint Regional Planning Panel.

Location: The site comprises of the following four allotments:-

Lot 10, DP 629009	158 Great Western Highway
Lot 2, DP 594691	160 Great Western Highway
Lot 1, DP 594691	162 Great Western Highway
Lot 3, DP 594691	8 Hannah Street

Owner/

Proponent: Westmead Building P/L

**Capital
Investment**

Value: \$20,516,234.00

File No: DA 2015/2/1

Author: Deepa Randhawa- Senior Development Planner

RECOMMENDATION

1. Demolition of existing structures; consolidation of 4 lots into 1 lot; construction of part 3, part 4 and part 8 storey residential flat building accommodating 89 residential units and 3 commercial tenancies over two levels of basement parking accommodating 116 carparking spaces be approved by way of deferred commencement consent subject to imposition of appropriate terms and conditions as outlined in Attachment I of this report.

SUPPORTING DOCUMENTS

AT-A Site Locality Plan

AT-B Architectural Plans

AT-C Statement of Environmental Effects including Clause 4.6 statements

AT-D Design Verification Statement

AT-E Traffic Report

AT-F Acoustic Report

AT-G Contamination Report

AT-H Submissions

AT-I Draft Conditions of Consent

EXECUTIVE SUMMARY

The proposal is for the demolition of existing structures, consolidation of 4 lots into 1 lot, construction of a part 3, part 4 and part 8 storey residential flat building consisting of 89 residential units and 3 commercial tenancies over two levels of basement parking accommodating 116 carparking spaces. The proposal has a capital investment value of more than \$20m and therefore the consent authority is the Joint Regional Planning Panel.

The application was placed on public exhibition for a period of thirty (30) days, wherein letters were sent to adjoining and surrounding owners and occupiers, an advertisement was placed in the local paper and a notice was placed on site. A total of 5 submissions including a petition signed by 63 people, all objecting to the proposed development, were received during the notification period. The main issues raised are vehicular access, parking, solar access, safety & security, waste management and privacy.

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

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

The site is known to be contaminated as it was previously used for drum storage depot, workshop and there were underground (fuel) storage tanks. The applicant submitted environmental investigation reports including a legal opinion on site's suitability for its intended use. Council's Environmental Health Unit finds the report acceptable subject to deferred commencement consent.

The proposed development proposes a minor exceedance to the maximum height requirements contained within the HLEP 2013, and in this regard, a written application pursuant to Clause 4.6 of the HLEP 2013 has been submitted. The proposal also exceeds the maximum FSR standard over that portion of the site which is zoned B6 Enterprise Corridor. However the maximum FSR over the entire site (including B6 and R2 zones) is compliant. The applicant has submitted a further Clause 4.6 For FSR variation. The submitted Clause 4.6 variations are considered to be well founded and supportable.

It is considered that the proposed development is appropriate for the site and for the locality and in keeping with the desired future character of the area. Based on an assessment of the application, it is recommended that the application be approved subject to conditions as outlined in Attachment I of this report.

SITE DESCRIPTION AND LOCALITY

The subject site includes 4 allotments, namely No. 158 to 162 Great Western Highway (GWH) and No. 8 Hannah Street, Westmead.

The site consists of Lots 1, 2 & 3 in DP 594691, and lot 10 in DP 629009. The site has a frontage of 40.5m to the GWH and a total site area of 4750m². The site is located on the northern side of the GWH, between Anderson and Broxbourne Streets and also has a frontage to the cul-de-sac bulb of Hannah Street.

The GWH is classified as an arterial road. Two single storey shops, two single storey dwellings and associated outbuildings currently stand upon the site.

The site is adjoined to the east, west and north by detached dwellings. A stormwater drainage line runs through the site. There are no significant trees upon the site.

The site falls from the front (south) to the back (north), which allows stormwater drainage to the Hannah Street system.

The subject site is zoned part B6 Enterprise Corridor (158 – 162 GWH) and part R2 Low Density Residential (8 Hannah Street) under the Holroyd Local Environmental Plan 2013 (HLEP 2013).



Subject Site – Lots 1, 2 and 3 in DP 594691 and Lot 10 in DP 629009

PROPOSAL

This application proposes:

- Demolition of the existing dwellings, shops and outbuildings;
- Consolidation of 4 lots into 1 lot; and
- Construction of a multi storey mixed use development (in 2 buildings), above 2 levels of basement parking, containing 3 commercial tenancies and 89 residential units.

Details of the proposal are as follows:

Basement Level 1

- 77 car parking spaces for residential units, including 10 accessible spaces and provision of two lifts, two stairwells, a plant room and 53 storage rooms.

Basement below Block A

- 39 car parking spaces including 5 accessible spaces, 1 car wash bay and the provision of two lifts, two stairwells, a plant room, 14 storage rooms, bin storage area and loading/unloading areas. The parking spaces are for commercial, visitors and residential uses. Residential parking is separated through boom gates.

Block B- 3 storey walk-up building

- Each floor consisting of 4 x 2 bedroom units
 - Total 12 units.

Block A- part 4 and part 8 storey building

- Level 1 consisting of 2 x 1 bedroom and 7 x 2 bedroom (total 9) units, 29 storage rooms and 56 bicycle spaces;
- Level 2 consisting of 2 x 1 bedroom, 7 x 2 bedroom and 1x 3 bedroom (total 10) units, 3 commercial tenancies, pedestrian entry from GWH and communal open space (gym) ;
- Level 3 consisting of 1 x 1 bedroom, 9 x 2 bedroom and 1x 3 bedroom (total 11) units;
- Level 4 consisting of 2 x 1 bedroom, 11 x 2 bedroom and 2 x 3 bedroom (total 15) units;
- Level 5 consisting of 2 x 1 bedroom, 5 x 2 bedroom and 1 x 3 bedroom (total 8) units and rooftop terraces providing for communal open space; and
- Levels 6 – 8 each consisting of 1 x 1 bedroom, 6 x 2 bedroom and 1 x 3 bedroom (total 24) units;

Total 89 residential units comprise of 12x 1 bedroom, 69 x 2 bedroom and 8 x 3 bedroom units.

The proposal includes 14 adaptable units.

Parking

A total of 116 parking spaces (plus one dedicated car wash bay) are proposed, with the following breakdown:

- 90 residential spaces including 14 accessible parking spaces (to service the 14 adaptable units)
- 17 visitor spaces including 1 accessible space
- 9 spaces for 3 commercial tenancies including 1 accessible space
- 56 bicycle spaces
- 96 store rooms
- 1 carwash bay

Bin Storage

A bin storage room is located in the basement and a garbage chute system is provided for the transportation of garbage from each floor to the bin storage room.

The site is accessed through a driveway from Hannah Street; however, due to the size of development private contractors will be engaged to collect the bins from site. Adequate turning area has been provided on site to allow a garbage truck to access the site (loading /unloading bay).

Communal Open Space (COS)

The proposal includes:

- A total area of 1453m² of communal open space area is provided, which includes the communal open space area fronting Hannah Street, communal open space area provided between Blocks A and B and communal open space area on the roof top terrace and a gymnasium area of 150m² is nominated as communal space.

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 Revised BASIX Certificate (No 595645M, dated 14 October 2015) has been submitted with the application and demonstrates that the proposed development meets the required water, thermal comfort and energy targets. A condition to require the BASIX commitments to be implemented in the construction of the development has been included in the draft conditions of consent.

State Environmental Planning Policy No. 55 – Remediation of Land

The site is known to be contaminated as it was previously used for drum storage depot, workshop and there were underground (fuel) storage tanks.

Geotechnique Pty Ltd has undertaken a Preliminary and Limited detailed environmental site assessment for the proposed use. There are areas of the site that have been excluded from any detailed assessment due to inaccessibility by way of structures.

Regarding site's suitability the Additional Information Assessment by Geotechnique Pty Ltd dated 10 November 2015 states:

“It is considered reasonable for conditional development consent to be issued to require remediation and validation of the site. We consider that the site can be made suitable for the proposed residential development following appropriate remediation and validation”.

Both the document dated 14 October 2015 and 10 November 2015 make the following conclusions:

- After removal of concrete hardstand, detailed sampling and testing in the vicinity of BH7, BH9 and BH12, as shown in Drawing No 13372/3-AA2, to delineate the extent of asbestos contaminated fill materials;
- Sampling and testing of soils beneath the brick shops, brick cottage, carport, sheds, shipping containers and old refrigerators and freezers after removal;
- Development of a Remedial Action Plan (RAP) to remediate friable asbestos contaminated fill, plus any other contamination identified through the recommended additional sampling and testing followed by appropriate validation;

Due to the limitation in above findings, Council's Environmental Health Officer recommends a site audit and validation reports to be prepared before an operative consent can be granted. The applicants were given plenty of opportunity to resolve contamination issue; however due to the presence of existing structures (that are proposed to be demolished through this proposal) such detailed studies were not conducted. Considering the time this application has been with Council, the recommendation from Council's Environmental Health Officer for a deferred commencement consent is considered supportable.

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

A design verification statement has been submitted from the registered architect who designed the proposed building. The architect states that the project is consistent with the objectives contained in the 10 design quality principles set out in Part 2 of the SEPP 65 policy.

An assessment of the proposal against the main provisions of the *Residential Flat Design Code (RFDC)* 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.	The maximum Building Height control is provided under the HLEP 2013. The subject land has 3 different maximum height being 23m, 12.5m and 9m. The proposal seeks minor variation to the height standard which is discussed later in the report.	No, but acceptable. Variation sought under Clause 4.6 of HLEP 2013 and is supported. See discussion under HLEP 2013 table.
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 proposed building depth ranges between the depth from 15m to 24.5m. The natural ventilation is accomplished as per the RFDC requirements as 73% of the units achieves cross	Yes, as the proposal demonstrate satisfactory day lighting and natural ventilation.

		ventilation and 74% of the units receives 2-3 hours of solar access.	
Building separation	Up to 4 storeys - • 12m between habitable rooms/balconies; • 19m between habitable rooms/balconies and non-habitable rooms; and • 6m between non-habitable rooms 5 to 8 storeys - • 18m between habitable rooms/balconies; • 13m between habitable rooms/balconies and non-habitable rooms; and • 9m between non-habitable rooms	Front section of the subject site (facing GWH) is zoned B6 Enterprise Corridor and the development controls for Mays Hill Transitway Precinct under HDCP 2013, requires a 0m setback along the front and side setbacks. This is to ensure a continuous street façade is maintained along GWH. At level 2 (ground floor along GWH) the proposal maintains a 3m western side setback for the first 10m from the front building line. This is to accommodate pedestrian pathways. Upper floors (over this front section) maintains a 0m setback. No openings are proposed in this area. Along the eastern boundary a 3m setback is provided (due to an existing easement that cannot be built over) for the first 10m from the front building line. 1 x highlight window is proposed along this elevation. The rest of the proposed development fully complies with building separation requirement at each level. Separation between Blocks A and B = 12.85m	While there is a technical non-compliance with the building separation requirement for the front section of the building for first 10m; it is considered acceptable as this is in direct response to Mays Hill Transitway Precinct controls and existing easements. Yes
Street setbacks	To establish the desired spatial proportions of the street and define the street edge. To relate setbacks to the area's street hierarchy. The RFDC does not nominate specific street setbacks. However, in this instance, HDCP 2013, Part N-Section 1.6 requires road widening	As discussed above 0m front setback is required under Mays Hill Transitway Precinct controls to form a continuous street edge. The site is affected by an overland flow path and as such the proposed development at level 2 (ground floor along GWH) has	No, but considered acceptable.

	along GWH to result in a footpath width of 5.5 metres from the kerb to the property boundary. Section 1.4 requires a street setback of 0m from the new property boundary.	a 0m setback for roughly half of the building façade (western side) and 4-5m setback for the other half (eastern side). All the upper floors have cantilevered balconies with 0m front setback.	
--	---	---	--

Part 2 – Site Design

Primary Control	Guideline	Provided	Compliance
Deep soil zones	A minimum of 25% of the open space area of a site should be a deep soil zone, more is acceptable.	Required 25% of 1120.9m ² = 280.2m ² Provided = 55.40% = 589.3m ²	Yes
Fences and walls	To define the edges between public and private land.	Public and private land will be defined by landscaping, mailboxes and surface treatments.	Yes
Landscape design	To add value to residents' quality of life within the development in the forms of privacy, outlook and views, and provide habitat for native indigenous plants and animals.	The application is accompanied by a Landscape Plan prepared by Site Design & Studios. It is considered that the proposed landscaping is suitable for this type of development and will provide both passive and active recreation activities. The landscape design has been assessed by Council's Landscaping and Tree Management Officer, who raised no objections.	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.	Required (site area = 4483m ²) 25% = 1120.9m ² 35% = 1569.2m ² Provided = 1453m ² = 29%.	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	The shadow diagrams submitted with the application adequately detail the overshadowing on the adjoining properties. The subject land is aligned north (rear)/south (front). Overshadowing of surrounding properties is considered reasonable as	Yes

	orienting buildings to maximise north facing walls where possible and to provide adequate building separation.	existing dwellings to the east remain unaffected by additional shadows in morning period and existing dwellings to the west remain unaffected in the afternoon period. This is an area is in transition and properties adjoining to the east and west are also likely to be redeveloped in the short to medium term.	
Stormwater management	To ensure adequate stormwater management.	The drainage design has been assessed by Council's Development Engineer and is considered satisfactory subject to submission of detailed drawings.	Yes
Safety	To ensure residential developments are safe, and contribute to public safety.	A number of opportunities for casual surveillance to the public domain area and communal open space areas, are provided. The application has been assessed by the NSW Police who have recommended the implementation of design features to enhance safety and security. These will be included in conditions of consent, should consent be granted.	Yes
Visual privacy	To provide reasonable levels of visual privacy externally and internally, during the day and at night. To maximise outlook and views from principal rooms and private open space without compromising privacy.	The proposal is considered to maintain reasonable level of internal and external privacy. Visual privacy is maintained through the use of blank walls, minimal numbers of windows and highlight windows. A section of the building (Levels 5 – 8) does not strictly comply with the building separation requirements. Visual privacy is addressed through the use of blank walls, blade walls and/or highlight windows.	Yes
Building Entry	To create entrances with identity and assist in orientation for visitors.	The proposed main pedestrian entrance for the commercial premises and Block A residences will be from GWH and fro Block B, it will be from Hannah Street.	Yes
Parking	To minimise car dependency,	Total number of parking	Yes

	whilst still providing adequate car parking.	spaces and bicycle spaces comply with the requirements of the HDCP 2013.	
Pedestrian access	Connect residential development to the street. Provide barrier free access to 20% of dwellings.	An access ramp in addition to the steps is provided to access the building from GWH. Two lifts from the basements is provided to access all floors. The application has been assessed by Council's Access Consultant and is considered satisfactory subject to conditions.	Yes
Vehicle access	Limit width of driveways. Locate driveways away from main pedestrian entries, and on secondary streets.	A single driveway is provided from Hannah Street. Pedestrian pathways connect to street levels from both the GWH and Hannah Street.	Yes

Part 3 – Building Design

Part 3 - Building Design													
Primary Control	Guideline	Relevant Control	Compliance										
Apartment layout	Depth of single aspect apartment – 8 metres Back of the kitchen not more than 8 metres from a window. Apartment sizes: <table><tr><th>Dwelling Type</th><th>Minimum Area</th></tr><tr><td>Studio</td><td>40m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>95m²</td></tr></table>	Dwelling Type	Minimum Area	Studio	40m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	95m ²	Single aspect apartments are: South facing: A407 & A408, A504, A505, A604, A605, A704, A705, A804 & A805 North facing: A109, A209, A311, A415, A601, A608, A701, A708, A801 & A808. All these units have a depth less than 8m for habitable rooms. Rooms beyond this measurement are bathrooms & laundries. All unit sizes are shown on the submitted architectural plans and comply with this guideline.	Yes
Dwelling Type	Minimum Area												
Studio	40m ²												
1 bedroom	50m ²												
2 bedroom	70m ²												
3 bedroom	95m ²												
Apartment mix	To provide a diversity of apartment types, which cater for different household	A mix of 1, 2 & 3 bedroom units are provided, including adaptable units.	Yes										

	requirements now and in the future.										
Balconies	Minimum 2 metres in depth.	All primary balconies comply.	Yes								
Ceiling heights	Minimum ceiling height of 3.3m for ground floor commercial and 2.7m for residential floors above.	The application proposes 4.3m floor to ceiling height for ground floor commercial. All residential floors above have 2.7m ceiling height.	Yes								
Internal circulation	Where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to 8.	The proposed development has multiple cores and each core does not serve more than 8 units.	Yes								
Storage	To provide adequate storage for everyday household items within easy access of the apartment. At least 50% of required storage should be within each apartment. <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	6m³	2 bedroom	8m³	3 bedroom	10m³	All units provided with a storage area within the units and a store room in the basement. All units comply with this requirement.	Yes
Dwelling Type	Minimum Area										
1 bedroom	6m³										
2 bedroom	8m³										
3 bedroom	10m³										
Acoustic privacy	To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private opens spaces.	The site fronts the GWH, which is an arterial road. An acoustic report has been submitted with the application. Council’s Environmental Health officer determined it to be satisfactory.	Yes								
Daylight access	Living rooms and private open spaces for at least 70 % of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable.	The following breakdown is noted with regards to the number of units that receive reasonable solar access:- Living room & POS getting direct 3 hours =57/89 = 64% Living room & POS getting direct 2 hours =9/89 = 10.1% Living room & POS getting indirect 3 hours (via skylight) = 5/89 = 5.6% Living room & POS not	Yes								

	Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed.	getting 2 hours (direct or indirect) = $18/89 = 20.2\%$ Total south facing single aspect units are 10, equalling 11%. This is a minor variation which is considered acceptable due to site's north south orientation.	No, but acceptable.
Natural ventilation	Limit building depth from 10 to 18 metres. 60% should be naturally cross ventilated. 25% of kitchens should have access to natural ventilation.	The depth of the building from glass line to glass line is between 18m and 25m. 73% of the units achieves cross ventilation 100% of kitchens receive adequate natural ventilation as they are $\leq 8\text{m}$ from a window.	No, but acceptable as over 78% of units are dual aspect. Yes Yes
Awnings	Encourage pedestrian activity on streets by providing awnings to retail strips, awnings over building entries and continuous awnings.	Awning to ground floor commercial tenancies provided.	Yes
Facades	Facades should define and enhance the public domain.	Front elevation is articulated with varying setbacks, windows, entry foyer, terraces and balconies. Presents well to the GWH.	Yes
Roof design	To integrate the design of the roof into the overall façade.	Flat roof hidden behind parapets, which is considered satisfactory.	Yes
Energy efficiency	To reduce the necessity for mechanical heating and cooling.	BASIX Certificate submitted.	Yes
Waste management	Provide waste management plan Allocate storage area.	Council's Waste Management officer has assessed the proposed waste management systems to be satisfactory. Bin storage & collection satisfactory.	Yes
Water conservation	Reduce mains consumption, and reduce the quantity of stormwater runoff.	A BASIX Certificate has been submitted and indicates that the water target will be met.	Yes

State Environmental Planning Policy (Infrastructure) 2007

GWH is an arterial road and as such Clauses 101-103 of the SEPP apply to the proposed development.

The application was referred to RMS for comments. RMS raised no concerns subject to imposition of recommended conditions. This report recommends those conditions to be imposed on any consent granted.

The applicant submitted an acoustic report which was reviewed by Council's Environmental Health Unit and found to be consistent with the requirements of Clause 102 of the SEPP.

Holroyd Local Environmental Plan 2013

The subject site is zoned part B6 Enterprise Corridor (158 – 162 GWH) and part R2 Low Density Residential (8 Hannah Street) under the Holroyd Local Environmental Plan 2013 (HLEP 2013).

Business premises, mixed use development, residential flat buildings and shop top housing are permitted in the B6 zone with consent. The proposed development is for a “mixed use development” as defined; being a, “building or place comprising 2 or more different land uses.” The two land uses that this application seeks consent for are:

- Construction of 3 business/ commercial premises, comprising a total of 195m² floorspace, (final uses are not specified) fronting the GWH; and
- Construction of 89 residential units and associated 2 levels of basement car parking.

All of these uses are located within the B6 Enterprise Corridor zone and are permissible with consent and consistent with the objectives of the two zones.

B6 Enterprise Corridor

Objectives of the zone:

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

R2 Low Density Residential

Objectives of the zone:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*
- *To allow residents to carry out a range of activities from their homes while maintaining neighbourhood amenity.*

Development on the land zoned R2 Low Density Residential proposes to demolish the existing dwelling on this site and to use the vacant site to provide for landscaped area.

Under clause 5.3 of HLEP 2013, land within 10 metres of an adjoining zone may be used for a purpose that is allowed on the other side of the zone boundary. The proposal seeks this 10m strip (measuring an area of 251m²) to be used for communal open space, a substation and OSD basin) The remainder of the land within R2 zone is proposed as landscaped area with BBQ structures and benches however this area is not included in communal open space or landscaped area calculation.

To ensure compliance with the zoning requirements; it is recommended that R2 zoned area of the site, excluding the 10m strip, to be landscaped in such a way that it is not trafficable and all structures proposed shall be deleted. A condition to this effect is recommended to be imposed on any consent granted.

An assessment against the relevant HLEP 2013 clauses is provided in the table below:

Standard	Required/Permitted	Provided	Complies
2.2	Demolition requires consent.	Consent is being sought for demolition of the existing dwellings, outbuildings & swimming pools on the site.	Yes
4.3	Height of Buildings Three height standard being 9m (along Hannah Street interface) 12.5m (in the middle of the site) and 23m (along GWH interface) applies to the subject site.	The proposed development generally complies with the height standards except minor variations. The variation is limited to roof parapet in 9m zone, roof parapet and lift run over in 12.5m zone and north facing balconies that projects out of 23m height zone. These variations are illustrated on Height Study Dwg No. DA 16, Issue F. A written objection has been submitted by the applicant in accordance with Clause 4.6 of the HLEP 2013 seeking a variation to the Maximum Height standard. The objection is considered to be well founded and the variation sought is supported as there will be no adverse impacts on the amenity of adjoining neighbours or development potential of adjoining sites.	No but acceptable.
4.4	Floor Space Ratio (FSR) A FSR of 0.5:1 applies to R2 zone area and 1.8:1 over B6 zone. - Max. 1.8:1 and - Max 0.5:1	Total permissible floor area = 7743.97m ² Total proposed floor area = 7856.9.2m ²	No, but acceptable. See discussion at the end of this table.

		FSR under B6 zone (Area under B6 x FSR) = $4232.4 \times 1.8 = 7618.32\text{m}^2$ FSR under R2 zone (Area under R2 x FSR) = $251.3 \times 0.5 = 125.65\text{m}^2$ (Note: The total area under R2 zone is 515m^2; however only a 10m wide strip can be used for the proposed development.) Total permissible FSR = 7743.97m^2 Proposed FSR= 7743.2m^2 The proposed FSR is compliant however the entire building is proposed over B6 zone area only and as such the proposal does not comply with the FSR standard for B6 zone. A written objection has been submitted by the applicant in accordance with Clause 4.6 of the HLEP 2013 seeking a variation to the Maximum FSR standard. The objection is considered supportable as the variation is a technicality only.	
	Minimum Lot Size - 900m^2	The subject site has an area of 4483.7m^2 .	Yes
6.8	Salinity	The site is located on lands identified as being affected by moderate salinity. Standard conditions of consent shall be imposed to address this, should consent be granted.	Yes

Floor Space Ratio Variation

The subject site has two different zonings being B6 and R2. The permissible gross floor area under each zoning is as under:

FSR under B6 zone (Area under B6 x FSR) = $4232.4 \times 1.8 = 7618.32\text{m}^2$

FSR under R2 zone (Area under R2 x FSR) = $251.3 \times 0.5 = 125.65\text{m}^2$

Note: The total area under R2 zone is 515m^2 ; however only a 10m wide strip can be used for the proposed development.

Total permissible floor area = $7618.32 + 125.68 = 7743.97\text{m}^2$

Proposed floor area = 7856.9m^2 exceeding by $113\text{m}^2 = 1.45\%$ over the standard limit.

The proposed FSR is compliant however the entire building is proposed over B6 zone area only and as such the proposal does not comply with the FSR standard for B6 zone.

The proposal includes a gym at ground floor level of Block A, measuring 150m^2 . The applicant argued that this gym area is part of communal open space and should not be included in the FSR calculation. If the gym area is excluded from floor area calculation, the proposed FSR complies as under:

Total permissible floor area = $7618.32 + 125.68 = 7743.97\text{m}^2$

Proposed floor area (excluding gym) = 7706.9m^2 under by $34\text{m}^2 =$ complies.

This position is however not agreed as there is no provision of excluding such areas from floor area calculations. The proposal is therefore consider exceeding the FSR standards by 113m^2 or 1.4% variation. This variation is considered minor and supported on merits.

It is also important to note that the entire gross floor area of 7856.9m^2 is located over B6 zoned land where maximum permissible floor area is $(4232.4\text{m}^2 \times 1.8) = 7618.32\text{m}^2$. This issue is therefore also considered a variation of FSR standard though a technicality.

A written objection has been submitted by the applicant in accordance with Clause 4.6 of the HLEP 2013 seeking a variation to the maximum FSR standard addressing the above mentioned variations. The objection is considered supportable.

As demonstrated above, the proposal is considered to comply with the development standards and requirements of HLEP 2013, with the exception of the 'building height' and FSR standards. These minor variations are considered acceptable due to negligible impacts on the amenity or development potential of adjoining sites. Strict compliance with these standards is considered unreasonable in this instance. The applicant submitted written objections under Clause 4.6 of HLEP 2013 which is considered supportable.

(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

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

[illegible]

	- Generally <1m in height.	the Plans and advises that the design is acceptable.	Yes
6.3	Erosion and Sediment Control	A detailed sediment & erosion control plan was submitted & is considered to be acceptable.	Yes
7.4	Stormwater Management	Council's Engineer has reviewed the Stormwater Drainage Plans & calculations & advises that the design is acceptable. Part of the OSD basin was located over the R2 zoned land which was not considered supportable. The applicant submitted amended plans relocating the OSD basin over part R2 and B6 zoned areas. Council's Engineer considers the amended plans acceptable subject to submission of detailed plans prior to issue of an operative consent.	Yes
11	Site Waste Minimisation and Management Plan (SWMMP)	Council's Waste Officer has reviewed the proposed waste and recycling arrangements and SWMMP and has advised that they are acceptable.	Yes

Part C – Commercial, Shop Top Housing & Mixed Use Development

Standard	Required/Permitted	Provided	Compliance
	1.2 Site coverage, floor area and building use Commercial development shall be located at least at street level, fronting the primary street. Residential dwellings are permitted at ground floor within Zone B6.	The three commercial tenancies are at street level and face the primary street (GWH).	Yes
	1.3 Building Height Minimum floor to ceiling heights are: •3.5m for ground floor commercial component	Ground floor (street level) commercial tenancies have floor to ceiling height of 4.3m.	Yes

	•3.3m for first floor regardless of use •2.7m for all other floors Maximum building height in storeys for: 23m shall be 6 storeys 12.5 shall be 2 storeys 9m shall be 1 storey	2.7m for all floors 8 storeys 4 storeys 3 storeys	Yes, except first floor. No but acceptable, as complies with Height Standards under HLEP 2013. See discussions at the end of this table.
	1.4 Setbacks, separation & Depth A street wall height of four storeys (14-17m) is required for the B6 on GWH at Mays Hill and Finlayson Transitway Precincts. A 3 metre setback is required above the street wall height.	The HDCP 2013 requires a minimum upper storey setback of 3m for all floors above 4 storeys. The proposal does not comply with this requirement.	No, but acceptable. See discussion at the end of this table.
	1.5 Landscaping and Open Space Landscaped area not required in business zones. Communal open space (COS) is to comprise a minimum of 25% of the site area. It may be located on a podium level, on roofs, or in deep soil zones. It should be in part open to the sky. COS shall be consolidated & configured in order to achieve a functional, useable space. The minimum dimension of COS in any one direction is 6m. Where possible, dwellings must be orientated towards COS areas to provide passive surveillance. A minimum of one (primary) balcony	1425m² 1453m² (32% of the site area) of communal open space provided. 6m depth achieved. COS is functional, has BBQ facilities, garden and a gym. Some passive surveillance possible for units in Block B Every unit has a	Yes Yes Yes Yes

	&/or terrace must be provided for each residential unit, which must: i) Be located adjacent to the main living areas ii) Have a min dimension of 2.4m and with a min area of 10m² for 2+ bedroom units. iii) Dimension of 2m and a min area of 8m² permitted for 1 bedroom units Design & detail balconies in response to local climate & context	primary balcony off its main living area with a min depth of 2.5m. All have an area of at least 10m². The majority of balconies face north, east or west.	Yes Yes
2. Movement	2.2 Pedestrian Access Direct access shall be provided from the car park to all residential and commercial units. Main building entry points shall be clearly visible.	Lifts are provided from both carparking levels up to each residential & commercial floor. Main pedestrian entry is off the GWH.	Yes Yes
	2.3 Building Entries Equal accessibility is to be ensured for all, in both residential and commercial uses Separate entries from the street are to be provided for cars, pedestrians, multiple uses (commercial and residential) and ground floor apartments. Entries & associated circulation space are to be designed of an adequate size to allow movement of furniture.	An accessible ramp entry off GWH into shops and residential lobby is provided. Complies The proposal is considered to comply with this requirement.	Yes Yes Yes
	2.4 Vehicle Access Driveways shall be provided from laneways, private access ways and secondary streets where possible.	Vehicular access to basement level provided from secondary street.	Yes

	Loading and unloading facilities shall be provided from a rear lane, side street or right of way where possible. Driveways are limited to a maximum of 6m or 8m for commercial loading docks and servicing.	Loading / unloading facility provided accessed from rear street. 2 x two-way (max 6m) Driveway proposed which is considered satisfactory by Council's Traffic Section.	Yes Yes
3. Design and Building Amenity	3.1 Safety and Security Casual surveillance is to be achieved through active street frontages and creating casual views of common internal areas. Design in accordance with CPTED principles	Casual surveillance provided to both street frontages. The DA was referred to Holroyd Local Area Command for comment, who have raised no objection subject to standard conditions.	Yes Yes
3.2 Façade Design and Building Materials	All walls are to be articulated via windows, verandahs, balconies or blade walls.	The building design is considered to be satisfactory. The design is contemporary with external elements that will create visual interest.	Yes
	3.4 Shop Fronts All windows on the ground floor to the street frontage are to be clear glazing.	Glazing provided. Ground floor retail facilitates will provide an active street frontage.	Yes
	3.8 Awnings		

	Awnings must be 3m deep.	Awning as per requirements is provided.	Yes
	3.10 Flexibility and Adaptability Building configurations should provide multiple entries and circulation cores, especially in larger buildings over 15m long. A variety of apartment types between studio, one, two, three and three plus bedroom apartments shall be provided in each development. Studios and 1 bedroom apartments are not to exceed 20% of the total apartment mix within each development.	2 cores provided for Block A A variety of 1, 2 & 3 bedroom units provided. 13.48% of units are 1 bedroom.	Yes Yes Yes
	3.16 Roof Design Pitched rooves are discouraged Where flat roofs are proposed, lift overruns, rooftop plant & machinery should be obscured from view by parapets or be incorporated within rooftop activities/features. If possible provide landscaped & shaded areas on roofs (i.e. roof gardens).	The roof is not pitched Lift over run has been incorporated into the roof design. Parapets screen the roof. COS at level 4 with landscape planting & some shaded areas provided.	Yes Yes Yes
Part N – Section 1 - Mays Hill Transitway Station Precinct			
Standard	Required/Permitted	Provided	Compliance
1.1	Site Consolidation & Frontage Amalgamate lots as per figure 4(a) & (b). Landlocking not permitted.	Lot amalgamation is proposed in accordance with Figure 4(a) which applies to subject site. The subject land	Yes

	Min frontage for development fronting GWH is 45m	has a frontage of 40.65m to GWH. Due to site constraints, the subject site is not capable of complying with the minimum frontage width and is acceptable in the circumstances of this case.	No, but acceptable.
1.2	Private Accessway, Land dedication & Vehicular Entries Vehicular access to GWH properties via rear or side secondary roads.	Vehicular access is proposed only to the rear via Hannah Street.	Yes
1.6	Road Widening Road widening is required along both sides of the Great Western Highway to result in a footpath width of 5.5m from the kerb to the property boundary as indicated in Figure 12.	Provision for road widening is incorporated in the design.	Yes

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

i. Building height

The HDCP 2013 height controls stipulate the following number of storeys for heights in meters:

23m	max 6 Storeys
12.5m	max 4 storeys
10m	max 1 storey
9m	No controls

The proposal seeks 8 storeys within 23m zone, 5 storeys in 12.5m zone and 3 storeys over 9m height zone. While a noncompliance it is considered acceptable as:

- The proposal is compliant with HLEP 2013 height standards; except minor departures discussed above.
- The additional storeys are not considered to impact on the amenity of adjoining neighbours or streetscape.
- The proposal complies with the FSR standards.
- Council in the past has permitted additional storeys where the above criteria have been satisfactory complied with.

ii. Floor to ceiling height

The HDCP 2013 requires 3.5m floor to ceiling height for ground floor commercial component, 3.3m for first floor and 2.7m for floors above. A 3.3m floor to ceiling height control for first floor is required to ensure some degree of flexibility for a future commercial/business use of first floor level.

The applicant proposes 4.3m floor to ceiling height for ground floor commercial component and 2.7m for all floors above. While a noncompliance, it is considered acceptable as there is no evidence of market demand for use of first floors as commercial. Contrary to that Council received regular feedback from developers advising minimal to no demand for commercial use at levels above ground floor.

iii. Street wall height and setbacks

The HDCP 2013 requires a minimum upper storey setback of 3m for all floors above 4 storeys. The proposal does not comply with this requirement.

The submitted SEE has included a request for HDCP 2013 variation in this regard, on the basis that strict compliance would lead to a poor built form outcome. In this regard the amended SEE states:

...the built form is rectangular and elongated. The façade design has taken into consideration this and introduced both horizontal and vertical elements to break up the perceived length of the building. The building is also articulated by a series of openings (such as balconies) and recessed elements to the façade. It is noted that any recess of levels four and above would lead to an incongruent step in the building when viewed from the west while travelling along Great western Highway, while also leading to a significant reduction in yield. Having regard to the amended proposal that enhances the front setbacks, the positive design of the proposal as it presents to Great Western Highway, the articulated southern façade and the inability to provide a logical and aesthetically sensible step in the narrow building, the proposed variation is worthy of support.

It is noted that the front 8 storey component of the building is well articulated with the front 10m section built to the side boundaries and a 6m recess from thereon. Also along the street edge the balconies have varying depths that provides visual relief.

It is considered that enforcing strict compliance with this upper floor setback control is not necessary. A variation to this provision is considered justified. Council in the past has not been seeking strict compliance with this control.

(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 largely within a B6 Enterprise Corridor zone, which aims to promote businesses along main roads and to encourage a mix of compatible uses. Retail activity is limited in order to maintain the economic strength of larger nearby commercial centres. Residential uses can only be provided as part of a mixed use development.

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

The sites known as 158 to 162 GWH are proposed to be consolidated with 8 Hannah Street, which is primarily used for landscaping purposes and there will be no structures/buildings over 8 Hannah Street, which creates a substantial buffer between the new development and the closest existing dwellings in the adjacent R2 zone.

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 the report followed Council's methodology by reviewing the proposal's potential impact on population structure, housing, mobility and access, community connectedness, health and wellbeing, crime and safety, and the local economy.

The negative impacts are confined to the short term impacts during demolition and construction, however, this is not significant and can be controlled through the implementation of a Construction Management Plan (to address traffic control, noise and dust), which can form a condition of consent. A condition to this effect has been included within the draft conditions of consent.

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 mixed use development, as it is zoned B6 and is close to public transport and the Parramatta CBD. The site is relatively shallow in width in relation to its length and these constraints have been taken into account in the overall building depth and apartments layouts.

Vehicular access is obtained via the rear street. No significant trees or heritage items will be affected. The proposed development is considered to be suitable for the site and the locality.

(d) any submissions made

In accordance with the Holroyd Development Control Plan 2013, the application was placed on notification from 18 February 2015 to 11 March 2015.

During this time four (4) submissions were received and a petition with 63 signatures.

The concerns that have been raised are discussed below:

Issue: The DA documentation (plans and reports) has irregularities (errors) and includes information from the previously withdrawn DA. This makes understanding the exact details of the proposed development very difficult.

Comment:

The objector identified issues like incorrect vegetation plans, elevations being incorrectly notated, parking arrangements difficult to understand and quantities of excavated material inconsistent on waste management plan and on quantity surveyor's report. It is noted that finding all information is difficult on A4 notification plans and limited information provided with notification package. For that reason Council places all materials and documents for public viewing during the notification period and the assessment officer is also available for any clarification. The documentation submitted with this application is considered sufficient to properly evaluate the proposed development.

Issue: The submitted shadow diagrams are inadequate and are not properly labelled.

Comment:

The submitted shadow diagrams are correctly labelled and considered satisfactory.

Issue: The use of Hannah Street as the only vehicle access to the development has not been properly addressed in the DA documentation. This arrangement is unsuitable for the following reasons:

- *There is concern about the safe and efficient operation of the intersections of Hannah and Amos Streets and Amos and Broxbourne Streets.*
- *Safety will be compromised and noise will increase in Hannah Street due to an expectation that the increased traffic from the proposed development will travel at higher speeds primarily allowed by the proposed straight line driveway access to/from Hannah Street.*
- *The proposed pedestrian access along the eastern (and to a lesser extent along the western) boundary will open Hannah Street directly to the Great Western Highway giving rise to noise and safety concerns to what is now a quiet neighbourhood. In addition, access between the Highway and Hannah Street is not an objective of Council's Transitway Station Precinct Controls.*
- *Traffic modelling submitted with the DA relies on inappropriate assumptions and substantially discounts the effects of existing traffic in the calculation of peak journeys. In particular, there are no peak journeys generated by the existing use of the land. The expected traffic peak flow is likely to be in the order of 300+ vehicles.*
- *Proper consideration to construction traffic in relation to existing traffic and parking restrictions has not been considered in the DA; particularly having regard to the narrow width of Hannah Street and the need for large trucks to enter/exit the construction site.*
- *The development is only providing the minimum on-site parking for the scale of development, which will be insufficient given the existing competition for street parking from commuters and users of nearby recreation facilities. Only the minimum number of on-site car spaces is proposed – but given the existing and*

future demand for street parking in the area, the maximum number of spaces under Council's DCP should be required.

- *Hannah Street is a narrow street and it is difficult for 2 cars to pass each other at the best of times.*
- *Proper consideration to construction traffic in relation to existing traffic and parking restrictions has not been considered in the DA. The volume of construction traffic and parking will effectively block local roads to local traffic. The control of stormwater and erosion during construction has also not been addressed.*

Comment:

The site has been up zoned to permit residential flat buildings and shoptop housing under HLEP 2013.

During the adoption of the HLEP 2013, the overall cumulative impacts resulting from the desired future density, traffic circulation, parking availability etc, were considered by carrying out detailed investigations and analysis including transport review for the up-zoned centres.

With regard to traffic and parking, the “*Holroyd Residential Centres Strategy Transport Review*”, specifically considered likely development in the up zoned centres proposed under the HLEP 2013. The review considered the additional trips generated in each centre including Mays Hill and concluded that the local traffic network has the spare capacity to accommodate these traffic flow increases.

In addition the applicant has submitted a traffic impact assessment report prepared by *Varga Traffic Planning* 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 concluded the proposal has a potential net increase in estimated peak hour traffic flows in the order of 29 vehicle trips which will not have a noticeable or detrimental effect on the current operation of Hannah Street or the surrounding road network. The report has addressed the traffic flow through Hannah Street and notes that:

“All vehicular access to the site is to be provided via Hannah Street which has a pavement width of approximately 7.6m. Residential development in Hannah Street is located on the western side of Hannah Street only, with the rear fences of properties fronting Broxbourne Street being located on the eastern side of Hannah Street. As such, kerbside parking tends to occur on the western side of Hannah Street only.

However all properties fronting Hannah Street have access to off-street car parking, such that kerbside parking in Hannah Street tends to be minimal, providing numerous passing opportunities for traffic travelling in opposite direction.

In addition, it is also noted that truck traffic generated by the previous uses of the site will be substantially reduced and will be replaced by cars which will find it much easier to travel along Hannah Street when encountering another vehicle travelling in the opposite direction. Accordingly, given the numerous passing opportunities, the low traffic volumes involved and the change from commercial truck traffic to cars, it is considered that the width of Hannah Street is suitable for providing vehicular access to the subject site.”

The application was assessed by Council's Traffic Section and found to be satisfactory.

Furthermore the proposed development is in keeping with the desired future character for the Mays Hill precinct under HLEP 2013 to ensure that vehicular access for properties fronting the GWH is provided from secondary streets. The proposal does not provide any vehicular connection from Hannah Street to GWH.

The HDCP 2013 requires the subject lots to be amalgamated in accordance with Figure 4(a) within Part N, Clause 1.1. In this regard, the subject site is required to consolidate with 158-162 GWH to be able to provide vehicular access via a secondary street, i.e. Hannah Street.

The configurations of the lots that make up No.158-162 GWH are typical of Mays Hill properties to be consolidated in this area. Each lot has a depth of 100 metres or more and shares boundaries with properties on both Anderson and Broxbourne Streets in order to ensure that no vehicular access to these sites are provided via GWH and to provide options for access through secondary streets.

It is recommended that a condition be imposed on any consent granted ensuring controlled pedestrian access from Hannah Street and GWH such that they are used exclusively by the occupants and users of the building.

Issue: No consideration has been given to the proposed methods of construction management; particularly in relation to noise, vibration, dust and pollution generally.

Comment:

Standard conditions of consent regarding hours of work, erosion and sediment control and construction management will be imposed, should the application be approved, to minimise impacts as much as possible.

Issue: The collection of garbage should occur inside the proposed basement to minimise the impacts upon surrounding residents but the internal clearance of the basement may not permit this to happen.

Comment:

A bin storage room is located in the basement and a garbage chute system is provided for the transportation of garbage from each floor to the bin storage room.

The garbage collection is proposed from within the site. An adequate turning area has been provided on site to allow a garbage truck to access the site (loading /unloading bay).

Issue: The proposed method of ventilating the carpark is not nominated with this DA. This is a potential pollution issue for surrounding residents.

Comment:

Standard conditions of consent regarding details of the mechanical ventilation for the basement car parking will be imposed, should the application be approved.

Issue: Stormwater drainage is proposed to be discharged from the site via a new easement along the eastern boundary to Hannah Street which is not acceptable. The OSD is to use the 8 Hannah Street (communal open space) and it is unclear whether this will impact local flooding.

Comment:

Council's Development Engineer finds the revised stormwater management details to be acceptable, subject to recommended conditions.

Issue: The privacy (aural and visual) of local residents will be negatively impacted by the number and location of proposed balconies and roof terraces. The communal open space separating Blocks A & B and the proposed play area in Hannah Street are also a privacy concern.

Comment:

The separation distances between built form of the proposed development and the existing adjoining residential development to the north are considered satisfactory. There will be no active or passive recreation facilities within 8 Hannah Street closer to low density residential properties.

Issue: The proposed variations to Council's height limits should not be permitted. The amenity of surrounding residents will be impacted.

Comment:

The variation the maximum height standard is supported as the departure is minimal and results in no adverse impact on the adjoining properties.

Issue: The proposed development will unreasonably impact on the privacy and solar access for 164 Great Western Highway, being the residential (dwelling house) property immediately adjoining to the west.

Comment:

Solar access to existing residences would not be unreasonably impacted. Existing dwellings to the west of the subject site will be impacted by some shadows in the AM period and maintain existing solar access from approximately 11 am onwards. Existing dwellings to the east will be impacted by some shadows in the PM period but will maintain existing solar access till approximately 3 pm. The area in the immediate vicinity is in transition and Council is in receipt of pre DA advisory meeting requests for adjoining site to the west.

(e) the public interest

The proposal is generally considered to be in the public interest as it satisfactorily addresses the relevant requirements and/or objectives of the, SEPP 65, RFDC, ISEPP, HLEP 2013 and HDCP 2013.

INTERNAL REFERRALS

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

Building Services Section	No objection, subject to conditions.
Development Engineering Section	No objection, subject to conditions.

Traffic Section	No objection, subject to conditions.
Landscaping Section	No objection, subject to conditions.
Waste Management Section	No objection, subject to conditions.
Strategic Planning Section	No objections.
Community Services Section (Social Planning and Accessibility)	No objection as per Access Consultant and Social Planner.
Environmental Health Unit	No objection, subject to conditions.

EXTERNAL REFERRALS

Comments were sought from RMS and NSW Police (Holroyd LAC) who raised no objection 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, for 89 units (12 x 1 bed, 69 x 2 bed & 8 x 3 bed units) (minus credit for the existing 2x 3 b/r dwellings) and 195m² of commercial space is to be paid to Council. At the time of this development consent, the current rate of the contribution is \$1,139,259. The amount of the contribution will be determined at the time of payment in accordance with the relevant s94 Contributions Plan in force at that time.

RECOMMENDATION

It is considered that the design is a sound response to the constraints of the site. Whilst the development is a relatively long building, it is considered that the architectural articulation employed ameliorates the overall bulk of the structure. All four elevations provide visual interest through articulation and through the variety in finishes.

The development results in an increase in the supply of much needed mixed housing types, maintenance of social diversity, reinforcement in the viability of the Mays Hill Centre, and improvement to the built environment. It is considered that these positives outweigh any perceived negative aspects of the proposed development.

It is recommended that the application **be approved subject to conditions as outlined in Attachment I of this report.**

Attachment "I" – Draft Conditions of Development Consent