

STATEMENT OF ENVIRONMENTAL EFFECTS

Prepared by:



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for:

WESTMEAD BUILDING GROUP PTY LTD

SITE:

**158 – 162 Great Western Highway &
8 Hannah Street, Mays Hill**

Lots 1, 2 & 3 in DP 594691, and lot 10 in DP 629009

PROPOSAL:

Demolition, consolidation of 4 lots into 1 lot, and erection of a multi storey mixed use building with 2 levels of basement parking containing 3 commercial tenancies and 88 residential units

Date:

18 Dec 2014

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ABBREVIATIONS & ACRONYMS

AEP	Annual Exceedance Probability	JRPP	Joint Regional Planning Panel
BCA	Building Code of Australia	LEP	Local Environmental Plan
CC	Construction Certificate	LPI	Land and Property Information
COS	Common open space	OSD	On Site Detention
DA	Development Application	POS	Private open space
DCP	Development Control Plan	RFB	Residential Flat Building
EP&A Act	Environmental Planning and Assessment Act 1979	ROW	Right of Way
EPI	Environmental Planning Instruments	RMS	Roads and Maritime Services
FSR	Floor Space Ratio	SEE	Statement of Environmental Effect
HLEP	Holroyd Local Environmental Plan	SEPP	State Environmental Planning Policy
		TOW	Top of Wall

SUPPORTING DOCUMENTATION

Plans

Architectural Plans prepared by Zhinar Architects – Job no. 8349, Issue A.

Erosion & Sediment Control Plan prepared by HKMA Engineers

Hydraulic/On Site Detention plans prepared by HKMA Engineers

Landscape plan prepared by Site Design Studios – project no. 13-579

Schedule of Colours & Finishes prepared by Zhinar Architects – Job no. 8349

Survey by Frankham Engineering Surveys Pty Ltd dated 25/11/10.

Certificates & Reports

Access Compliance Assessment Report No. A410111 prepared by Certified Building Specialists.

BASIX Certificate Number 595645M dated 09/12/13.

Acoustic Assessment Report by Acoustic Logic, reference no.20141359.1/1012A/RO/JL

Quantity Surveyors Report by QPC&C dated 02/12/14.

Social Impact Assessment prepared by Think Planners Pty Ltd.

Stage 1 Preliminary Site Contamination Investigation Report prepared by Geotechnique Pty Ltd dated 03/12/13, reference 13053/1-AA.

SEPP 65 Design Verification statement by Andre Mulder – Zhinar Architects

Traffic and Parking Report prepared by Varga Traffic Planning Pty Ltd, Ref 14772

Waste Management Plan prepared by Westmead Building Group.

Water Sensitive Urban Design Strategy prepared by HKMA.

Executive Summary

This Statement of Environmental Effect (SEE) has been prepared by KP Planning to accompany a Development Application (DA) submitted to Holroyd City Council. This statement is to be read in conjunction with architectural plans prepared by Zhinar Architects, Job No. 8349. The DA proposes:

- Demolition of the existing dwellings, shops and outbuildings,
- Consolidation of 4 lots into 1 lot, and
- Erection of a multi storey mixed use building, above 2 levels of basement parking, containing 3 commercial tenancies and 88 residential units.

The subject site is 4750.2m² in area, and is located on the northern side of the Great Western Highway, between Broxbourne Street and Anderson Street, Mays Hill.

There are no significant trees upon the site and the land slopes down from the front (north) to the back (south).

The applicant proposes to erect 3 commercial tenancies at street level, 11 x 1 bedroom units, 70 x 2 bedroom units, and 7 x 3 bedroom units.

The zoning is part B6 “Enterprise Corridor” and part R2 “Low Density Residential” under the Holroyd LEP 2013. Commercial premises, mixed use development, residential flat buildings and shop top housing are permitted with consent in the B6 zone. Clause 5.3 of the LEP allows flexibility in relation to development near zone boundaries. The R2 zoned land is proposed to be used as common open space.

The plans and accompanying documentation have been assessed under Section 79C of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The proposal has no significant impact upon residential amenity and is considered worthy of approval. The plans generally comply with Holroyd Local Environmental Plan 2013 (LEP 2013) with a Clause 4.6 variation requested to the height of parts of the buildings. The plans also generally comply with and Holroyd Development Control Plan 2013 (DCP 2013) with the following minor variations requested:

- Number of storeys (in part),
- A 3 metre setback is not provided above the street wall height, and
- A 3m wide awning has not been provided.

These variations are discussed in the body of this report, and are considered justified given the circumstances of the case.

The estimated cost of development exceeds \$20 million so the DA must be referred to the Joint Regional Planning Panel (JRPP) for determination. It is recommended that Development Consent be granted.

Hannah Street is classified as a local road. The Great Western Highway is classified as an arterial road, and this section forms part of the Parramatta to Liverpool Transitway.

The site is adjoined to the east, west and north by detached dwellings.

There are no significant trees upon the site.

Source: LPI

The site is well serviced by public transport, retail outlets, places of worship, schools, open space and other public facilities, with nearby industrial and commercial areas also providing employment opportunity.



Locality

Source: Google Maps



View from Great Western Highway of existing shops & single storey dwelling to be demolished

Source: Google Maps



View from Hannah Street of existing vehicular access to site

Source: Google Maps



8 Hannah Street to be demolished

Source: Google Maps



View from Great Western Highway of existing dwellings to the west

Source: Google Maps



View from Great Western Highway of existing dwellings to the east

Source: Google Maps

The Proposal

The applicant proposes:

- Demolition of the existing dwellings, shops and outbuildings,
- Consolidation of 4 lots into 1 lot, and
- Erection of a multi storey mixed use development (in 2 buildings), above 2 levels of basement parking, containing 3 commercial tenancies and 88 residential units, and

An approval under S138 of the Roads Act is required given that:

- Widening of GWH road reserve is required so that a 5.5m wide footpath can be provided in accordance with part N of DCP 2013. Permission is needed under subclause (b) to dig up or disturb the surface of a public road.

Accordingly, the proposal is classified as “integrated development” under Section 91 of the EP&A Act 1979. An approval from Roads and Maritime Services (RMS) is required to be issued in conjunction with any forthcoming development consent.

Demolition

The existing brick and render dwelling, weatherboard dwelling, brick shops and all associated outbuildings will be demolished. All waste, including any asbestos, will be appropriately disposed of at licenced waste facilities.

Mixed Use Development

A multi storey mixed use building, with 2 levels of basement carparking, is proposed to be erected upon the site, as well as a detached 3 storey walk-up residential flat building. Three commercial tenancies are proposed at street level facing the Great Western Highway. A total of 88 residential units are proposed above and to the rear of the commercial tenancies. Details on each level are as follows:

- Basement level 1 containing 75 resident carparking spaces, plant room and 49 resident stores.
- Ground level parking containing 14 visitor carparking spaces, 9 commercial carparking spaces, 14 resident carparking spaces, plant room, bin bay, recycling area, service/utilities room, carwash bay, loading bay and 13 resident stores.
- Ground level residential containing 4 units and common open space
- Level 1 containing 56 bicycle parking spaces, 26 resident stores, common open space, 13 residential units and their private courtyards.
- Level 2 containing 3 commercial tenancies, pedestrian entry from GWH, hydrant booster pump room and 13 units.
- Level 3 containing 11 units
- Level 4 containing 15 units.
- Level 5 containing 8 units and rooftop COS terrace.
- Level 6 containing 8 units.
- Level 7 containing 8 units.
- Level 8 containing 8 units.

A total of 14 units will be adaptable.

A private courtyard or balcony has been provided for all of the residential units. Common open space has been provided in 3 main parcels - on the north side near Hannah Street, between the 2 buildings and rooftop space at level 5.

An On-Site Detention (OSD) system has been designed in accordance with Council’s requirements. The public stormwater drainage line, which currently runs along the boundary between lot 2 and lot 10, is to be relocated to run along the eastern boundary as per Hydraulic plans submitted. No construction will occur over this easement.

Level	Unit No	Beds	Unit size (m ²)	Balcony size (m ²)	Kitchen window or <8m	Aspect Unit	Adjoins	POS aspect	Living or kitchen aspect
Ground	B001	2	75.6	33	<8	Corner dual	1	N	N
	B002	2	75	34	<8	Corner dual	1	NE	NE
	B003	2	75	35	<8	Corner dual	1	NW	NW
	B004	2	75.6	38	<8	Corner dual	1	N	N
1	B101	2	75.6	11.7	<8	Corner dual	1	N	N
	B102	2	75	12	<8	tri	1	NE	NE
	B103	2	75	12	<8	Corner dual	1	NW	NW
	B104	2	75.6	11.7	<8	Corner dual	1	N	N
	A101	2	76.8	26.4 + 17.8	<8	Corner dual	2	N	N
	A102	2	79.9	47.7	<8	tri	1	N	NE
	A103	2	79.9	47.7	<8	Tri	1	N	NE
	A104	2	81	37	<8	Dual	1	N	NE
	A105	1	60	40	<8	Dual	1	N	W
	A106 Adaptable	2	79.9	51.8	<8	Tri	1	N	NW
	A107	1	60.4	28.7	W	tri	1	NW	W
	A108	2	75	20.3 + 16.9	<8	Corner dual	2	N	N
	A109	2	72.2	22.3	<8	Single north	2	N	N
2	B201	2	75.6	11.7	<8	Corner dual	1	N	N
	B202	2	75	12	<8	Corner dual	1	NE	NE
	B203	2	75	12	<8	Corner dual	1	NW	NW
	B204	2	75.6	11.7	<8	Corner dual	1	N	N
	A201	2	76.8	26.4	<8	Corner dual	2	N	N
	A202	2	79.9	11.6	<8	tri	1	NE	NE
	A203	2	79.9	12	<8	Tri	1	NE	NE
	A204	2	79.9	12	<8	Dual	1	NE	NE
	A205	1	67.9	10.7	<8	Dual	1	NW	W
	A206 Adaptable	2	79.9	10.7	<8	Tri	1	NW	NW
	A207	1	60.4	10.4	W	tri	1	NW	W
	A208	2	75	20.3	<8	Corner dual	2	N	N
	A209	2	72.2	22.3	<8	Single north	2	N	N
	A301	2	76.8	26.4	<8	Corner	2	N	N

3						dual			
	A302	2	79.9	11.6	<8	tri	1	NE	NE
	A303	2	79.9	12	<8	Tri	1	NE	NE
	A304	2	79.9	12	<8	Dual	2	NE	NE
	A305	3	100.5	40.2	<8	Dual	1	NE	N
	A306	2	91.6	12.5	<8	Dual	1	NW	W
	A307	2	80.6	10.7	<8	Dual	2	NW	W
	A308 Adaptable	2	79.9	10.7	<8	tri	1	NW	NW
	A309	1	60.4	10.4	W	Tri	1	NW	W
	A310	2	75	20.3	<8	Corner dual	2	N	N
	A311	2	72.2	22.3	<8	Single north	2	N	N
4	A401	2	76.8	26.4	<8	Corner dual	2	N	N
	A402	2	79.9	11.6	<8	Tri	1	NE	NE
	A403	2	79.9	12	<8	Tri	1	NE	NE
	A404	2	79.9	12	<8	Dual	2	NE	NE
	A405	3	100.5	40.2	<8	Dual	2	NE	N
	A406	3	97.4	3 + 10.8	W	tri	2	N secondary NE primary	N
	A407 Adaptable	1	55.7	18	<8	Single south	2	S	S
	A408	2	74.1	20.6	<8	Single south	2	S	S
	A409 Adaptable	2	78	15.2	<8	tri	2	E	S
	A410	2	91.6	12.5	<8	Dual	2	NW	NW
	A411	2	80.6	10.7	<8	Dual	2	NW	W
	A412 Adaptable	2	79.9	10.7	<8	Tri	1	NW	NW
	A413	1	60.4	10.4	W	Tri	1	NW	W
	A414	2	75	20.3	<8	Corner dual	2	N	N
	A415	2	72.2	22.3	<8	Single north	2	N	N
5	A501	2	78.9	17.8	<8	dual	1	N	N
	A502	2	74.9	30.1	<8	Corner dual	2	N	N
	A503	3	97.1	3 + 17.2	W	Tri	2	N secondary NE primary	N
	A504 Adaptable	1	55.7	15.4	<8	Single south	2	S	S
	A505	2	74.1	18.9	<8	Single south	2	S	S
	A506 Adaptable	2	78.1	14.7	<8	tri	2	E	S
	A507	2	78.9	16.7	<8	Corner dual	2	N	N
	A508	2	78.9	16.7	<8	dual	1	N	N
	A601	2	78.9	17.8	<8	dual	1	N	N
	A602	2	74.9	10	<8	Corner	2	N	N

6						dual			
	A603	3	97.1	3 + 17	W	Tri	2	N secondary NE primary	N
	A604 Adaptable	1	55.7	15.4	<8	Single south	2	S	S
	A605	2	74.1	19.4	<8	Single south	2	S	S
	A606 Adaptable	2	78.1	15.2	<8	tri	2	E	S
	A607	2	78.9	17.1	<8	Corner dual	2	N	N
	A608	2	78.9	17.3	<8	dual	1	N	N
7	A701	2	78.9	17.8	<8	dual	1	N	N
	A702	2	74.9	10	<8	Corner dual	2	N	N
	A703	3	97.1	3 + 17	W	Tri	2	N secondary NE primary	N
	A704 Adaptable	1	55.7	15.4	<8	Single south	2	S	S
	A705	2	74.1	19.4	<8	Single south	2	S	S
	A706 Adaptable	2	78.1	15.2	<8	tri	2	E	S
	A707	2	78.9	17.2	<8	Corner dual	2	N	N
	A708	2	78.9	17.7	<8	dual	1	N	N
8	A801	2	78.9	17.8	<8	dual	1	N	N
	A802	2	74.9	10	<8	Corner dual	2	N	N
	A803	3	97.1	3 + 17	W	Tri	2	N secondary NE primary	N
	A804 Adaptable	1	55.7	15.4	<8	Single south	2	S	S
	A805	2	74.1	19.4	<8	Single south	2	S	S
	A806 Adaptable	2	78.1	15.2	<8	tri	2	E	S
	A807	2	78.9	17.2	<8	Corner dual	2	N	N
	A808	2	78.9	17.7	<8	dual	1	N	N

Section 79C Assessment

Section 79C (1) of the EP & A Act 1979 states:

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, and

(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

(iii) any development control plan, and

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

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

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

(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,*

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

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

(e) *the public interest.*

These matters for consideration are discussed below.

a) PROVISIONS OF EPIs, DCPS, etc.

i) Any Environmental Planning Instrument

State Environmental Planning Policy 55 -Remediation of Land

A consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

The subject site is currently used for residential and commercial purposes. The commercial premises have been operating under existing use rights for many years and have large yard areas that may have been used for maintenance or industrial type operations. As it is unknown whether the land has been used for any of the uses listed in Table 1 of the *Managing Land Contamination: Planning Guidelines*, a preliminary investigation was considered warranted.

A Stage 1 preliminary investigation in accordance with the SEPP 55 Guidelines has been carried out. Refer to the Report by Geotechnique Pty Ltd in this regard.

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

BASIX Certificate No. 595645M dated 09/12/14 has been submitted with the DA.

State Environmental Planning Policy (Infrastructure) 2007

The site is affected by Division 17, Subdivision 2 - *Development in or adjacent to road corridors and road reservations*.

Clause 101 *Development with frontage to classified road*

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that where practicable, vehicular access to the land is provided by a road other than the classified road, and the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development.

Vehicular access has been provided from Hannah Street, thus the safety and ongoing operation of the Highway will not be adversely affected. On the contrary, the footpath widening required to be undertaken will improve pedestrian safety and efficiency of movement in the vicinity of the Transitway.

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

This clause requires that appropriate noise levels are not exceeded for residential units along roads carrying large volumes of traffic. An Acoustic report has been prepared by Acoustic Logic. The report recommends that laminated glazing be provided to units on the southern façade (facing the GWH) and that acoustic seals be provided. The report concludes that:

Noise intrusion from traffic onto the future occupants of the development have been assessed in accordance with the SEPP Infrastructure 2007, the Holroyd City DCP and Australian Standard AS2107:2000. Provided the acoustic treatments in Section 4 are adhered to, the internal noise levels will satisfy the requirements of the criteria.

Clause 103 *Excavation in or immediately adjacent to corridors*

Excavation of over 3m will be required but this is not *on land that is the road corridor*, and is not immediately adjacent to the road corridor of the Parramatta to Liverpool Transitway. The basement is setback at least 14.7m from the existing front boundary, thus the DA does not require referral to RMS under Clause 103.

Clause 104 *Traffic-generating development*

The DA is not a Traffic Generating Development under Schedule 3 of SEPP (Infrastructure) 2007, as it does not have vehicular access to a classified road.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

Under Clause 30(2) of SEPP 65 a consent authority must take into account the design quality of the proposal having regard to the ten design quality principals outlined in the SEPP, as well as the rules of thumb or best design practices contained within the *Residential Flat Design Code*.

Andre Mulder (Registered Architect No. 6294) has prepared the Design Verification Statement, and concludes that the design satisfies all ten of the design quality principals.

The controls outlined in the *Residential Flat Design Code* have been largely incorporated into Holroyd DCP 2013. Nevertheless, a separate assessment under this code is included as Annexure "A".

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 (LEP 2013). Business premises, mixed use development, residential flat buildings and shop top housing are permitted in the B6 zone with consent.

business premises means a building or place at or on which:

(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or

(b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

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

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

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

The following comments are offered in consideration of the objectives of the B6 zone with particular reference to the subject DA:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*

Three commercial premises are to be provided along the main road frontage. The size, shape and internal clearance height of these spaces allows for a range of future permitted uses eg. business premises, food and drink premises or neighbourhood shops.

- *To provide a range of employment uses (including business, office, retail and light industrial uses).*

The 3 commercial premises will provide employment.

- *To maintain the economic strength of centres by limiting retailing activity.*

It is unknown at this stage what type of businesses will occupy the commercial tenancies. Commercial premises are prohibited in the B6 zone, thus retailing as a principal activity cannot take place. Regardless, the small amount of commercial floor space will not have any significant impact upon the economic strength of the main centres of Parramatta and Merrylands.

- *To provide for residential uses, but only as part of a mixed use development.*

The residential use is associated with ground floor commercial, thus is part of a mixed use development.

The applicant seeks a variation to the maximum height under Clause 4.6 “Exceptions to development standards” of LEP 2013. See Annexure “B” for the formal written request and justification for the variation.

Clause 5.3 of LEP 2013 allows flexibility in relation to development near zone boundaries. The subject site includes a site that is zoned R2, known as 8 Hannah Street. There will be no structures/buildings over the zone boundary. All of 8 Hannah Street is used for common open space. This creates a substantial buffer between the new development and the closest existing dwelling at 7 Hannah Street.

The following comments are offered in consideration of the objectives of the R2 zone with particular reference to the subject DA:

- *To provide for the housing needs of the community within a low density residential environment.*

A 2 storey dual occupancy would be permitted upon 8 Hannah Street, coming as close as 1m to the northern boundary. The development has been designed so that there are no buildings or structures upon 8 Hannah Street. All of 8 Hannah Street is occupied by landscaped open space & recreation facilities, thus it is argued that a low density environment is maintained.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Not Applicable.

- *To allow residents to carry out a range of activities from their homes while maintaining neighbourhood amenity.*

Not Applicable.

HLEP 2013 Maps:

Land zoning map – zoned part B6 and part R2, discussed above.



Floor space ratio map – 1.8:1 maximum in B6 zone. $1.8 \times 4232.4 = 7618.3$

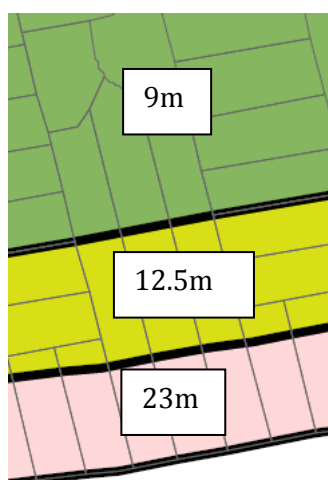
0.5:1 maximum in R2 zone. $0.5 \times 517.8 = 258.9$

Total allowable FSR: $7618.3 + 258.9 = 7877.2\text{m}^2$

Refer to architects drawings and GFA calculation sheet

7851.8m² GFA proposed / 4750.2= 1.65:1 FSR – complies.

Height of Buildings map– 3 different height limits are set over the site -23m along GWH, 12.5m in middle and 9m at rear.



The building has been carefully designed to ensure that the height limits are largely observed in each of the height “bands”, however due to the natural slope of the land there are small sections of the buildings which exceed the height limits. Refer to elevations and to Annexure “B” for justification in this regard.

Minimum lot size map – no minimum mapped

Land Reservation Acquisition – N/A

Site Specific Provisions – N/A

Additional permitted uses – nil

Heritage map – The site is not listed and there are no heritage items in the vicinity of the site

Acid Sulfate Soils map – nil

Biodiversity – N/A

Salinity map - moderate salinity potential (standard). Excavation will be required for the basement. Council can impose appropriate conditions in this regard.

Riparian Land & Waterways map – N/A

ii) Any proposed Environmental Planning Instrument

There are no Draft EPIs affecting the site.

iii) Any DCPs

DCP 2013

PART A – GENERAL CONTROLS

3 CAR PARKING

3.1 Minimum Parking Spaces

Required: C1 Parking to be provided on accordance with Table 3.1.

Table 3.1 requires for dwellings in B6 zone

Bedrooms per unit	Minimum
Studio / 1 bedroom	0.8
2 bedroom	1
3 bedroom	1.2
4+ bedroom	1.5
Visitor / dwelling	0.2

There are 11x1 bedroom units, 70x2 bedroom units and 7x3 bedroom units.

$$11 \times 0.8 = 8.8$$

$$70 \times 1 = 70$$

$$7 \times 1.2 = 8.4$$

Total: 87.2 resident spaces are required

$$0.2 \times 88 = 17.6 \text{ visitor spaces required}$$

Table 3.1 requires for commercial in B6 zone

Leasable GFA	Minimum
Ground floor	1 per 20m ²
Above ground floor	1 per 40m ²

Ground floor GFA ; Shop C101: 57.7m².
 Shop C102: 68.4m².
 Shop C103: 54.8m².
 Total: 180.9m².

$$180.9 / 20 = 9 \text{ commercial parking spaces required}$$

Above ground floor commercial GFA – nil.

$$87.2 + 17.6 + 9 = 113.8, \text{ so } 114 \text{ total parking spaces required}$$

Table 3.1 requires for Bicycle parking

Bedrooms per unit	Minimum
1 bedroom	0.5
2 bedroom	0.5
3+ bedroom	0.5
Visitor / unit	0.1
Ground floor Business	1 per 300m ²

$$88 \times 0.5 = 44 \text{ bike spaces required for residents}$$

$$88 \times 0.1 = 8.8 \text{ bike spaces required for visitors}$$

Nil for business

Total of 52.8 bike spaces required

Comment: 88 resident parking spaces provided, including 14 adaptable spaces - complies
17 visitor parking spaces provided - complies
9 commercial carparking spaces provided - complies
A total of 114 carparking spaces provided – complies
56 bike parking spaces provided – complies.

3.2 Parking Design Guidelines

Required: C1 External Appearance.

Landscaping is to soften parking area, no unpaved parking

Comment: Setback to Hannah Street is landscaped. All parking is paved. Parking area is not visible from either street.

3.3 Dimensions & Gradients

Required: C1 length of space 5.5m

Comment: all spaces are 5.4m long & comply with AS 2890

Required: C2 width of space 2.4m. 3m between walls

Comment: all spaces are 2.4m or wider & comply with AS 2890

Required: C3 clearance of space 2.3m

Comment: all spaces are 2.7m or more clear

Required: C4 Disabled spaces to comply with AS 2890.6 - 2009

Comment: 14 disabled resident spaces designed in accordance with AS 2890.6 - 2009 have been provided - one for each of the 14 Adaptable Units. Refer to the Access Report for a detailed analysis in this regard.

Required: C5 aisle width of for 7.2m for spaces 2.4m wide, width of 6.7m for spaces 2.5m wide

Comment: The Traffic and Parking Report by Varga Traffic Planning Pty Ltd confirms compliance with AS 2890.

Required: C11 max gradient 1:6. Intermediates of 1:10 where greater than 1:8.

Comment: Gradient max 1:4 with intermediates of 1:8 for ramp between basement and ground level parking areas. Max 1:20 for driveway in from Hannah Street. Refer to the Traffic and Parking Report to confirm compliance with AS 2890.

3.5 Access, Manoeuvring & Layout

Required: C8 Development on arterial roads is to provide access via a secondary street or via a slip road.

Comment: Access is via Hannah Street. No vehicular access will be provided from the GWH.

- Required: C9 Car park entries are to be set back behind the building line (min. 1.0m).
- Comment: Carpark entry is setback well behind the building line.
- Required: C12 & C13 Min of 1.5m landscaped setback from driveway to side boundaries
- Comment: The driveway has a setback of 2.5m from eastern side. 1m is landscaped and 2.5m is used as pedestrian path/fire egress.
- Required: C17 Minimum permitted clear headroom within car parking areas is 2.3m, or 2.5m for parking spaces for the disabled.
- Comment: Clear headroom to all spaces is 2.7m min.

3.6 Parking for the Disabled

- Required: C4 Disabled Parking spaces shall be located in accordance with AS 2890.6:
- a) as close as possible to the entrance(s) of subject premises,
 - b) on a maximum floor gradient of 1:40 (2.5%) ,
 - c) with ramp access to the premises provided at a maximum gradient of 1:14, and
 - d) be signposted using standard signage in accordance with Australian Standards AS 1741.11 and AS 2890.1.
- Comment:
- a) Spaces serving Adaptable units are located in close proximity to the lifts.
 - b) floor of disabled spaces is level
 - c) A lift has been provided from basement up to adaptable unit entrances. Ramps less steep than 1:14 have been provided from the street to residential corridor/lift and to commercial tenancies.
 - d) will be appropriately signposted - can be conditioned by Council.
- Refer to the Access Report for a detailed analysis in this regard.

4 TREE & LANDSCAPE WORKS

4.2 Development Works including existing trees and landscaping

- Required: C2 & C3 Development must incorporate existing trees on site with medium to high retention value, and those on adjoining sites
- Comment: There are some insignificant trees on the subject site and some close to the boundaries on adjoining sites, plus 1 street tree.
- The landscape plan clearly shows trees to be retained and removed (including those close to the boundaries on adjoining sites).
- Required: C9 Landscape plan at 1:100 by Landscape Architect/Designer
- Comment: A landscape plan at 1:100 scale prepared by a qualified landscape architect has been submitted with the DA
- Required: C17 Landscaping on structures requires minimum soil depths of 100-300mm for turf, 300-450mm for ground cover and 500-600mm for shrubs.
- Comment: Refer to the cross-sections by landscape architect.

6 SOIL MANAGEMENT

6.3. Erosion and Sediment Control

If DC is granted, appropriate conditions will be imposed by Council.

6.4. Erosion and Sediment Control Plan

Required: C1 ESCP to be submitted

Comment: ESCP has been submitted with DA

6.5 Salinity Management

The site is mapped as having moderate salinity. Development involves 4 lots but does not involve salinity risk activities as discussed in the Western Sydney Salinity Code of Practice. Council can impose standard conditions in this regard, if required.

7 STORMWATER MANAGEMENT

Detailed stormwater and On Site Detention plans prepared by HKMA Engineering have been submitted.

7.5 Water Sensitive Urban Design

Required: C1 Development of sites of 2,500m² or more in area are to implement water sensitive urban design principles.

Comment: The site is more than 2500m².

Required: C2 All DAs for sites of 2,500m² or more in area must be supported by a Water Sensitive Urban Design Strategy, prepared by a qualified civil engineer with suitable experience,

Comment: The site is more than 2500m². A WSUDS prepared by HKMA Engineering has been submitted with the DA.

10 SAFETY AND SECURITY

Required: C1. A site management plan and formal crime risk assessment (Safer by Design Evaluation) involving the NSW Police Service may be required for large developments which, in Council's opinion, would create a crime risk.

Comment: The DA will be referred to Holroyd Police for comment.

Required: C2. Design new development to reduce the attractiveness of crime by minimising, removing or concealing crime opportunities. The design of development should increase the possibility of detection, challenge and apprehension of persons engaged in crime.

C3. Incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight lines between public and private places, installation of effective lighting, and the appropriate landscaping of public areas.

Comment: The ceiling of the carparks will be painted white. Low level night lighting will be provided to all common areas. Passive surveillance of the street and COS areas is possible from units and balconies. A security door has been provided across basement entrance, and across pedestrian entrance at street level off GWH – a

swipe card system or the like will restrict access to residents and their legitimate visitors.

11 WASTE MANAGEMENT

11.1 Site Waste Minimisation and Management Plan

Required: C1 Site Waste Minimisation and Management Plan (SWMMP) to be lodged.

Comment: A SWMMP has been lodged.

11.3 Residential Land Use Waste Management

Required: C4 Ensure the Waste Storage & Recycling Area has unobstructed access to Council's usual collection point (ie. the front kerb)

Comment: 240 litre bins can be wheeled along the level driveway for collection at Hannah Street, however, due to the size of development a contractor will come in to the site to collect bins. Adequate turning area has been provided on site to allow a garbage truck to turn around.

Required: C6 Residential flat buildings & shop top housing must have a communal Garbage & Recycling Room located in the basement of the building. This area should:

a) be capable of accommodating Council's required number of standard waste containers & be designed as per Appendix D.

RFBs more than 20 units require:

- 1 x 1100 litre garbage bins per 8 units
- 1 x 240 litre recycling bin per 3 units

$88 / 8 = 11$ x 1100L bins required for garbage.

$88 / 3 = 29$ x 240L bins required for recycling.

Comment: 11 x 1100L bins for garbage, and 30 x 240L bins for recycling have been drawn to scale on ground floor plan.

Required: C9 In multi- storey buildings containing more than 3 storeys, provide a system for the transportation of garbage from each floor level to the Garbage & Recycling Room. This may be a garbage chute system.

Comment: A garbage chute system is provided.

Required: C12 Where Council garbage trucks are required to enter the site for the collection of residential waste, design developments to accommodate on-site truck movement (as per Appendix E).

Comment: The Traffic and Parking Report demonstrates diagrammatically that a garbage truck can enter the site, collect waste, manoeuvre and exit from the site in a forward direction.

PART C – COMMERCIAL, SHOP TOP HOUSING & MIXED USE DEVELOPMENT CONTROLS

1 Building Envelope

1.1 Lot size and frontage

Required: C1 The minimum frontage within B6 zone for 4 to 8 storeys is 26m.

Comment: The site has a frontage of 40.5m – complies.

Required: C6 Sites must not be left such that they are unable to develop a 3 storey building.

Comment: No landlocking will result.

1.2 Site coverage, floor area and building use

Required: C4 Consent must not be granted for a food & drink premises on land in Zone B6 if the GFA of the food & drink premises is more than 1000m².

Comment: Shop C101: 57.7m².
Shop C102: 68.4m².
Shop C103: 54.8m².
Total: 180.9m².

The proposed commercial uses of these shops is unknown at this stage, but their GFA allows their use as food and drink premises, if desired.

Required: C6 Commercial development shall be located at least at street level, fronting the primary street. Residential dwellings are permitted at ground floor within Zone B6.

Comment: The 3 shops are at street level and face the primary street (ie. the highway). Some residential dwellings have been located at ground level.

1.3 Building Height

Required: C1 The minimum floor to ceiling height for the commercial component of a building shall be 3.5m for ground floor.

Comment: Ground floor (street level) commercial tenancies have FFL to FCL of 5.7m.

Required: C2 Basement level parking above the natural ground level should be limited to not impact on the bulk, scale and design of the building.

Comment: Due to the natural slope of the land down from front to rear, and the location of residential units at the rear, parking within the basement and within ground level will not be visible from the adjoining and nearby low density residential sites in Hannah Street, or from the highway. Accordingly, neither parking level has an adverse impact upon bulk and scale.

Required: C3 Maximum building height in storeys shall be:

Height (m)	Storeys
10	1
11	2
12.5	2
14	3

17	4
20	5
23	6
26	7

Comment: The site has 3 different height limits. Towards the highway 23m is permitted, in the middle 12.5m and towards Hannah Street 9m.

The number of storeys proposed exceeds these limits, as follows:

- In the 23m zone 7 storeys are proposed (rather than 6) for the northern section. The southern section facing the GWH is 6 storeys and complies.
- In the 12.5m zone 4 storeys are proposed (rather than 2)
- In the 9m zone 3 storeys are proposed (DCP is silent on 9m zone, but 10m zone allows 1 storey)

However, the note to this control states:

Permitted height in storeys have been determined based on a number of assumptions including minimum floor to ceiling heights, slab thicknesses, roof heights, slope of the land, basement provision, floor level requirements for flooding. There may be instances where development is able to achieve a greater number of storeys and still comply with maximum height under Holroyd LEP 2013. A full and proper assessment including relevant controls such as floor to ceiling height, floor space ratio, flooding, amenity and character will determine the appropriate height for the specific site.

FFL to FCL heights comply with BCA & DCP 2013, slab thickness is minimised and the building has a flat roof. Accordingly, this is an instance where although the number of storeys is more than set out in DCP, the building generally does not exceed the height limits set by LEP 2013 (minor height variations requested). The storeys have been stepped down the natural slope of the land and the buildings are not considered to be excessively bulky or out of character with desired future outcomes within the B6 zone.

The 3 storey section facing Hannah Street is only two units wide and is setback at least 6m from the street boundary, 10m from the eastern side boundary and 6.8m from the western side boundary. There is a 30m separation between the 3 storey units within the 9m zone (building B) and existing dwellings in Hannah Street.

1.4 Setbacks, Separation and Depth

Required: C6 A street wall height of four storeys (14-17m) is required for the B6 Enterprise zone on Great Western Highway at Mays Hill and Finlayson Transitway Precincts.
C7 A 3 metre setback is required above the street wall height.

Comment: This control promotes a “wedding cake” design. The building facing the GWH is about 22m high at the GWH elevation and is a “tower” design, so does not strictly comply with this numerical standard.

The control requiring the 3m setback of the building façade at the fourth level and above is problematic having regard to the configuration of the site, and it is considered that strict compliance would lead to a poor built form outcome.

The subject site is affected by a 23m height zone for the first 28m (approx.) in from the new front boundary. When locating the building envelope within this 23m height zone, the built form is rectangular and elongated. The façade design has taken this into account and introduced both horizontal and vertical elements to break up the aesthetic of the building. The building is also articulated by a series of openings (such as sliding doors and windows) and recessed elements (balconies) to the façade. Setting the upper floors back from the street wall would create a distinct step in the building when viewed from the GWH, while also leading to a significant reduction in yield. The tower design as proposed is considered to result in a high quality urban design outcome and is compatible with the desired future character of the Enterprise Corridor.

Having regard to the tower proposal that enhances street appeal, the positive design of the proposal as it presents to the GWH, the articulated front façade and the inability to provide a logical and aesthetically sensible step in this narrow section of the building, the proposed variation is considered worthy of support.

Required: C9 A 3m side setback is required to adjoining residential zone.

Comment: The site is adjoined by R2 zones to the north, east (in part) and west (in part).

A 30m setback is provided to the north.

A 10m setback is provided to the east R2 zoned section.

A 6.8m setback is provided to the west R2 zoned section.

Required: C10 Where adjoining a residential zone, the development must demonstrate that the proposed setbacks will enable the achievement of access to sunlight and privacy as required under this DCP to the adjoining residential property. Setbacks, transition of height, location of balconies and windows and screening may assist

Comment: Shadow diagrams demonstrate that there will be no loss of solar access for any adjoining dwellings. Privacy is maintained to R2 zone as side setbacks are twice the DCP minimum required to walls and balconies, or more. The building steps down in height towards the rear and only marginally exceeds the LEP height limit at some points. Accordingly, privacy impacts are minimised.

Required: C11 A 6m rear setback is required to adjoining residential zone.

Comment: The building has a 6m or more rear setback to the Hannah Street boundary and a 30m rear setback to the boundary of 7 Hannah Street.

Required: C14 Building separation as per part B of DCP (which reflects RFDC):

Separation between any adjoining buildings, between portions of the same building or where there is more than one building on an allotment shall be:

For residential up to 4 storeys

- 12 metres between habitable rooms and balconies.
- 9 metres between habitable rooms and balconies and non-habitable rooms.
- 6 metres between non-habitable rooms.

For residential 5 to 8 storeys

- 18 metres between habitable rooms and balconies.
- 13 metres between habitable rooms and balconies and non-habitable rooms.
- 9 metres between non-habitable rooms.

Comment: Building B is 3 storeys.

More than 6m setback has been provided to unit walls and balconies from the east and west sides – complies.

Building A has 2 sections:

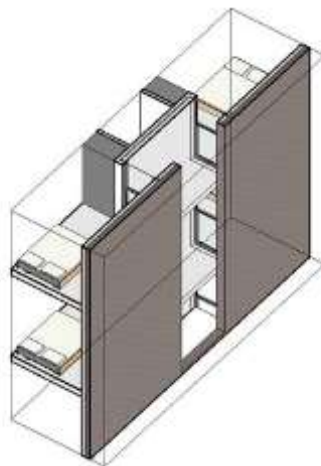
Central 4 storey section (level 1 to 4):

6m or more setback has been provided to unit walls and balconies from the east and west sides – complies.

Southern tower (Level 5 to 8):

Western side: One unit per level is built to the boundary as permitted by DCP. One unit per level is setback 1.3m to a blank wall (to allow light well into the unit behind which is on the boundary) and has 4m setback to bathroom window (non-habitable so needs 4.5m). Although there is a 500mm encroachment the bathroom window is highlight. The adjoining site is a business zone so this minor variation has no privacy impact.

Eastern side: Walls cannot be built to the boundary as permitted by the DCP, as a drainage easement runs along the eastern boundary. One unit per level is setback 3.17m to a wall which has only one highlight window (to allow light & ventilation into the dining room). One unit per level is setback 6m & 7.2m to blank walls. The wall recessed back at 7.2m allows bedroom windows of the same unit to be provided, with no overlooking to the side possible:



Eastern side wall of units

502, 602, 702 & 802

The adjoining site is a business zone so this variation has no privacy impact. Some leniency should be given as the building could be constructed to the boundary in the absence of the drainage easement.

Between buildings on site

13m or more setback is provided between Building A and B (which are 4 storeys) – complies.

1.5 Landscaping and Open Space

Required: C1 Landscaped area not required in business zones.

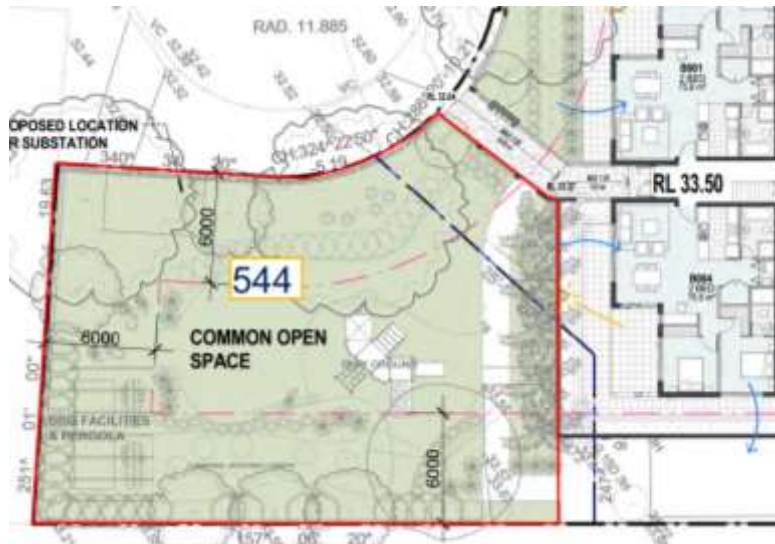
Comment: Although not required, the development has substantial landscaped areas, with deep soil common open space. This will enhance residential amenity.

Required: C7 – C10 Communal open space 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.

$0.25 \times 4750.2 = 1187.55\text{m}^2$ COS required.

Comment: There are 3 parcels of COS:

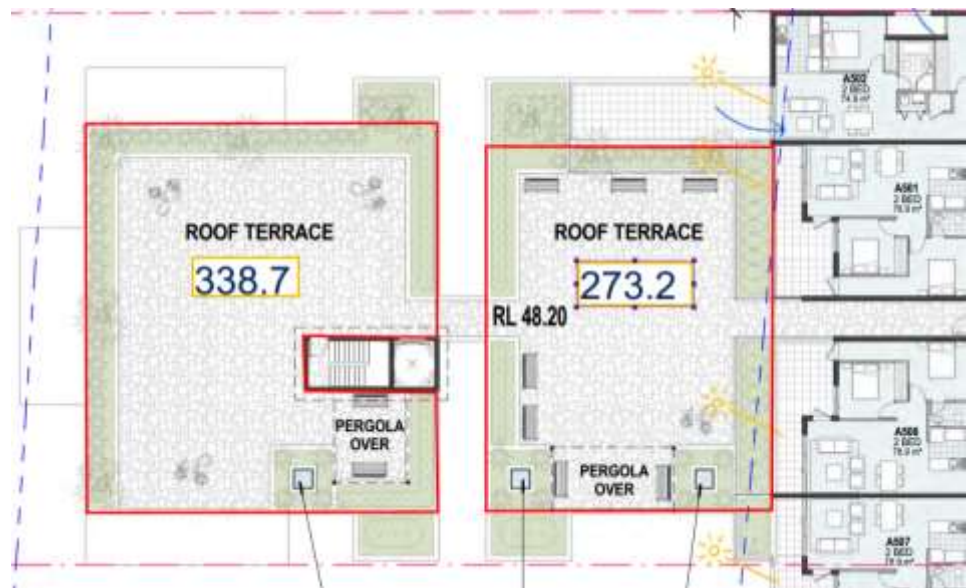
North 544m²



Central 324m²



Rooftop 611.9m²



1479.9m² total COS provided (counting only areas 4m or wider), which equates to 31.15% of site area.

Part of the COS is covered with pergolas. A children's playground, permanent seating and BBQ area have been provided.

Required: C11 Communal open space shall be consolidated and configured in order to achieve a functional, useable space. The minimum dimension of communal open space in any one direction is 6m.

Comment: If the 4.75m wide strip is excluded & only areas 6m or wider are included in the calculation, the COS totals 1374.9m² and still complies.

The north and central COS areas are connected and are deep soil.

Required: C12 Where possible, dwellings must be orientated towards communal open space areas to provide passive surveillance.

Comment: Units & balconies overlook all COS areas and provide passive surveillance.

Required: C14 Opportunities for planting shall be provided.

Comment: Achieved – much of the site is planted.

Required: C15 & C16 A minimum of one (primary) balcony and/or terrace must be provided for each residential unit, which must:

- i) Be located adjacent to the main living areas
- ii) Have a minimum dimension of 2.4m and with a minimum area of 10m² for 2+ bedroom units.
- iii) Dimension of 2m and a minimum area of 8m² permitted for 1 bedroom units.

Comment: Every unit has a primary balcony off its main living area with a min depth of 2.5m. All have an area of at least 10m² - refer to table in "The Proposal" section above for balcony sizes.

- Required: C17 Consider secondary balconies.
- Comment: 5 of the units have secondary balconies.
- Required: C18 Design and detail balconies in response to the local climate and context.
- Comment: The majority of balconies face north, east or west.
- The long face of the balconies is oriented to the outside of the building.
- Balconies are shallow enough to allow solar access into the associated unit and do not block sunlight from entering the unit below.
- Balustrades are to be of frosted glass.
- Required: C22 Provide water & gas outlets on the main balconies, terraces & courtyards.
- Comment: Can be provided/conditioned.

2.2 Pedestrian access

- Required: C4 Direct and unimpeded access from the car parking area to all residential units and commercial uses within a development shall be provided.
- Comment: Lifts are provided from both carparking levels up to each residential & commercial floor within Building B. Building A is a 3 storey walk-up containing only 12 units with no adaptable units, thus stairs only is acceptable to Building B.
- C5 Main building entry points should be clearly visible from primary street frontages, well lit, legible and enhanced through building design and treatment.
- Comment: Achieved

2.3 Building entries

- Required: C1 Equal accessibility is to be ensured for all, in both residential and commercial uses.
- Comment: Achieved. Level entry off GWH into shops and residential areas (level 2) is provided. Access to all other levels of Building A is provided via stairs and lifts. Refer to the Access Report for discussion on disabled access.
- Required: C3 Separate entries from the street are to be provided for cars, pedestrians, multiple uses (commercial and residential) and ground floor apartments.
- Comment: Achieved
- Required: C5 Multiple cores which access above ground uses are to be provided where the site frontage is over 30m.
- Comment: The site has a frontage of 40.5m. Building A has 5 cores (2 lifts and 3 stairwells). Building B has 1 core (stairwell).
- Required: C7 Entries and associate circulation space are to be designed of an adequate size to allow movement of furniture.
- Comment: Corridors are 1.8m wide.

2.4 Vehicle access

- Required: C1 Driveways shall be provided from secondary streets where possible.
- Comment: The driveway is located off secondary Street (Hannah Street)
- Required: C2. The loading and unloading facilities and services shall also be provided from the secondary street.
- Comment: Achieved.
- Required: C3 The location of vehicular access shall consider existing services (power, drainage, etc.) and street trees.
- Comment: The new driveway will be in the same position as the existing driveway into 158 GWH. No power poles or street trees will be affected.
- Required: C4 One two way driveway is permitted per development site up to 10,000m²
- Comment: One two way driveway proposed.
- Required: C7 All vehicles must be able to enter and leave the site in a forward direction.
- Required: Achieved – refer to Traffic and Parking Report.
- Required: C8 The width of driveways is limited to a maximum of 6m or 8m for commercial loading docks and servicing.
- Comment: 6m wide driveway proposed, which widens for loading dock.
- Required: C9 Pedestrian safety is to be maintained through design including ensuring clear site lines at pedestrian and vehicular crossings and clearly differentiating vehicular and pedestrian access.
- Comment: Pedestrian access only is provided off the GWH. Pedestrian and vehicular access is provided off Hannah Street, and the driveway and pedestrian path have been kept separate. A gradient of only 1:20 at the driveway entrance will ensure clear sight lines for motorists.

2.5 Parking

- Required: C12 Private car parking for shop top housing must be clearly identified and separated from regular business car parking.
- Comment: The ground level parking area has resident parking, visitor and commercial parking. Visitor and commercial spaces will be clearly marked. Basement parking is for residents only. Access into resident parking will be secured via a boomgate / swipe card system.

3 Design and Building Amenity

3.1 Safety and Security

- Required: C13 Large scale mixed use developments shall provide a safety by design assessment in accordance with CPTED principles from a qualified consultant.
- Comment: The DA will be referred to Holroyd Local Area Command for comment.

3.2 Façade design and Building materials

- Required: C6 Maximise the use of glazing to active frontages.
- Comment: The 3 shops facing GWH have full laminated glass frontage.
- Required: C7 Building walls addressing the street should be articulated and fragmented to add interest and to avoid bulky appearance.
- Comment: Achieved to the GWH and to Hannah Street.
- Required: C10 Balconies and terraces should be provided to overlook the street and public domain and shall be integrated into the design of the facade.
- Comment: Achieved – all front units have balconies integrated into the façade which overlook the street.
- Required: C12 All walls to the street shall be articulated by either/or windows, verandahs, balconies or blade walls. Such ‘articulation’ elements may be forward of the required building line up to a maximum of 600mm.
- Comment: Building up to the GWH street boundary is permitted. The building has adequate articulation elements in the form of windows, balconies and coloured blade walls/columns.
- Required: C15 In mixed use & shop top housing development, distinguish residential entries from commercial/retail entries.
- Comment: The shops have their own double door entrances off the Highway. Resident access is provided beside the shops on the eastern side of the site.
- Required: C20 The ground floor level must have active uses facing streets and public open spaces.
- Comment: The 3 shops are located at ground level facing the Highway. These are regarded as active uses.

3.4 Shopfronts

- Required: C4 The following security measures are acceptable:
- Open grille (concertina) security devices- where they are unobtrusive, discreet in design and colour and open in nature.
 - Transparent grille shutter security devices- where located behind the shopfront
- Comment: Council can apply appropriate conditions in this regard.

3.5 Daylight Access

- Required: C2 Habitable rooms & primary private open spaces should be located on northern, eastern & western aspects.
- Comment: Achieved for majority of units – refer to table in “The Proposal” section above.
- Required: C3 South facing dwellings where possible should have an alternative orientation to achieve solar access.

Comment:	There are 15 units with their living rooms facing south. 5 of these have a north facing bedroom and some eastern exposure to their balcony.
Required:	C4 Where south facing dwellings are unavoidable, window areas are to be maximised.
Comment:	The south facing units have large windows to their habitable rooms.
Required:	C5 Single aspect dwellings that have a southerly aspect (SW-SE) shall be limited to a maximum of 30% of the total number of dwellings.
Comment:	There are only 10 units that are single aspect with a southerly aspect. This represents 11.36% of the total and is well below the 30% permitted.
Required:	C6 Single aspect dwellings shall be limited in depth to 8m.
Comment:	The single aspect units are less than 8m deep.
Required:	C7 Living rooms & private open spaces in a minimum of 70% of dwellings within a development shall receive at least 2 hours of direct sunlight between 9am and 3pm in Mid-winter.
Comment:	78 units have a N, NE or NW orientation to their POS, so 88.6% of units achieve 3 hours or more direct sunlight to POS. 73 units have a N, NE, NW or W orientation to their living room/kitchen, so 83% of units achieve 3 hours or more direct sunlight to main living areas.
Required:	C9 Direct daylight shall be achieved in communal open spaces between March & September and appropriate shading is to be provided in summer.
Comment:	The BBQ will be covered and shade provided to the children's play area.
Required:	C11 Developments shall ensure that access to daylight is maintained to private open spaces and habitable rooms of existing and proposed surrounding buildings, so as to comply with this DCP.
Comment:	There are no dwellings adjoining to the south. Solar access to the 2 dwellings adjoining to the east and west, and to their private rear yard areas, will not be compromised.

3.6 Visual + Acoustic Privacy

Required:	C1 New development shall be located & oriented to maximise visual privacy between buildings on site and adjacent buildings by: i) providing adequate building separation & setbacks in accordance with Section 4.5, ii) utilising the site layout to increase building separation by orienting buildings on narrow sites to the front and rear of the lot, thereby utilising the street width and rear garden depth to increase the separation distance.
Comment:	Every unit adjoins a maximum of only 2 other units, so noise transmission between units is minimised. Side and rear setbacks are double the DCP minimum required, or more.

- Required: C5 (ii) Ensure vertical & horizontal separation between conflicting uses generating different levels of noise.
- Comment: The shops do not adjoin residential units horizontally, but do have units above. The high ceiling/void within the shops and the slab will adequately buffer noise. The acoustic report discusses acoustic treatment of commercial spaces and future plant.
- Required: C6 Apartments shall be arranged within a development to minimise noise transition by:
- i) Locating busy, noisy areas next to each other and quieter areas next to each other (i.e. bedrooms with bedrooms & service areas like kitchen, bathroom, & laundries together).
 - ii) Using storage or circulation zones within an apartment to buffer noise from adjacent dwellings, mechanical services or corridors and lobby areas, minimizing the amount of party (shared) walls with other dwellings.
 - iii) Using service areas/corridors to buffer 'quiet' areas such as bedrooms from noise generators including traffic, railway line, service and loading vehicle entries.
 - iv) minimising the amount of party (shared) walls with other dwellings/apartments.
- Comment: For most units bedrooms adjoin bedrooms, and living areas adjoin living areas. There are some instances of a bedroom of one unit adjoining the living room of another unit. This can be addressed by the use of built-in wardrobes within the bedrooms along the subject section of wall OR increasing the number of layers of plasterboard on each side of the subject section of wall. This can be conditioned by Council on any forthcoming DC.
- Every unit adjoins a maximum of only 2 other units, so the number of party walls is minimised. Traffic along GWH will be the largest noise generator, and for streetscape reasons units must "address" the street. An Acoustic Report has been submitted with the DA which recommends laminated glazing be provided to units on the southern façade (facing the GWH) and that acoustic seals be provided.
- Walls of habitable rooms adjoining the lift shaft will be acoustically treated.
- Required: C8 Where commercial/offices uses & residential uses are located adjacent to each other, air conditioning units, buildings entries and the design and layout of areas serving after hours uses shall be located and designed to minimise any acoustic conflicts.
- Comment: This will need to be given due consideration when the future commercial use is known and fitout is undertaken. This has been discussed in the Acoustic Report, and can be conditioned.

3.7 Managing External Noise and Vibration

- Required: C1, C2 & C3 Development proposals within 60m of adjacent Classified Road must provide a report, from an appropriately qualified acoustic consultant, demonstrating that the development will comply with the following criteria.
- i) AS 1055-1997 Acoustics - Description and Measurement of Environmental Noise.
 - ii) AS 1259-1990 Acoustics – Sound Level Meters Part 2 Integrating – Averaging.
 - iii) AS 1633-1985 Acoustics - Glossary of Terms and Related Symbols.
 - iv) AS 2107-2000 Acoustics - Recommended Design Sound Levels & Reverberation Times for Building Interiors.

Comment: Refer to the Acoustic report prepared by Acoustic Logic for detailed analysis.

3.8 Awnings

Required: C1 & C2 Continuous awnings are required to be provided to all active street frontages. They:

- i) Should be flat,
- ii) must be 3m deep,
- iii) be setback from the kerb a minimum of 600mm,
- iv) have a minimum soffit height of 3.2m-3.3m,
- v) have slim vertical facias and/or eaves not to exceed 300mm.

Comment: An awning has not been provided along the footpath of the GWH as the balconies of the units above the shops extend out over the front of the shops, and provide weather protection.

3.9 Apartment Layout

Required: C1 No part of any residential unit shall be more than 8m from the glassline.

Comment: Some units have a depth more than 8m from the glassline however the floor space beyond 8m is used as bathroom, laundry or kitchen (non-habitable). The back of all kitchens is still within 8m of a window.

Required: C2 Single aspect apartments are to have a maximum depth of 8m from the glassline.

Comment: There are 14 single aspect units and all have depth less than 8m from glassline, except units 109, 209, 311 & 415 which achieve max 8.3m. Those sections of floor area that are more than 8m from a window relate to a small strip along the back of the bathrooms, which will be mechanically ventilated. All habitable rooms are still within 8m from the glassline.

Required: C3 The back of the kitchen shall be no more than 8m from a window.

Comment: 9 units have a kitchen window, the remainder have the back of their kitchen less than 8m from a window – Complies.

Required: C4 The width of any apartment is to be no less than 4.5m (4.3m internally).

Comment: Complies

Required: C5 Residential units are to have the following minimum internal floor areas:

1 bedroom units	50m ²
2 bedroom units	70m ²
3 bedroom units	95m ²

Comment: All units meet the minimum, see table in “The Proposal” section above.

Required: C9 Avoid locating kitchens as part of the main circulation spaces of an apartment, such as a hallway or entry space.

Comment: All kitchens are clear of main circulation spaces.

3.10 Flexibility and Adaptability- Residential Mix

Required:	C2 Building configurations should provide multiple entries and circulation cores, especially in larger buildings over 15 m long by adopting the following: i) Thin building cross sections which are suitable for residential or commercial uses, ii) A mix of apartment types, iii) Higher ceiling heights on the ground and first floors, iv) Separate entries for ground floor uses and upper levels, and v) Sliding and/or moveable wall systems.
Comment:	Points (i) to (iv) are achieved. Point (v) is not considered practical or necessary.
Required:	C3 Apartment layouts are required to facilitate the change of use of rooms, including the provision of: i) Windows in all habitable rooms & to a maximum number of non-habitable rooms, ii) Adequate room sizes or open-plan apartments that enable a variety of furniture layout opportunities, iii) dual master-bedroom apartments, which can support two independent adults living together or a live/work situation.
Comment:	i) Achieved. All habitable rooms have a window, as do many non-habitable rooms. ii) Living areas are open plan. Scaled furniture layouts have been provided. iii) All of the bedrooms can accommodate a double bed.
Required:	C6 & C9 Adaptable Housing as per Part B shall be provided. 15% of units shall be Adaptable Housing Class B $0.15 \times 88 = 13.2$, so 14 units required.
Comment:	14 Adaptable units have been provided. These are within Building A which has level access from GWH. All levels within Building A have a lift up from the parking levels. The Access Report prepared by Certified Building specialists discusses this in detail. Pre and post adaption floor layouts in accordance with AS 4299 have been provided.
Required:	C10 A variety of unit types between studio, 1, 2, 3 & 3+ bedroom shall be provided in each development.
Comment:	This development has a mix of 1 bedroom, 2 bedroom and 3 bedroom units.
Required:	C11 Studios & 1 bedroom units are not to exceed 20% of the total.
Comment:	There are 11 x 1 bedroom units. $11 / 88 = 12.5\%$ - complies
C12	A mix of one and three bedroom apartments are to be located on the ground level where accessibility is more easily achieved for disabled, elderly people or families with children
Comment:	This site slopes down from GWH to the rear, and residential floors step down the site accordingly. All residential levels are easily accessible from the basement parking or street level via ramps and lifts. Adaptable units are located on all levels of Building A.

3.12 Ground floor apartments

Required: C1 Opportunities for the provision of on grade private gardens, directly accessible from the street or from the main living spaces should be explored in ground floor apartments

Comment: This site does not lend itself to the provision of individual entrances from the streets. or from the landscaped common area. Building B has its own central entry from Hannah Street.

3.13 Internal circulation & storage for residential uses

Required: C3 Amenity & safety in circulation spaces is to be increased by:

- i) providing generous corridor widths & ceiling heights, particularly in lobbies, outside lifts & apartment entry doors
- ii) providing appropriate levels of lighting, including the use of natural daylight, where possible,
- iii) minimising corridor lengths to give short, clear sight lines,
- iv) avoiding tight corners,
- v) providing legible signage noting apartment numbers, common areas and general directional finding,
- vi) providing adequate ventilation.

Comment: The corridors and breezeway are all generous in width with clear sight lines. Ceilings are 2.7m high for units.

Most units are naturally ventilated, have good solar access and will require no artificial lighting in daylight hours. Units and shops have been designed for ease of access by all – refer to the Access Report. Clear sight lines are maintained. Amenity and safety have been key priorities in the design of the circulation spaces.

Required: C6 Accessible storage facilities shall be provided at the following rates as a minimum:

- ii) One bedroom apartments 6m³
- iii) Two bedroom apartments 8m³, and
- iv) Three plus bedroom apartments 10m³

Comment: All units have an allocated store room within the basement, ground level parking area or level 1 bike storage area. Storage volumes are provided in the table below:

UNIT	TYPE	INTERNAL (m3)	BASEMENT (m3)	TOTAL (m3)
A 101	2 bedroom	4.48	5.71	10.19
A 102	2 bedroom	6.05	6.05	12.1
A 103	2 bedroom	6.05	5.49	11.54
A 104	2 bedroom	6.05	5.49	11.54
A 105	1 bedroom	7.056	5.49	12.546
A 106	2 bedroom	4.2	5.82	10.02
A 107	1 bedroom	3	5.49	8.49
A 108	2 bedroom	4.48	5.49	9.97
A 109	2 bedroom	5.29	5.49	10.78
A 201	2 bedroom	4.48	5.49	9.97
A 202	2 bedroom	6.05	5.49	11.54
A 203	2 bedroom	6.05	5.49	11.54
A 204	2 bedroom	6.05	5.49	11.54
A 205	1 bedroom	7.056	5.49	12.546
A 206	2 bedroom	4.2	5.82	10.02
A 207	1 bedroom	3	5.49	8.49
A 208	2 bedroom	4.48	5.49	9.97
A 209	2 bedroom	5.29	5.49	10.78
A 301	2 bedroom	4.48	5.49	9.97
A 302	2 bedroom	6.05	5.49	11.54
A 303	2 bedroom	6.05	6.16	12.21
A 304	2 bedroom	6.05	5.85	11.9
A 305	3 bedroom	10.08	5.49	15.57
A 306	2 bedroom	4.2	5.49	9.69
A 307	2 bedroom	4.03	5.49	9.52
A 308	2 bedroom	4.2	5.82	10.02
A 309	1 bedroom	3	5.49	8.49
A 310	2 bedroom	4.48	5.49	9.97
A 311	2 bedroom	5.29	5.49	10.78
A 401	2 bedroom	4.48	5.49	9.97
A 402	2 bedroom	6.05	5.49	11.54
A 403	2 bedroom	6.05	5.49	11.54
A 404	2 bedroom	6.05	5.49	11.54
A 405	3 bedroom	10.08	6.05	16.13
A 406	3 bedroom	5	5.49	10.49
A 407	1 bedroom	3.64	5.82	9.46
A 408	2 bedroom	5.38	5.49	10.87
A 409	2 bedroom	4.41	5.49	9.9
A 410	2 bedroom	4.2	5.49	9.69
A 411	2 bedroom	4.03	5.49	9.52
A 412	2 bedroom	4.2	5.49	9.69
A 413	1 bedroom	3	5.49	8.49
A 414	2 bedroom	4.48	5.49	9.97
A 415	2 bedroom	5.29	6.05	11.34
A 501	2 bedroom	5.53	6.05	11.58
A 502	2 bedroom	4	6.05	10.05
A 503	3 bedroom	5	6.05	11.05

A 504	1 bedroom	3.64	6.55	10.19
A 505	2 bedroom	5.38	6.05	11.43
A 506	2 bedroom	4.41	4.87	9.28
A 507	2 bedroom	5.53	6.05	11.58
A 508	2 bedroom	5.53	6.05	11.58
A 601	2 bedroom	5.53	6.05	11.58
A 602	2 bedroom	4	6.05	10.05
A 603	3 bedroom	5	6.05	11.05
A 604	1 bedroom	3.64	5.04	8.68
A 605	2 bedroom	5.38	6.05	11.43
A 606	2 bedroom	4.41	6.64	11.05
A 607	2 bedroom	5.53	6.05	11.58
A 608	2 bedroom	5.53	6.05	11.58
A 701	2 bedroom	5.53	6.05	11.58
A 702	2 bedroom	4	6.05	10.05
A 703	3 bedroom	5	6.05	11.05
A 704	1 bedroom	3.64	5.49	9.13
A 705	2 bedroom	5.38	6.05	11.43
A 706	2 bedroom	4.41	5.49	9.9
A 707	2 bedroom	5.53	6.05	11.58
A 708	2 bedroom	5.53	6.05	11.58
A 801	2 bedroom	5.53	6.05	11.58
A 802	2 bedroom	4	6.05	10.05
A 803	3 bedroom	5	6.05	11.05
A 804	1 bedroom	3.64	6.05	9.69
A 805	2 bedroom	5.38	6.05	11.43
A 806	2 bedroom	4.41	6.05	10.46
A 807	2 bedroom	5.53	6.05	11.58
A 808	2 bedroom	5.53	6.05	11.58
UNIT	TYPE	INTERNAL (m3)	BASEMENT (m3)	TOTAL (m3)
B 001	2 bedroom	4.03	5.88	9.91
B 002	2 bedroom	8.16	5.82	13.98
B 003	2 bedroom	8.16	5.82	13.98
B 004	2 bedroom	4.03	6.55	10.58
B 101	2 bedroom	4.03	6.55	10.58
B 102	2 bedroom	8.16	6.55	14.71
B 103	2 bedroom	8.16	5.7	13.86
B 104	2 bedroom	4.03	5.7	9.73
B 201	2 bedroom	4.03	5.7	9.73
B 202	2 bedroom	8.16	6.05	14.21
B 203	2 bedroom	8.16	5.49	13.65
B 204	2 bedroom	4.03	5.71	9.74

3.14 Balconies

Requirements reiterate those in Part C Section 1.5 – discussed above.

3.15 Natural Ventilation

- Required: C3 80% of units should be cross ventilated.
- Comment: 74 units are dual or tri aspect, so 84% of units are naturally cross ventilated.
- Required: C4 25% of kitchens within a development must have direct access to natural ventilation.
- Comment: All kitchens have a window or are within 8m of a window, thus 100% have natural ventilation.
- Required: C5 & C6 Ensure each unit can be naturally ventilated through the appropriate siting and layout of the rooms. Locate window & door openings to facilitate cross ventilation
- Comment: Achieved - Refer to the architectural plans showing ventilation paths.
- Required: C8 Double loaded corridors in apartment buildings are limited to 8 dwellings per floor, unless these are cross-over units.
- Comment: A double loaded corridor is a corridor with apartments off both sides, generally associated with single aspect apartments. Core is defined as vertical circulation (eg. lift, stairs).

There are no crossover / maisonette units proposed.

The corridors are not associated with only single aspect units.

Building B has one core (stairwell) which serves 4 units per level.

Building A has multiple cores in that it has 3 stairwells and 2 lifts.

Levels 1 & 2 have 9 units off the corridor, but have a lift/stair core at each end, so each core serves only 4 or 5 units.

Level 3 has 11 units off the corridor, but has 3 stairwells and 2 lifts, so each core serves only max 5 units.

Level 4 has 2 corridors, one serves 10 units with 2 cores and the other serves 5 units with one core, so each core serves only max 5 units.

Levels 5, 6, 7 & 8 have one corridor, one lift and one stairwell serving 8 units.

The design satisfies the objective to “create safe and pleasant spaces for the circulation of residents and their possessions”.

3.16 Roof design

- Required: C1 Pitched rooves are discouraged.
- Comment: Each building has a flat roof.
- Required: C3 Where flat roofs are proposed, lift overruns, rooftop plant and machinery should be obscured from view by parapets or be incorporated within rooftop activities/features.
- Comment: Lift over runs and the like have been incorporated into the roof design.

Required: C4 If possible provide landscaped & shaded areas on roofs (i.e. roof gardens).

Comment: A rooftop common open space has been provided at level 5. It has 2 pergolas and planter boxes.

3.17 Maintenance

Required: C1 The implementation of initial high quality design, construction & materials is the most effective way of ensuring the building has a long life and requires low maintenance.

Comment: Material used in construction and finishes are high quality and robust. Refer to the schedule of external colours and finishes in architectural drawings.

Required: C6 A fully automated commercial grade drip irrigation system shall be provided to all landscaped areas.

Comment: To be provided – see notes on landscape plan.

Required: C7 For developments with communal open space, a garden, maintenance and storage area is to be provided, which is efficient and convenient to use and is connected to water and drainage.

Comment: Sufficient room in the basement/parking areas.

3.18 Waste Management

Requirements reiterate those in Part A Section 11 – discussed above.

7 Residential Mix for business zoned land

Requirements reiterate those in Part A Section 3.9 and 3.10 – discussed above.

PART N – TRANSITWAY STATION PRECINCT CONTROLS

1 Mays Hill Transitway Precinct

1.1 Site Consolidation and Frontage

Required: C1 Amalgamation of lots in accordance with Figure 4 (a) & (b) is required for redevelopment.



Figure 4(a)- Lot amalgamation plan - north

- Comment: Lots have been amalgamated in accordance with Figure 4(a). The subject site is shown coloured orange.
- Required: C2 Land locking of adjoining sites is not permitted. Properties shall be amalgamated to ensure the minimum frontage is obtainable without reducing the developability of adjacent properties.
- Comment: No site will be left landlocked as a result of the proposed development.
- Required: C3 Notwithstanding C1, the minimum lot frontage for all development fronting the Great Western Highway shall be 45 metres.
- Comment: The site has been amalgamated as required in figure 4(a) and achieves a site frontage of 40.5m. This width enables the objectives of the control to be satisfied.

1.2 Private Accessway, Laneways and Vehicular Access

- Required: C1 Vehicular access to properties fronting the Great Western Highway must be provided from the rear or side, via laneways or secondary roads.
- Comment: Vehicular access is from Hannah Street.
- Required: C2 Vehicular entry points shall be located away from intersections.
- Comment: Vehicular access is not located near an intersection.
- Required: C3 Vehicular access from the Great Western Highway is not permitted from properties identified on Figure 5
- Comment: The subject site is identified on Figure 5. Vehicular access has not been provided from the GWH.

1.3 Building Height

- Required: C1 The maximum height for development within the Mays Hill Transitway is detailed within the Holroyd Local Environmental Plan 2013, as a written statement and associated maps.
- Comment: The subject site is mapped in LEP 2013 as having 3 different height “bands”. Towards the highway 23m is permitted, in the middle 12.5m and towards Hannah Street 9m. The proposal generally complies with all of these height limits, with minor variations required in small sections – see Annexure “B”.
- Required: C2 The maximum building storey limits are detailed in Figure 8.



Figure 8- Building Heights- North

Comment: Figure 8 indicates that the 23m height band along the GWH is limited to 6 storeys. The subject building has 6 storeys facing the GWH (south side of 'tower) and 7 storeys on the north side of the tower. The 7th storey is possible due to the slope of the land away from the GWH frontage, with only a very minor encroachment beyond the 23m height plane.

Figure 8 indicates that the 12.5m height band in the middle of the site is limited to 3 storeys. The subject building has 4 storeys in this location.

The overall height generally complies within all bands, with the only encroachments being at the lowest NGL and to lift overrun. It is considered that the design satisfies the objectives of these controls.

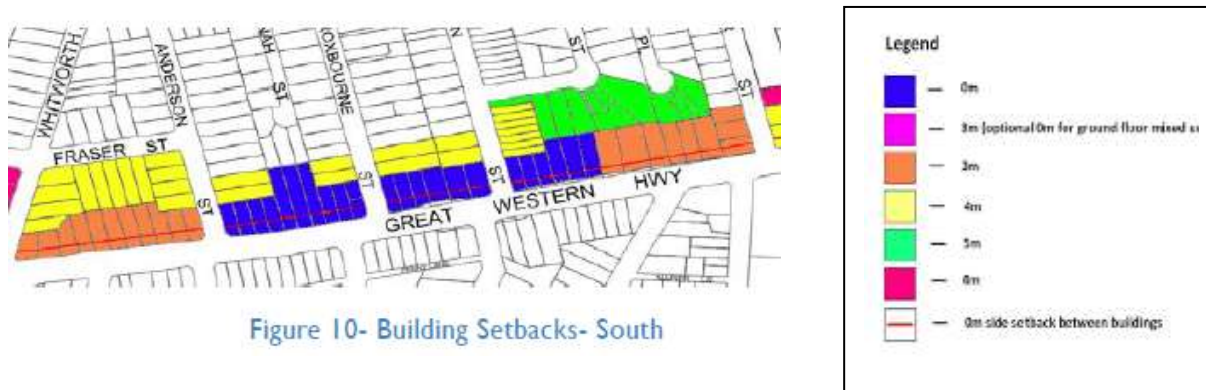
- 01.** To require an appropriate scale relationship between building heights and street width.
- 02.** To ensure the appropriate management of overshadowing, access to sunlight and privacy.
- 03.** To enable flexibility of uses by implementing higher floor to ceiling heights within buildings for the ground and first floors.
- 04.** To reduce the visual impact of buildings on the public domain.
- 05.** To allow activation of the street edge on primary roads.

Required: C3 Street wall heights, setbacks and minimum floor to ceiling heights are referenced in Parts B and C of this DCP.

Comment: Refer to Part C assessment in this report above.

1.4 Building Setbacks

Required: C1 Setbacks shall be in accordance with Figures 10. Road widening requirements detailed in Section 1.6 of this Part apply for the subject site.



- Comment:** Building A can be built to the boundary for those sections within the 23m and 12.5m height bands. In order to maximise solar access and natural ventilation, however, Building A has instead been designed with side setbacks. Levels 4 – 8 have one unit built to the western boundary. Building to the eastern boundary cannot occur as a drainage easement is to be created in the location, which cannot be built over.
- Required:** C4 Buildings facing the Great Western Highway are to be built to the boundary of adjoining properties to form a continuous street edge.
Note: Side and rear setbacks and building separation, unless indicated otherwise in Figure 10 & 11, are to be in accordance with setbacks indicated in Part B or Part C of this plan.
- Comment:** That section of the building facing the GWH is built to the boundary of the adjoining lot on the western side and does form a continuous street edge. Building to the eastern boundary cannot occur as a drainage easement is to be created in that location, which cannot be built over.
- Setbacks to the 9m height band are not indicated on Figure 10, so Part C applies – complies (see above).

iiia) Planning Agreements

No planning agreement that has been entered into under section 93F. The developer has not offered to enter into any draft planning agreement under section 93F.

iv) Regulations

Part 6, Division 8, Clause 92 of the EP&A Regulations refers to a table of LGAs where Government Coastal Policy applies and to 'AS 2601 Demolition of Structures'. Holroyd is not a coastal LGA. Demolition is required and any forthcoming approval will be conditioned to comply with AS 2601.

v) Coastal zone - Not applicable to Holroyd LGA.

b) LIKELY IMPACTS

Privacy – careful consideration has been given in the design process to ensure that the privacy of adjoining residents is maintained. Substantial separation (30m) is provided between the existing dwelling at 7 Hannah Street and new Building B. Privacy between the proposed units has also been given

due consideration, with a separation of 13m provided. Side setbacks are double the DCP minimum required, and building separation as per the RFDC has generally been provided so that any overlooking of adjoining residential properties is minimised.

Overshadowing – A shadow diagram has been submitted showing that there will be no significant impact upon the north facing windows or rear yards of adjoining dwellings.

Noise – there will be no significant noise impacts resulting from the erection of the mixed use development on the site. Driveways and manoeuvring areas are below the buildings, so noise from vehicles will have negligible impact upon neighbours. Being located on the highway, the impact of traffic noise upon future residents is an issue that needs to be addressed. In this regard refer to the Acoustic Report prepared by Acoustic Logic which concludes that internal noise levels will comply with the nominated criteria provided the recommended construction methods and treatments to glazing are implemented.

Traffic – there will be additional traffic generation resulting from the mixed use development on the site. A Traffic and Parking Report prepared by Varga Traffic Planning Pty Ltd has been submitted with the DA. This demonstrates that Hannah Street is capable of accommodating the proposed increase in vehicle movements. Adequate carparking and manoeuvring areas have been provided at basement and ground levels.

Social Impacts –Refer to the SIA prepared Think Planners Pty Ltd which concludes that social implications are acceptable.

Biodiversity / Threatened Species –No adverse impact. The land does not include or comprise critical habitat.

Natural Hazards - The site is not bushfire prone, is not in a mine subsidence district, is not affected by flooding and is not identified as having landslip issues.

c) SITE SUITABILITY

The site is considered suitable for a mixed use development. It has a gradual slope from the front to the rear and achieves drainage to Hannah Street. The site is well located with regard to access to public transport, local schools, places of worship, shopping, employment and recreational facilities. There are no significant trees or heritage items on site.

The site is within the Mays Hill Transitway Precinct. The GWH acts as a Transitway with bus stops close to the site.

d) SUBMISSIONS

The DA will be advertised in accordance with Part E of DCP 2013 - Public Participation. Council will take into account any submissions made.

e) PUBLIC INTEREST

If approved, the proposal will provide an increase in housing choice within the Mays Hill area. The provision of 3 commercial tenancies will also create business opportunities and employment for local residents. The mixed commercial/residential development will be a forerunner in the creation of the desired active urban area within the Mays Hill Transitway Precinct.

The application complies with the main provisions of DCP 2013 and the minor variations thereto are considered justified under the circumstances of the case. Section 79C(3A) of the EP&A Act states:

(3A) Development control plans

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

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application.

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

It is considered that the objectives of the relevant provisions have been satisfied, thus the variations to DCP 2013 as discussed in this report should be approved.

It is considered that approval of the DA is in the public interest.

Recommendation

It is recommended that Holroyd Council support the Clause 4.6 variation to height and recommend approval of the application to the Joint Regional Planning Panel. Development Consent can be issued subject to standard and site specific conditions.

ANNEXURE “A”

Residential Flat Design Code Compliance Table

Page	Control	Rule of Thumb or Better Design Practice	Proposed / Comment	Compliance
1.26	Building Depth	Apartment building depth of 10-18m Is measurement from front to back. If oriented differently is measured on shorter axis (generally applies to street wall buildings, buildings with dual & opposite aspect & buildings with minimal side setbacks). If wider, demonstrate access to sunlight & natural ventilation.	Measured on shorter axis: - Building B achieves 17.5m (occupied by 2 units). - Building A level 1 & 2 is 17.6m (each side of breezeway) - Building A level 3 & 4 is 17.6m (north of breezeway). South of breezeway ranges from 19.5 to 27.5 (occupied by 2 units with corridor between). - Building A level 5 to 8 ranges from 20 to 24.8 (occupied by 2 units with corridor between). Each unit has depth less than 18m. The units have good solar access and natural ventilation.	Yes
1.28	Building Separation	up to four storeys / 12 metres: - 12m between habitable rooms/balconies - 9m between habitable/balconies & non-habitable rooms - 6m between non-habitable rooms (If less - demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved).	See main body of SEE for discussion. Generally the BS setbacks have been provided but there are some encroachments which are considered acceptable on amenity grounds. Building A could otherwise be built to the boundary as it is in business zone. The applicant has made reasonable provision for “their share” of the building separation requirements.	No, but acceptable
2.44	Deep Soil Zones	minimum of 25% of the open space area of a site should be a deep soil zone	At least 1000m ² or 21% of site is available deep soil, even though no landscaping is required in business zones. Almost all of the central and northern COS areas are deep soil.	Yes
2.48	Open Space	Communal open space should be between 25 & 30% of site area.	0.25 x 4750.2 = 1187.5m ² required. Provided is 1479.9m ² which is 31.15%	Yes
		Minimum recommended area of POS for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25m ² ; the minimum preferred dimension in one	Building B ground floor units have 33m ² or more POS which is 4m wide. Building A – 6 ground floor units (level 1) have 25m ² or	Yes

		direction is 4m.	more and 4m plus width. The remainder come close and otherwise satisfy DCP size & dimension	
2.52	Planting on structures	• Shrubs - minimum soil depths 500-600mm • Ground cover - minimum soil depths 300-450mm • Turf - minimum soil depths 100-300mm	Refer to landscape plan cross-sections.	Yes
3.67	Apartment Layout	Single-aspect apartments should have max depth 8m from a window.	Are 14 single aspect units. 10 comply. 4 have max depth 8.3m but the section beyond 8m is a strip of the bathroom so no amenity impacts	Yes
		The back of a kitchen should be max 8m from a window.	9 units have a kitchen window. The remainder have back of kitchen no more than 8m from a window	Yes
		width of cross-over or cross-through apartments over 15m deep should be 4m or greater	There are no cross-over or cross-through units.	N/A
		As a guide, minimum apartment sizes recommended: - 1 bedroom apartment 50m ² - 2 bedroom apartment 70m ² - 3 bedroom apartment 95m ²	Refer to table in main body of SEE. All units comply.	Yes
3.70	Apartment Mix	Provide a variety of apartment types between studio, one, two, three & three plus bedroom apartments, particularly in large developments	A variety of 1, 2, & 3 bedroom units provided, including 14 adaptable units	Yes
		Locate a mix of 1 & 3 bedroom apartments on ground level where accessibility is achieved for disabled, elderly people or young families	1 & 2 bedroom units located on ground floor. 3 bedders are accessible via lift.	Yes
3.71	Balconies	Provide primary balconies for all apartments with minimum depth of 2m	All primary balconies are at least 2m deep	Yes
		Primary balconies to be located off main living room / kitchen	Every unit has a primary balcony off main living / kitchen area.	Yes
3.73	Ceiling Heights	Sets minimum in mixed use buildings of 3.3m for ground floor commercial. 2.7m for residential floors habitable	Shops have ceiling height of 5.7m. Units have 2.7m	Yes
3.77	Ground Floor Apartments	Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate % of accessible units.	Site location and slope does not lend itself to units having separate entries. Building B fronts Hannah St and has its own central entry. 14 accessible units have been provided	N/A
		Provide ground floor apartments with access to POS, preferably as a terrace or garden.	All ground floor units have a terrace on podium, most with garden around.	Yes
3.79	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. Exceptions may	See discussion in main body of SEE. Development has multiple cores, each serving max 8 units.	Yes

		be allowed: - for adaptive reuse buildings - where developments can demonstrate the achievement of the desired streetscape character & entry response - where developments can demonstrate a high level of amenity for common lobbies, corridors & units, (cross over, dual aspect apartments).		
3.82	Storage	In addition to kitchen cupboards & bedroom wardrobes, provide accessible storage facilities at the following rates: - studio apartments 6m ³ - one bedroom apartments 6m ³ - two bedroom apartments 8m ³ - three plus bedroom apartments 10m ³	Each unit has a storage area within the basement, plus storage within the unit. Refer to table in main body of SEE. Minimum sizes are met.	Yes
3.83	Acoustic Privacy	Locate noisy areas next to each other & quiet areas next to each other	Some bedrooms are next to high traffic rooms of the adjoining unit. Construction in accordance with the BCA, placement of BIRs and double gyprock can be used for acoustic treatment of the subject sections of wall	Yes
		Use storage or circulation zones to buffer noise from adjoining units, mechanical services or corridors.	Largely achieved. The lift is adjoined by sections of kitchen, bathroom & bedroom walls. HCC can condition acoustic treatment of the subject sections of wall. Affected bedrooms have built in robe along the wall to buffer noise.	Yes
3.84	Daylight Access	Living rooms & private open spaces for at least 70% of apartments should receive a minimum of 3 hours direct sunlight between 9 am & 3 pm in mid winter. In dense urban areas a minimum of two hours may be acceptable.	78 units have a N, NE or NW orientation to their POS, so 88.6% of units achieve 3 hours or more direct sunlight to POS. 73 units have a N, NE, NW or W orientation to their living room/kitchen, so 83% of units achieve 3 hours or more direct sunlight to main living areas.	Yes
		Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints & orientation prohibit the achievement of these standards and how energy efficiency is addressed	There are 10 units that are single aspect with a southerly aspect. This represents 11.36% of the total and is well below the 30% permitted under the DCP. The site fronts the GWH and has its southern elevation as its front elevation, so must have units facing south for street appeal.	Yes (complies with DCP)
3.86	Natural Ventilation	Building depths, which support natural ventilation typically range from 10 to 18m. Facilitate cross ventilation by	74 units are dual or tri aspect, so 84% of units are naturally cross ventilated.	Yes

		designing narrow building depths & providing dual aspect apartments.		
		60% of residential units should be naturally cross ventilated.	84% are naturally cross ventilated.	Yes
		25% of kitchens should have access to natural ventilation.	100% of kitchens have natural ventilation as they have a window or the back is no more than 8m from a window.	Yes
3.88	Awnings	Provide awnings along retail strips in mixed use developments	Balconies of units above the shops act as an awning.	Yes

ANNEXURE “B”

REQUEST TO VARY A DEVELOPMENT STANDARD - Height

HLEP 2013 was prepared under the standard instrument and incorporates Clause 4.6, which is reproduced below:

Clause 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Director-General has been obtained.*

(5) In deciding whether to grant concurrence, the Director-General must consider:

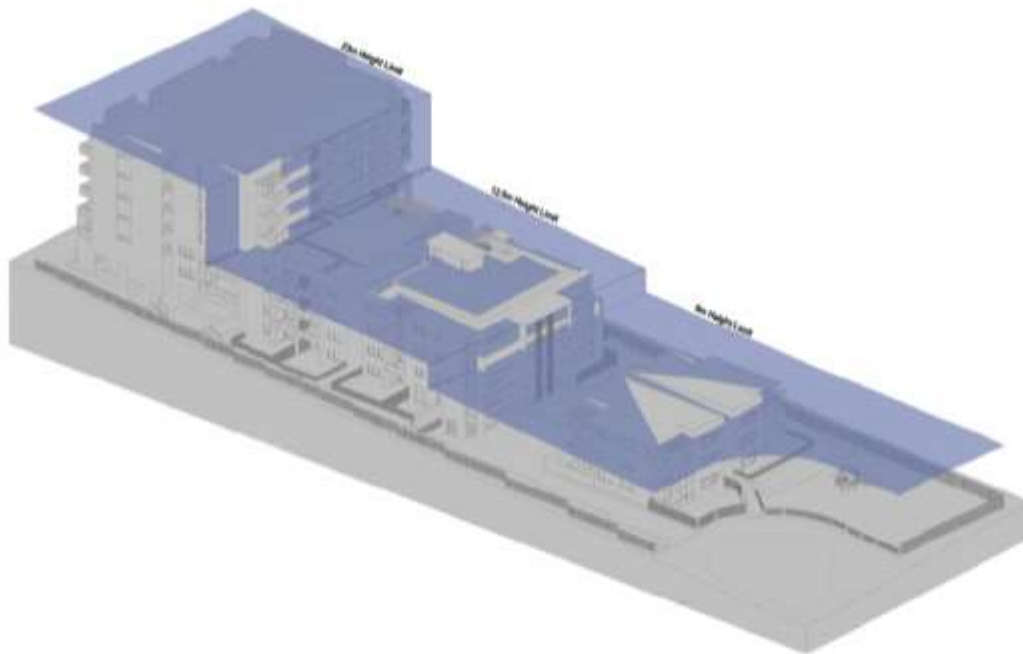
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

The subject site has 3 different height bands applying under Holroyd LEP Height of Buildings Map - 23m along GWH, 12.5m in middle and 9m at rear. The building has been carefully designed to ensure that the height limits are largely observed in each of the height “bands”, however due to the natural slope of the land, and the need to provide lift access to the rooftop common open space, there are small sections of the building which exceed the height limits, as indicated in the diagram below:



If Council supports the variation it may assume concurrence and the DA need not be referred to the Director General.

The written request and justification provided below follows the format as provided in *Appendix 3: Application Form to vary a development standard* contained within *Varying Development Standards: A Guide* prepared by NSW Department of Planning & Infrastructure, dated August 2011.

- 1. What is the name of the environmental planning instrument that applies to the land?**
Holroyd Local Environmental plan 2013
- 2. What is the zoning of the land?**
B6 Enterprise Corridor
(NB. part of the site is zoned R2 Low Density Residential but this part has no building upon it and is not affected by height variation)
- 3. What are the objectives of the zone?**
 - To promote businesses along main roads and to encourage a mix of compatible uses.
 - To provide a range of employment uses (including business, office, retail and light industrial uses).
 - To maintain the economic strength of centres by limiting retailing activity.
 - To provide for residential uses, but only as part of a mixed use development.
- 4. What is the development standard being varied? e.g. FSR, height, lot size**
Height

5. **Under what clause is the development standard listed in the environmental planning instrument?**
Clause 4.3 Height of buildings
6. **What are the objectives of the development standard?**
The objectives of clause 4.3 are:
(a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,
(b) to ensure development is consistent with the landform,
(c) to provide appropriate scales and intensities of development through height controls.
7. **What is the numeric value of the development standard in the environmental planning instrument?**
There are 3 height “bands” affecting the site - 9m, 12.5m and 23m as shown on the Height of Buildings Map.
8. **What is proposed numeric value of the development standard in your development application?**
Up to 10.02m in 9m height band
Up to 13.7m to parapet & 14.43m to lift overrun in 12.5m height band
Up to 23.65m in 23m height band
9. **What is the percentage variation (between your proposal and the environmental planning instrument)?**
Up to 11.3% in 9m height band
Up to 9.6% (parapet) and 15.4% (lift) in 12.5m height band
Up to 2.8% in 23m height band
10. **How is strict compliance with the development standard unreasonable or unnecessary in this particular case?**
In this case it is considered that to enforce strict compliance with the height across all of the buildings is unreasonable and unnecessary. The subject site has sufficient size, orientation and dimensions to satisfy the DCP requirements and the buildings have been designed to address visual impact, solar access and privacy. The additional height does not result in adverse bulk/scale, shadow or privacy impacts. The height to the majority of both buildings complies. The buildings only exceed the height limits at the northern edges of units within each height band, at solid balustrade required around rooftop garden and at lift over-run needed for access to rooftop COS.
11. **How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.**
Objectives 5(a)(i) and (ii) of the EP&A Act 1979 are:
(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
(ii) the promotion and co-ordination of the orderly and economic use and development of land.

If Council were to strictly adhere to the height limits measured from NGL at all points across the site, this would not necessarily result in better outcomes in terms of aesthetics, privacy or solar

access. Allowing the minor variations will promote the objective of orderly and economic use of land:

- the area affected in plan form is minimal and considered negligible in a development of this scale.
- As a “rule of thumb” Council is normally willing to favourably consider up to a 10% variation on numeric development standards. The variation requested in this case is only slightly more than 10% for the northern edge of Building B and the lift over-run.

The social and economic welfare of the community will be served by the height as proposed, albeit with minor variations. Relevant objectives of the EP&A Act can still be satisfied.

Note: If more than one development standard is varied, an application will be needed for each variation (eg FSR and height).

N/A

12. Is the development standard a performance based control? Give details.

No.

Additional matters to address

As outlined in “Varying Development Standards: A Guide” there are other additional matters that applicants should address when applying to vary a development standard.

No. *Appendix 5: Additional considerations for rural development applications – Does not apply to Standard Instrument LEPs – does not apply.*

13. Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary? Why?

Yes. See discussion under point 10 above.

14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

The Land and Environment Court have set a 5 part test to determine whether an objection is well founded:

1. *the objectives of the standard are achieved notwithstanding noncompliance with the standard;*

The design still satisfies the objectives of the height standard as outlined below:

(a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,

Aesthetically the development presents well to both street frontages. Height complies at the GWH frontage. Solar access is good to most units. The privacy of adjoining neighbours is protected by substantial side and rear setbacks, blank walls to sides and strategic placement of windows.

(b) to ensure development is consistent with the landform,

The height variation actually results largely from the natural fall of the land down toward the rear and the need to provide some cut and some fill in order to achieve level floors. The FFLs of the 3 main sections/bands of the development step down the natural slope of the land.

(c) to provide appropriate scales and intensities of development through height controls.

The building faces and has outlook to both streets, thus provides passive surveillance and a sense of ownership of both street setbacks.

This section of GWH was re-zoned B6 Enterprise Corrido under HLEP 2013. The proposed mixed commercial/residential use development reflects the desired future built form of development in the locality, and will fit in with the future character of the area. Height only exceeds band limits on the northern edges of the buildings, as the land has a natural slope down towards the rear and this is where the lowest NGLs relative to the building elevations are. As viewed from the GWH the height and number of storeys complies. Overall the buildings are not overly bulky or out of scale with the area, and do generally step down the site in accordance with the height bands.

2. *the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

The underlying objectives of the standard (discussed in point 1 above) are relevant. It is considered, however, that the objectives have been satisfied despite height being over, in part.

3. *the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

The underlying object of purpose would not necessarily be thwarted if compliance were required. This would mean that less units may be provided or that units were designed with lower ceiling heights (which impacts negatively upon residential amenity). Compliance with the height limit at all points along the elevations is not considered necessary as the design otherwise meets all of the numerical provisions and objectives of the applicable zoning. Thus, to enforce compliance simply based upon a numerical standard is considered, in this case, unreasonable.

4. *the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*

Holroyd Council has been flexible in adherence to its height standard, but only where variations can be justified - so it cannot be said that they have abandoned or destroyed the standard. The proposed height is only slightly over in part, the objectives of the standard have been satisfied and approval of this variation on merit will not mean that Council is 'abandoning' the standard.

5. *the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

N/A. The land is appropriately zoned B6. The proposed buildings, albeit with an increase in height than numerically permitted, will maintain the mixed use character of the area.

It is recommended that Council support this request for minor variations to height, and that the application be approved.

REQUEST TO VARY A DEVELOPMENT STANDARD

Floor Space Ratio (FSR)

Development Application No. 2015/2/1

Prepared by:



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**Consultant Town
Planner**

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for:

Westmead Building Group

SITE:

158-162 Great Western Highway and
8 Hannah Street, Mays Hill

PROPOSAL:

Multi Storey Mixed Use Development

Date:

20 Nov 2015

Holroyd Local Environmental Plan 2013 (HLEP 2013) was prepared under the standard instrument and incorporates Clause 4.6, which is reproduced below:

Clause 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Director-General has been obtained.*

(5) In deciding whether to grant concurrence, the Director-General must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

The FSR proposed when calculated in accordance with the LEP provisions (including 10m strip of R2 in site area) and excluding the gym (which is regarded as part of common open space) actually complies.

The site has a mixed zoning, 3 lots are zoned B6 with a FSR of 1.8:1 permitted, and one lot is zoned R2 with a FSR of 0.5:1 permitted.

This request to vary FSR has two components:

1. FSR applicable to B6 zoned sites (which contain all of the proposed floor space) exceeds 1.8:1, and
2. FSR if gym is counted as part of GFA

In this case some flexibility must be given, as the site also includes a R2 zoned lot, which allows a better built form outcome. This R2 site acts as a buffer between the new multi-storey development and the existing low density residential development in Hannah Street. While a public benefit is gained, the development itself gains little from inclusion of this R2 site, given that a large proportion of it cannot be used for calculation of FSR or for uses ancillary to the mixed use (such as OSD, common or private open space).

Clause 5.3 of HLEP 2013 (Development near zone boundaries) allows a 10m strip within the R2 site to be used in the calculation of FSR. The GFA permitted across the whole site is then 7743.97m². The GFA proposed (see architects FSR Calculation drawing) is 7743.92m², which complies.

This calculation of GFA excludes the area of the gym as this is regarded as part of common open space, and calculations should not “double dip” (ie. should not count gym as part of GFA and part of COS). In terms of the definition of GFA, however, the gym could technically be counted as GFA as it does not fall into any of the categories that can be excluded. Accordingly, if the gym is included then 113 + 7743.9 = 7856.9m² GFA, so 112.9m² over permitted GFA. This represents a 1.46% variation.

If Council supports the variation the DA need not be referred to the DG for concurrence. Council may assume concurrence and approve the application.

The written request and justification provided below follows the format as provided in *Appendix 3: Application Form to vary a development standard* contained within *Varying Development Standards: A Guide* prepared by NSW Department of Planning & Infrastructure, dated August 2011.

- 1. What is the name of the environmental planning instrument that applies to the land?**
Holroyd Local Environmental plan 2013
- 2. What is the zoning of the land?**
Part B6 – Enterprise Corridor and Part R2 – Low Density Residential
- 3. What are the objectives of the zone?**
R2 Zone:
 - To provide for the housing needs of the community within a low density residential environment.
 - To enable other land uses that provide 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
B6 Zone:
 - To promote businesses along main roads and to encourage a mix of compatible uses.
 - To provide a range of employment uses (including business, office, retail and light industrial uses).
 - To maintain the economic strength of centres by limiting retailing activity.
 - To provide for residential uses, but only as part of a mixed use development.
- 4. What is the development standard being varied? e.g. FSR, height, lot size**
Floor space ratio (FSR) – maximum gross floor area if B6 zoned lots calculated independently of R2, and if gym is counted as floor space.
- 5. Under what clause is the development standard listed in the environmental planning instrument?**
Clause 4.4 Floor space ratio
- 6. What are the objectives of the development standard?**
The objectives of clause 4.4 are:

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

7. What is the numeric value of the development standard in the environmental planning instrument?

1.8:1 for lots 10, 2 and 1 (B6 zone)

0.5:1 for lot 3 (R2 zone)

Zone	Site	Site area m ²	Max permitted GFA m ²	Max permitted GFA m ²
B6	Lot 10	1315	1.8 x 1315 = 2367	B6 individually 7618.3
	Lot 2:	1590.4	1.8 x 1590.4 = 2862.7	
	Lot 1	1327	1.8 x 1327 = 2388.6	
R2	Lot 3	251.3 (10m strip only of R2)	0.5 x 251.3 = 125.65	R2 10m strip 125.65
B6 & R2	Total	4483.7m ² (with 10m strip only of R2)	7743.95m² GFA max	B6 + R2 10m strip 7743.95

8. What is proposed numeric value of the development standard in your development application?

1. GFA proposed for B6 zoned sites (which contain all of the proposed floor space)

7743.95m² excluding gym, so 125.6m² over 7743.95 / 4232.4 = 1.8297:1 FSR

7856.9m² if gym is counted, so 238.6m² over 7856.9 / 4232.4 = 1.856:1 FSR

2. GFA proposed when 10m strip of lot 3 included (as permitted by Clause 5,3)

7743.95m² excluding gym, which complies

7856.9m² if gym is counted, so 113m² over

9. What is the percentage variation (between your proposal and the environmental planning instrument)?

If FSR calculated on B6 sites only, this represents variations as follows:

- excluding gym: 7743.95m² proposed & 7618.3m² permitted, so 125.6m² over which is a 1.65% variation.
- including gym: 7856.9m² proposed & 7618.3m² permitted, so 238.6m² over which is a 3.13% variation.

GFA proposed when 10m strip of lot 3 included (as permitted by Clause 5,3)

- 7743.95m² excluding gym, which complies. No 0% variation
- 7856.9m² if gym is counted, so 113m² over which is 1.45% variation

10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

In this case it is considered that to enforce strict compliance with the maximum GFA separating the B6 and R2 zones, and including the gym, is unreasonable and unnecessary. The subject site has sufficient size and dimensions to satisfy the DCP requirements relating to setbacks, parking, open space and landscaping.

The additional 113m² of gym 'floor area' actually functions as part of the common open space and does not result in adverse shadow, privacy or acoustic impacts. The gym has been located in a space that would otherwise be a "void" and excluded from GFA. It therefore makes no difference to the external configuration of the building (in terms of setbacks, height, aesthetics & the like), but does improve amenity of residents.

The R2 zoned site (8 Hannah St) could be developed independently and accommodate a dual occupancy with GFA of 258.9m². The B6 zoned sites are permitted a GFA of 7618.3m². A total floor area of 7877.2m² is therefore achievable across the subject R2 and B6 zones lots.

The DA proposes only:

- 7743.9m² across the subject R2 and B6 zones lots when the gym is excluded, and
- 7856.9m² across the subject R2 and B6 zones lots when the gym is included

The density proposed is less than could otherwise be achieved if two separate developments were constructed.

The FSR proposed when calculated in accordance with the LEP provisions (including 10m strip of R2 in site area) and excluding the gym (which is regarded as part of common open space) actually complies.

11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

Objectives 5(a)(i) and (ii) of the EP&A Act 1979 are:

- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *the promotion and co-ordination of the orderly and economic use and development of land.*

If Council were to strictly adhere to the maximum permitted GFA on the B6 zoned lots, this would not necessarily result in any significant external changes to the building, as the gym (which contributes to most of the additional floor area) occupies a space that was originally proposed as a void.

Allowing the minor variation will provide a better environment for the residents, as provision of a gym will allow social interaction and encourage a fit and active lifestyle. It will also promote the objective of orderly and economic use of land:

- The additional 113m² floor space is considered negligible in a large development of this scale.
- As a "rule of thumb" Council is normally willing to favourably consider up to a 10% variation on numeric development standards. The variations requested in this case are only a maximum of 3.13% (depending on how GFA & FSR are calculated –see section 9 above).

The social and economic welfare of the community will be served by the GFA as proposed, albeit with a minor variation if the gym is counted as floor area. Relevant objectives of the EP&A Act can still be satisfied.

Note: If more than one development standard is varied, an application will be needed for each variation (eg FSR and height).

N/A

12. Is the development standard a performance based control? Give details.

No.

Additional matters to address

As outlined in “Varying Development Standards: A Guide” there are other additional matters that applicants should address when applying to vary a development standard.

No. *Appendix 5: Additional considerations for rural development applications – Does not apply to Standard Instrument LEPs – does not apply.*

13. Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary? Why?

Yes. See discussion under point 10 above.

14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

The Land and Environment Court have set a 5 part test to determine whether an objection is well founded:

1. *the objectives of the standard are achieved notwithstanding noncompliance with the standard;*

The design still satisfies the objectives of the FSR standard as outlined below:

(a) to support the viability of commercial centres and provide opportunities for economic development within those centres,

The majority of the site is commercially zoned. The ground floor provides new commercial tenancies and the increased residential density resulting from occupation of the units will support nearby commercial centres.

(b) to facilitate the development of a variety of housing types,

A mix of 1, 2 and 3 bedroom units is proposed. There are several adaptable units. A variety of unit layouts has been provided.

(c) to ensure that development is compatible with the existing and desired future built form and character of the locality,

This section of the Great Western Highway was re-zoned B6 under HLEP 2013. The proposed mixed use multi storey development reflects the desired future built form of development in the locality, and will fit in with the future character and streetscape of the area. Height complies with DCP 2013 (with minor variations justified) and the building is not overly bulky or out of scale with the area. The R2 zoned lot has been left as open area and acts as a visual and acoustic buffer between the multi storey building and the existing low density residences in Hannah Street.

(d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping

The building as proposed allows for a high level of amenity for future and existing residents. Vehicular access and parking complies with AS 2890.1. Pedestrian access is direct from each street frontage. Private open space, common open space, landscaping & deep soil zones are in excess of code requirements. The R2 zoned lot has been left as open area and acts as a visual and acoustic buffer between the multi storey building and the existing low density residences in Hannah Street.

2. *the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

The underlying objectives of the standard (discussed in point 1 above) are relevant. It is considered, however, that the objectives have been satisfied despite GFA being slightly over if the calculation is based only upon the B6 zoned site area or if the gym is counted (based upon B6 site area plus 10m strip of R2).

3. *the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

The underlying object of purpose would not necessarily be thwarted if compliance were required. Compliance with the maximum GFA (including gym) is not considered necessary as the design otherwise meets all of the numerical provisions and objectives of the applicable zoning, and it is mainly the area of the gym that takes the GFA over. The gym could be deleted and the area reinstated to a "void" but this has no benefit in terms of residential amenity. Thus, to enforce compliance simply based upon a numerical standard is considered, in this case, unreasonable.

It must be noted that the applicant considers that FSR complies.

4. *the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*

Holroyd Council is generally quite strict in adherence to its FSR standard, so it cannot be said that they have abandoned or destroyed the standard. The proposed GFA is only a maximum of 3.13% over if the gym is counted and approval of this variation on merit will not mean that Council is 'abandoning' the standard. The gym will function as common open space.

5. *the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

N/A. The land is appropriately zoned R2 and B6. The proposed building, albeit with a slightly higher GFA than permitted if the gym is included and if the FSR is based upon B6 zoned sites only, will maintain the high density residential character desired for the Great Western Highway section of the site. The lower density character of the adjoining R2 zoned sites to the rear will also be maintained given the large landscape buffer provided to Hannah Street section of the site.

It is recommended that the JRPP support this request for a minor variation to GFA, and approve the application.