

Proposal: Demolition of existing building and structures on site, consolidation of 7 lots into 1 lot, construction of a 6 to 7 storey residential flat building comprising 109 units (18 x 1, 77 x 2 & 14 x 3 bedroom units) over 2 levels of basement car parking accommodating 132 car parking spaces. The proposal has a capital investment value of more than \$20M and the consent authority is the Joint Regional Planning Panel.

Location:

Lot 1, DP 124597	172 Great Western Highway, Westmead
Lot 108, DP 1097584	174 Great Western Highway, Westmead
Lot 109, DP 15158	176 Great Western Highway, Westmead
Lot 110, DP 15158	176 Great Western Highway, Westmead
Lot 111, DP 1149393	180 Great Western Highway, Westmead
Lot 112, DP 1109106	182 Great Western Highway, Westmead
Part Lot 113, DP 15158	184 Great Western Highway, Westmead

Owner/

Proponent: West 88 Pty Ltd (Director - Sam Fayad)

Capital

Investment

Value: \$23,608,351.00

File No: DA 2015/52/1

Author: Paul Anzellotti – Senior Development Planner, Holroyd City Council

RECOMMENDATION

1. That the application proposing the demolition of existing building and structures on site, consolidation of 6 lots into 1 lot, construction of a 6 to 7 storey residential flat building comprising 109 units over 2 levels of basement car parking accommodating 132 car parking spaces be approved subject to conditions as outlined in Attachment C of this report.

SUPPORTING DOCUMENTS

AT-A Site Locality Plan

AT-B Architectural Plans

AT-C Statement of Environmental Effects

AT-D Design Verification Statement
AT-E Traffic Report
AT-F Submissions
AT-G Draft Conditions of Consent

EXECUTIVE SUMMARY

This development application proposes the demolition of existing buildings and structures on site, consolidation of 6 lots into 1 lot, construction of a 6 to 7 storey residential flat building comprising 109 units (18 x 1, 77 x 2 & 14 x 3 bedroom units) over 2 levels of basement car parking accommodating 132 car parking spaces.

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

The original application was placed on public exhibition for a period of 21 days from 22 April to 13 May 2015, wherein letters were sent to adjoining and surrounding owners and occupiers, an advertisement was placed in the local paper and a notice was placed on site. 2 submissions were received in response.

The application has been accompanied by a Clause 4.6 variation for the overall height control. The application is non-compliant for a portion of the 21m height control provided to Tower 2 on the corner of the Great Western Highway and Anderson Street.

The original application was referred to Council's Building Services Section, Development Engineering Section, Traffic Section, Landscaping Section, Environmental Health Unit, Waste Management Section, Community Services Section (Social Planning and Accessibility) and Heritage Consultant. In addition, the application was referred externally to Holroyd Police. No objections were raised to the development by Community Services (Access and Social), Development Engineers, Building Services, Landscaping, Heritage Consultant or the Police. Council's Traffic, Waste, Community Services (social impact) and Environmental Health Sections all recommended deferral.

The original proposal was assessed and considered to provide for a number of numerical non compliances with relevant Environmental Planning Instruments and Council's DCP as well as a need for clarification of a number of amenity issues. Accordingly, the original application was deferred on 9 July 2015 for the submission of amended plans/further information.

Following the receipt of amended plans, the application was referred to respective Council Sections and considered to be acceptable. The application was also re-assessed on planning grounds and considered to provide for a development of an acceptable nature.

The application is referred to the Sydney West Joint Regional Planning Panel for consideration pursuant to Clause 23G of the Environmental Planning & Assessment Act 1979. The development is for a residential flat building with a capital investment value in excess of \$20 million, so falls under Part 3 of Schedule 4A of the Act.

There are some non-compliance with the numeric provision of DCP 2013. These are considered minor and are acceptable under the circumstances of the case and given that the objectives of the relevant provisions have been satisfied. The provided Clause 4.6 variation in

relation to the partial non-compliant height is considered acceptable in this instance with the area of contention not considered to create any additional visual or amenity impacts on the surrounding locality.

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

SITE DESCRIPTION AND LOCALITY

The subject site includes 7 allotments, which are identified as follows:

Lot 1, DP 124597	172 Great Western Highway, Westmead
Lot 108, DP 1097584	174 Great Western Highway, Westmead
Lot 109, DP 15158	176 Great Western Highway, Westmead
Lot 110, DP 15158	176 Great Western Highway, Westmead
Lot 111, DP 1149393	180 Great Western Highway, Westmead
Lot 112, DP 1109106	182 Great Western Highway, Westmead
Part Lot 113, DP 15158	184 Great Western Highway, Westmead

The development site is a large irregular shaped allotment located on the corner of Anderson Street and Great Western Highway, approximately 1.3km west of the western edge of Parramatta City Centre. The site is within close proximity to Parramatta Train Station and Bus Interchange, with T-Way Bus stop with regular services to Parramatta, Pemulwuy, Greystanes and Merrylands situated within a 230m radius of the subject site.

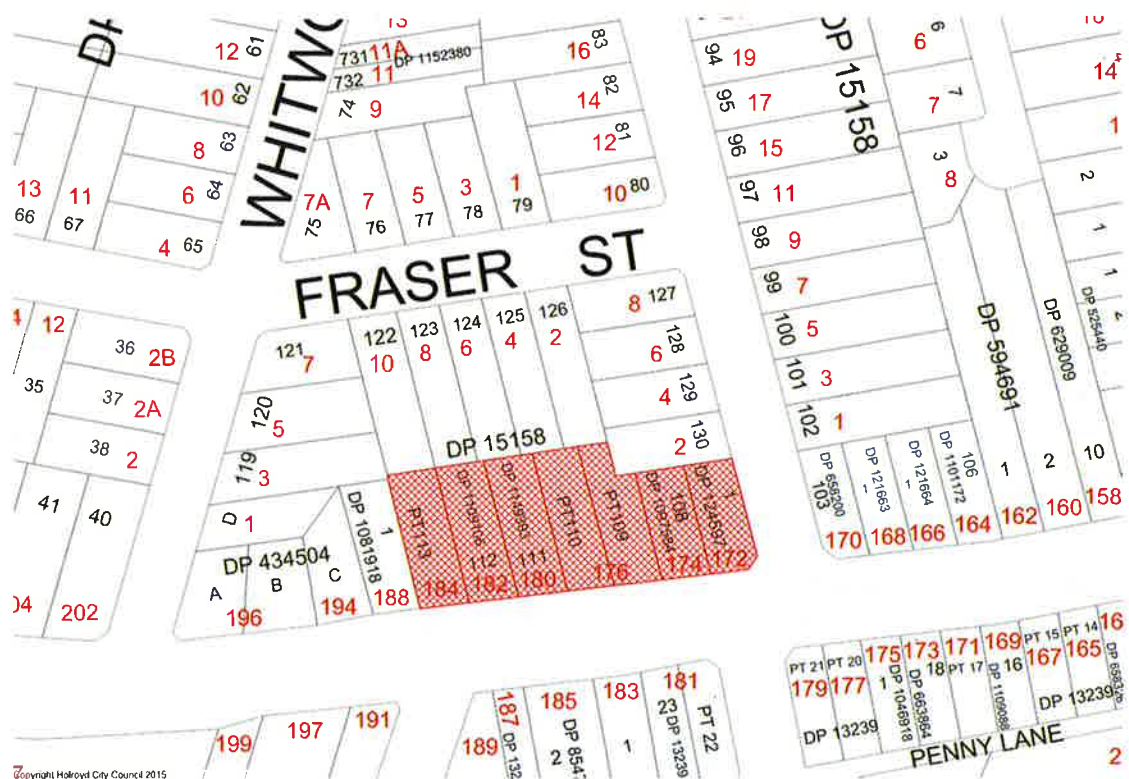
The site comprises of seven (7) separate allotments with a total site area of 4,245m² with a frontage of 102.2m to the Great Western Highway, and a frontage of 31.51m to Anderson Street. The allotments maintain a mixture of single and two storey dwellings with two of the allotments (No's. 180 and 182) also containing a granny flat at the rear. No. 172 Great Western Highway also currently provides for a Real Estate tenancy fronting the Great Western Highway. It is also noted that Anderson Street does not have access to the Great Western Highway via a road closure.

The subject site is provided with a fall in levels in the vicinity of 3.5m from the south western corner to the north eastern corner fronting Anderson Street.

The subject residential block (bounded by the Great Western Highway - south, Anderson Street - east, Fraser Street - north and Whitworth Street - west) was previously provided with a 2(a) Residential zoning which allowed predominately for low density housing under the Holroyd Local Environmental Plan 1991. The site was rezoned to R4 High Density Residential under the current Holroyd Local Environmental Plan 2013. In this regard, this residential area is considered to be under transition with Council in receipt of two (2) previous Development Applications for residential flat buildings at the following addresses;

- DA 2014/333 – 2-6 Fraser Street, Westmead (Demolition of existing structures and construction of a five storey residential flat building comprising 33 residential units over basement parking accommodating 39 carparking spaces), approved 9 February, 2015.
- DA 2015/17 – 6-8 Anderson Street, Westmead (Demolition of existing structures; consolidation of 2 lots into 1 lot; construction of a 5 storey residential flat building over basement parking accommodating 22 residential units and 24 carparking spaces under the Affordable Rental Housing SEPP 2009), approved as Deferred Commencement 1 October, 2015.

It is also noted that Council is currently in receipt of an application at 1-3 Anderson Street for the demolition of existing structures and construction of a 4 storey mixed use development comprising 31 residential units and 1 commercial unit over 2 levels of basement parking accommodating 39 carparking spaces.



Parking

- The main basement level is provided with 89 car parking spaces broken down as follows; (67 residential spaces including 9 accessible spaces, 22 visitor spaces, 1 dedicated car wash bay),
- The mezzanine basement level is provided with 43 residential car parking spaces including 10 accessible car parking spaces,

The parking figures may be broken down as follows,

- 110 residential spaces including 19 disabled parking spaces (to service the 17 adaptable units).
- 22 visitor spaces
- 75 bicycle spaces
- 110 resident store rooms (each within a residential parking space)
- 1 carwash bay

The provided 2 levels of basement parking under the building allow for 4 lifts and 4 stairwells to provide access to all residential floors above.

Residential Component

The proposal incorporates the construction of 109 residential units as follows:

- The ground floor comprises a total of 17 units (4 x 1br, 8 x 2br and 5 x 3br). In addition, a garbage bay area is provided for as well as a communal open space area, with the driveway and vehicle ramp to the basement level via Anderson Street,
- The first floor is provided with units 18-37 broken down as follows, 21 x 1br unit, 17 x 2br units and 1 x 3br units),
- The second floor is provided with units 38-55 broken down as follows, (4 x 1br units, 12 x 2br units and 2 x 3br units)
- The third floor is provided with units 56-73 broken down as follows (4 x 1br units, 12 x 2br units and 2 x 3br units)
- The fourth floor is provided with units 74-89 broken down as follows (2 x 1br units, 12 x 2br units and 2 x 3br units)
- The fifth floor is provided with units 90-105 broken down as follows (2 x 1br units, 12 x 2br units and 2 x 3br units)
- The sixth floor (only to tower 2) is provided with units 106-109 broken down as follows (4 x 2br units)

The application may be separated into two attached built forms which each provide for alternate floor levels for each floor. This is in response to the contours of the site, as indicated by the following table;

	Tower 1	Tower 2
F.L Main Basement	R.L. 38.200	R.L. 38.200
F.L Mezzanine Basement	R.L. 41.100	No Mezzanine Basement

F.L Ground Floor	R.L. 44.100	R.L. 41.200
F.L Level 1	R.L. 47.100	R.L. 44.200
F.L Level 2	R.L. 50.100	R.L. 47.200
F.L Level 3	R.L. 53.100	R.L. 50.200
F.L Level 4	R.L. 56.100	R.L. 53.200
F.L Level 5	R.L. 59.100	R.L. 56.200
F.L Level 6	No level 6	R.L. 59.200

Bin Storage

A bin storage room is located on the ground floor next to the basement driveway & close to Anderson Street. A level path connects the bin bay to the street.

Communal Open Space (COS)

The proposal includes:

- 1,165m² of Communal Open Space located to the rear of the subject site.
- 437m² of deep soil COS at the rear.

SECTION 79C OF THE EP&A ACT

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

(1) Matters for consideration—general

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

(a) *the provisions of:*

(i) *Any environmental planning instrument*

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

A Revised BASIX Certificate has not been submitted with the amended application to clearly indicate that the revised development unit mix meets the required water, thermal comfort and energy targets. In this regard, a condition is to be included with any consent granted requesting that an amended Basix Certificate be provided prior to the issue of any Construction Certificate.

State Environmental Planning Policy No. 55 – Remediation of Land

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

The subject site is currently used for residential purposes (apart from 172 Great Western which currently provides for a Real Estate tenancy) and has been for many years. There is no

evidence to suggest that the land has been used for any of the uses listed in Table 1 of the *Managing Land Contamination: Planning Guidelines* or that it has otherwise been contaminated in any way. A preliminary investigation is therefore not considered warranted.

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

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

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

By virtue of its height and number of dwellings, the proposed development is subject to SEPP 65 considerations. A design verification statement has been submitted from the registered architect who designed the building. The architect states that he designed the project, has considered and achieved the objectives contained in the 10 design quality principles set out in Part 2 of the SEPP 65 policy.

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

Part 1 – Local Context

Primary Control	Guideline	Provided	Compliance
Building height	To ensure the proposed development responds to the desired scale and character of the street and local area and to allow reasonable daylight access to all developments and the public domain.	Holroyd LEP stipulates two maximum heights of 21m (fronting the Great Western Highway) and 15m (the rear of lots) for the subject site. The application is non-compliant for a portion of the 21m height control for part of the roof and lift overrun area provided to Tower 2 on the corner of Anderson Street and the Great Western Highway. This area of non-compliance is in the vicinity of 0.5m to 0.8m for the eastern most lift overrun and the roof structure above Unit 109. It is noted that no built form is proposed within the 15m height control area. The application has been accompanied with a 4.6 variation request in regard to this height noncompliance.	Partial non-compliance, but acceptable-see further discussion below under DCP Assessment table, & discussion below within the 4.6 variation request
Building	Generally, an apartment	The proposed built form is	No, but

depth	building depth of 10 – 18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	provided with a depth of between 18m-21m. While non-compliant, the proposal is considered to provide for appropriate unit locations allowing for acceptable natural ventilation and solar access, in this instance considered an acceptable response to the site's constraints.	acceptable-see further discussion below under DCP Assessment table.
Building separation	Up to 4 storeys - • 12m between habitable rooms/balconies; • 9m between habitable rooms/balconies and non-habitable rooms; and • 6m between non-habitable rooms 5 to 8 storeys - • 18m between habitable rooms/balconies; • 13m between habitable rooms/balconies and non-habitable rooms; and • 9m between non-habitable rooms	<u>Western</u> The amended application will maintain a nil setback to the western boundary (with No. 188 GWH). This nil setback is provided for the ground and first floor. The nil setback is considered to allow for a continuation of proposed future built forms directly adjoining the site and is considered acceptable as it presents as a blank wall. Amended plans are considered to allow for the acceptable location of balconies to Units 3 (ground floor) and 20 (first floor) along the western boundary noting the lack of opening to the eastern units adjoining. The amended plans have allowed for the removal of openings to the second level and above for the western elevation which is considered to now allow for compliance with building separation for future adjoining developments. Plans have also been amended to remove a previous terrace area to Unit 2 away from the western boundary. A planter box to the western edge of the balconies (also facing the western boundary to levels 2 and 5 for tower 2) is now provided for which will allow for these balconies to be compliant with the shared setback requirement to the western elevation for level 2 and the levels above. Units 075 and 076 to level 4	Yes Yes Partial non-

	and units 091 and 092 to level 5 are provided with partially non-compliant western side boundary setbacks but noting the removal of the western openings and provision of planter boxes to the edge of the balconies is now acceptable. <u>Northern</u> The rear northern facing units from the ground to third floor are considered to provide for an acceptable setback to the boundary. It is also noted that the building will allow for generous separation from the approved Residential Flat Building at No. 2-6 Fraser Street, taking into consideration a proposed setback in excess of 15m is to be provided to the rear boundary along with the 10m rear setback provided by the adjoining approved development. Setbacks for northern facing units 083, 085, 086 and 089 are in line with building separation distance for the floors below. In this regard the provision of outdoor terraces is acceptable. Noting the 15m building height control for the adjoining northern neighbour (on Anderson Street), separation concerns are not applicable in this instance as there will be no future buildings adjoining with windows or balconies facing onto floors of 5 storeys or greater. <u>East</u> As a corner block the proposed development provides for a frontage to Anderson Street, 3m for the ground and first floors, 3-5m for levels 2 to 6 and 10.2m – 12m for the top floor. Noting the width of Anderson	compliance, but acceptable-see further discussion below under DCP Assessment table. Yes Partial non compliance, but acceptable-see further discussion below under DCP Assessment table. Yes
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		Street, no concerns are raised in regard to the proposed building separation provided. <u>South</u> The presentation to the Great Western Highway provides for no building separation concerns. <u>Internal Separation</u> The application has provided for amendments to the window openings between the towers via the provision of angled louvres or bay windows which is considered an appropriate action to mitigate overlooking concerns. These screening devices are considered to restrict overlooking from units located opposite as well as to courtyard areas between the towers. The amended plans have also provided for planter boxes between the ground floor terrace areas between the towers on level 2 which is considered to minimise any overlooking concerns. With depths of 3m and 1.5m, the position of these planter boxes is considered to mitigate sight lines between respective units. It is noted that the 5th and 6th storey of tower 1 and 2 are provided with only a 12m separation in line with the levels below rather than the 18m requirement. Openings to this area are only via balconies to the ends of units and windows to bedrooms which are treated with screening via 'bay windows'. As no other openings are provided for, separation in this instance is considered adequate, the screening mechanisms provided considered appropriate to	Yes No, but acceptable-see further discussion below under DCP Assessment table. No, but acceptable-see further discussion below under DCP Assessment table. No, but acceptable-see further discussion below under DCP Assessment table.
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		maintaining privacy between units between each tower.	
Street setbacks	To establish the desired spatial proportions of the street and define the street edge. To relate setbacks to the area's street hierarchy.	3m-5m setback is considered appropriate and consistent with the desired building line proposed for the future as required under Part N of the HDCP.	Yes
Side and rear setbacks	To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings. Test side and rear setbacks with building separation, open space, deep soil zone requirements and overshadowing of adjoining properties.	Side setbacks exceed the 3m minimum required under Part B of the Holroyd DCP 2013. The side setback (eastern) to Anderson Street is considered appropriate. Some minor encroachments into side & rear building separation setbacks required under the RFDC (see above) & to upper floors' rear setback required under DCP 2013 (see table below) but these are considered acceptable on amenity grounds. COS, deep soil zones & shadow impacts satisfactory.	Yes No, but acceptable- see further discussion below under DCP Assessment table.
Floor Space Ratio (FSR)	To ensure that development is in keeping with the optimum capacity of the site and the local area. (FSR is not specified in the Design Code).	The Holroyd LEP 2013 stipulates an FSR of 2.2:1, which would allow for a total permissible floor area of 9,339m ² . The application is provided with an overall floor area of 9,300m ² , 2.19:1 and is therefore compliant.	Yes

Part 2 – Site Design

Primary Control	Guideline	Provided	Compliance
Deep soil zones	A minimum of 25% of the open space area of a site should be a deep soil zone, more is acceptable.	A total of 436.9m ² is provided as deep soil area. This comes from a total area open space being 1,183.33m ² allowing for a total percentage of 37%.	Yes
Fences and walls	To define the edges between public and private land.	Front fencing is provided at a height of 1.4m with up to a height of 1m provided as a solid surface. The presentation is considered appropriate. Public and private land also defined by landscaping, mailboxes and surface treatments.	Yes
Landscape design	To add value to residents' quality of life within the	The amended landscape design has been assessed by Council's	Yes

	development in the forms of privacy, outlook and views, and provide habitat for native indigenous plants and animals.	Landscaping and Tree Management Officer, who has recommended approval.	
Open space (Communal)	Provide a communal open space (COS) which is appropriate and relevant to the context of the buildings setting. An area of 25% to 35% of the site is to be provided as communal open space.	With a total site area of 4,245m ² a minimum communal open space of 1,061.25m ² should be provided. A calculation of the provided amended plans indicates that an area of 1165.03m ² (27% of overall site area) has been provided for which is compliant.	Yes
Orientation	To protect the amenity of existing development, and to optimise solar access to residential apartments within the development and adjacent development. The RFDC indicates that sites should be planned to optimise solar access by positioning and orienting buildings to maximise north facing walls where possible and to provide adequate building separation.	The building has a long northern elevation & 71 units (65%) have a north facing living room or kitchen, thus have good solar access to main living areas. 79 units have north or west facing private open space (POS) thus have good solar access to POS. 8 units have west facing POS/living areas, so achieve at least 3 hours sunlight to POS.	Yes
Stormwater management	To ensure adequate stormwater management.	The drainage design has been assessed by Council's Development Engineer and is considered satisfactory.	Yes
Safety	To ensure residential developments are safe, and contribute to public safety.	The application has been assessed by the NSW Police who have recommended the implementation of design features to enhance safety and security. These will be included as conditions of consent, should consent be granted.	Yes
Visual privacy	To provide reasonable levels of visual privacy externally and internally, during the day and at night. To maximise outlook and views from principal rooms and private open space without compromising privacy.	The design is provided with a number of modifications to the required building separation requirements. While a significant number of terraces are provided to the northern elevation as most are well set away from the northern boundary, concerns for adjoining occupants are considered to be mitigated. Although the adjoining dwellings are one or two storey in nature (along Anderson and	Yes

		Fraser Street) to the north of the subject site, as these lots are also Residential R4 in nature, the area is considered to be in transition with high density residential development applications received by Council for a number of lots, with the expectation of additional applications. Any application received will require similar setbacks to this site upon redevelopment, thus reasonable levels of privacy will be achieved. Amendments to the design have also provided for the provision of highlight windows with angled louvre screens for openings to level 2 between each tower and bay windows to bedroom windows for openings facing each other between towers 1 and 2 from level 4 and above. The provision of this screening is considered to ensure that there is no direct overlooking between towers also noting the blank walls provided to living/dining areas and the orientation of balconies. Planter boxes are also provided to the courtyard areas for respective ground floor units between towers 1 and 2. It is noted that the floor levels between the respective floors is 2.9m higher for tower 1 as compared to tower 2. In this regard, overlooking from the courtyards of units to tower 1 (units 44 and 45) is greater to ground floor courtyards (units 48 and 49) to tower 2. While so, the provision of planter boxes from 1.5m to 3m wide between the courtyards of these units is considered to mitigate overlooking concerns via the provision of this physical barrier. The western elevation of tower	
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		1 is provided with a number of balcony ends and windows which look onto the properties of No. 188 and 194 GWH to the west. While so, it is noted that the balcony ends have been provided with aluminium louvres, with louvres also provided to window openings to levels 5 and 6. These screening measures are considered to minimise potential overlooking of the adjoining western properties.	
Building Entry	To create entrances with identity and assist in orientation for visitors.	The main building entries are provided with a cover which is considered to distinguish its presentation.	Yes
Parking	To minimise car dependency, whilst still providing adequate car parking.	Total number of parking spaces complies with the HDCP. Compliant bicycle parking is also provided.	Yes
Pedestrian access	Connect residential development to the street. Provide barrier free access to 20% of dwellings.	Barrier free access to all units is possible, given the level path from the street & the lifts to all levels. Achieved.	Yes Yes
Vehicle access	Limit width of driveways. Locate driveways away from main pedestrian entries, and on secondary streets.	Vehicle access is off Anderson Street separated from the pedestrian entry. A two-way driveway to 2 basement levels of parking is proposed.	Yes

Part 3 – Building Design

Primary Control	Guideline	Relevant Control	Compliance
Apartment layout	Depth of single aspect apartment – 8 metres Back of the kitchen not more than 8 metres from a window.	35 single aspect units are proposed. Units 2, 52, 70, 89 and 105 are non compliant with the minimum depth requirement with depths of 10.8m to 10m respectively. All units except for three (units 2, 89 and 105) have the back of kitchen a minimum of 8 metres to a window.	Partial compliance, but acceptable-see further discussion below under DCP Assessment table. Partial compliance, but acceptable-see further

	Apartment sizes: <table><tr><th>Dwelling Type</th><th>Minimum Area</th></tr><tr><td>Studio</td><td>40m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>95m²</td></tr></table>	Dwelling Type	Minimum Area	Studio	40m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	95m ²	Achieved.	discussion below under DCP Assessment table. Yes
Dwelling Type	Minimum Area												
Studio	40m ²												
1 bedroom	50m ²												
2 bedroom	70m ²												
3 bedroom	95m ²												
Apartment mix	To provide a diversity of apartment types, which cater for different household requirements now and in the future.	18 x 1, 77 x 2 & 14 x 3 bedroom units are proposed, including adaptable units. 17 adaptable units are also provided as part of the overall proposal.	Yes										
Balconies	Minimum 2 metres in depth.	Most balconies are provided with a minimum 2m depth and size of 10m ² . All balconies off living areas for these units are compliant.	Yes										
Ceiling heights	Minimum ceiling height of 3.3m for ground floor commercial and 2.7m for residential floors above.	No commercial floor space. Minimum floor to ceiling heights of 2.7m provided.	Yes										
Internal circulation	Where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to 8.	The building has 4 foyer areas with lift, plus 4 stairwells & 2 corridors on each level. The number of units accessed off each core/corridor is no more than 5 per level.	Yes										
Storage	To provide adequate storage for everyday household items within easy access of the apartment, and to provide storage for sporting, leisure, fitness and hobby equipment. At least 50% of required storage should be within each apartment. <table><tr><th>Dwelling Type</th><th>Minimum Area</th></tr><tr><td>1 bedroom</td><td>6m³</td></tr><tr><td>2 bedroom</td><td>8m³</td></tr><tr><td>3 bedroom</td><td>10m³</td></tr></table>	Dwelling Type	Minimum Area	1 bedroom	6m ³	2 bedroom	8m ³	3 bedroom	10m ³	All units provided with a store room in the basement and within the unit areas.	Yes		
Dwelling Type	Minimum Area												
1 bedroom	6m ³												
2 bedroom	8m ³												
3 bedroom	10m ³												
Acoustic privacy	To ensure a high level of amenity by protecting the	There are some instances where a bedroom of one unit	Yes										

	privacy of residents within residential flat buildings both within the apartments and in private opens spaces.	adjoins the living room of the next unit. These separating walls should be acoustically treated. Acoustic privacy is otherwise acceptable. The lifts are isolated from the bedrooms of units. Standard construction methods in accordance with the Building Code of Australia will ensure acoustic privacy between units.	
Daylight access	Optimise the number of apartments receiving daylight access to habitable rooms and principal windows.	The building has a long northern elevation and the majority of units have a north facing living room or kitchen, thus have good solar access to main living areas.	Yes
	Optimise daylight access to habitable rooms and private open space, particularly in winter	22 of the 35 single aspect are southern facing units. While so, this is considered appropriate noting the length and orientation of the subject site. In addition, as all of these units face the street, this is ideal in terms of passive surveillance and street appeal.	No, but acceptable-see further discussion below under DCP Assessment table.
	Design for shading and glare control, particularly in summer using shading devices, such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting	All balconies & courtyards are at least partly roofed, thus achieving a good level of shading during summer. Most also have moveable louvres.	Yes
	Living rooms and private open spaces for at least 70 % of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable.	82 units (75%) have a north, eastern or western facing living room or kitchen, thus will receive more than 3 hours solar access 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.	A total of 22 (20%) units are southern facing. This is considered appropriate in this instance noting the length and orientation of the subject site.	No, but acceptable-see further discussion below under DCP Assessment table.
Natural	Limit building depth from 10	The proposed built form is	No, but

ventilation	to 18 metres.	provided with a depth of between 18m-21m. While non-compliant, the proposal is considered to provide for appropriate unit locations allowing for acceptable natural ventilation and solar access.	acceptable-see further discussion below under DCP Assessment table.
	60% should be naturally cross ventilated.	62% of units (68 from 109) are considered to be provided with natural cross-ventilation.	Yes
	25% of kitchens should have access to natural ventilation.	Achieved.	Yes
Facades	Facades should define and enhance the public domain.	Front elevation is articulated with varying setbacks, blade walls, windows, entry foyer, terraces and balconies. Presents well to the street.	Yes
Roof design	To integrate the design of the roof into the overall façade.	Flat roof is hidden behind parapets, which is considered satisfactory.	Yes
Energy efficiency	To reduce the necessity for mechanical heating and cooling.	A Revised BASIX Certificate has not been submitted with the amended application to clearly indicate that the revised development unit mix meets the required water, thermal comfort and energy targets. In this regard, a condition is to be included with any consent granted requesting that an amended Basic Certificate be provided prior to the issue of any Construction Certificate.	No, but may be provided as a condition of any approval granted
Maintenance	To ensure long life and ease of maintenance for the development.	Considered satisfactory.	Yes
Waste management	Provide waste management plan Allocate storage area.	Amended plans referred to Council's Waste Management Officer, who has no objection to approval. WMP provided is satisfactory Bin storage & collection satisfactory subject to appropriate conditions.	Yes
Water conservation	Reduce mains consumption, and reduce the quantity of stormwater runoff.	Subject to provision of amended Basix Certificate.	No, but may be provided as a condition of any approval granted

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across the State. The ISEPP also contains provisions with respect to roads and traffic, including development in or adjacent to road corridors and road reservations. Clauses 85-87 and 101-102 apply to development on sites that are likely to be affected by rail noise and/or road noise. The application was accompanied by an acoustic report. This report was referred to Council's Environmental Section who has advised that the recommendations will comply with the requirements of the SEPP.

Holroyd Local Environmental Plan 2013

Holroyd Local Environmental Plan 2013 applies and the site is zoned R4 – High Density Residential. The proposal falls under the definition of a *residential flat building*, which is permissible within the zone.

The objectives of the R4 zone are:

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

The proposed building has a mix of 1, 2 & 3 bedroom units with 17 adaptable units provided. No other land uses are proposed. The development is considered to be consistent with the zone objectives.

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

Standard	Required/Permitted	Provided	Compliance
2.2	Demolition requires consent.	Consent is being sought for demolition of the existing dwellings, outbuildings & swimming pools on the site.	Yes
4.1	Minimum Lot Size - 900m ²	The subject site has an area of 4,245m ² .	Yes
4.3	Height of Buildings - The subject site provided with a split height provision; 21 metres for the majority of the site and 15m for the rear portion of the site.	The proposal is in part non-compliant with the maximum height control for the 21m height limit. The application has been accompanied with a Clause 4.6 variation under the LEP which is considered acceptable in this instance. No development is proposed within the 15m height control area	No, but acceptable in this instance. Please refer to Clause 4.6 discussion
4.4	Floor Space Ratio - Max. 2.2:1	The proposed floor space ratio is 2.19:1	Yes
4.6	Exceptions to Development standards	The application has been accompanied by a variation request in relation to the overall height of the building.	Please refer to Clause 4.6 discussion

		The variation in this instance is considered acceptable.	
5.9	Preservation of Trees or vegetation	An arborist report and architectural drawings identify existing trees to be retained and removed as part of the proposed development. In this regard, the application and subsequent amendments was referred to Council's Landscaping Department who have raised no objection to the proposal subject to the provision of appropriate conditions.	Yes
5.10	Heritage	The dwellings on each subject lot are not listed as a heritage item or within the proximity to a heritage item.	Yes
6.1	Acid Sulfate Soils	The site is not affected by ASS.	Yes
6.4/6.7	Flood Planning and Stormwater Management	Council's records indicate that the site is not affected as flood prone land.	Yes
6.5	Terrestrial Biodiversity	There is no evidence of any terrestrial biodiversity on the site.	Yes
6.8	Salinity	The site is located on lands identified as being affected by moderate salinity. Standard conditions of consent shall be imposed to address this should consent be granted.	Yes

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

i. Clause 4.6 Variation – Building Height

The application is non-compliant with the maximum 21m height control provided for the main portion of the subject site to part of the roof and lift overrun area provided to tower 2 on the corner of Anderson Street and the Great Western Highway. This area of non-compliance is in the vicinity of 0.5m to 0.8m for the eastern most lift overrun and the roof structure above unit 109.

Clause 4.6 of the Holroyd Local Environmental Plan 2013 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

(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 Secretary has been obtained.*

(5) In deciding whether to grant concurrence, the Secretary 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 Secretary before granting concurrence.*

The submission provided by the applicant has addressed each of the above points in part advising that;

The current development proposal is predominantly consistent with the building height with the exception of the small portion of the roof form and lift overruns with the proposal remains consistent with the objectives based on the following;

- *The development proposal is consistent with the intent of the maximum height control with the proposal providing an attractive building that addresses a key arterial road network into Parramatta Town Centre from the west.*
- *The overall height of the development presents as a compatible form of development with the 6th storey recessed back to downplay visual dominance as viewed from the public domain and adjoining properties.*
- *The proposal has been designed to ensure that privacy impacts are mitigated that the proposal will not obstruct existing view corridors.*
- *Detailed shadow analysis demonstrates that the property to the north and west achieves adequate solar access to open space and living areas – with the majority of the overshadowing to fall on the GWH.*
- *The scale and intensity of the development is appropriate noting that the proposal complies with the maximum FSR control that demonstrates an appropriate density.*

The development provides for the built form to be primarily fronting the Great Western Highway, noting that no built form is proposed to the rear 15m height area and only within the 21m height control area. It is considered that the proposal is consistent with the objectives of the Residential R4 zoning in creating high density development in this location which will provide for a variety of housing types.

It is also noted that the areas of non-compliance are considered minor in nature and will not create an immediate impact upon the streetscape noting the position of the lift overruns and roof form which is indented from the building edge. When viewed from the Great Western

Highway or Anderson Street, this non-compliance is not considered will create a significant visual intrusion or visual amenity impact on potential and existing built forms. Taking into consideration the orientation of the subject site, overshadowing will fall primarily onto the Great Western Highway for a large portion of the day. In this regard, the minor non-compliant height is not considered will create an amenity impact on surrounding sites noting that this non-compliance does not increase the density of the proposal but is rather a response to the slope of the site as displayed by the proposals stepped tower form.

Noting the above points, it is considered appropriate in this instance to see as appropriate Council's support for the request in HLEP height variation.

- (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*

The new Apartment Design Guide (ADG) and amendments to SEPP 65 commenced operation on the 17 July, 2015. Given that the subject application was received by Council prior to the gazettal of the amended SEPP, the provisions of the ADG have not been given weight in the assessment of this development. Notwithstanding, it is considered that the development could generally meet the provisions of the ADG.

- (iii) *any development control plan*

Holroyd Development Control Plan 2013

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

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

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

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

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

(3A) Development control plans

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

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

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

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

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

Accordingly, Council's DCP 2013 provides guidance for developers and Council to use as benchmarks for development. In this regard, compliance with the controls within DCPs is not mandatory, and the controls may be varied based on the merits of the application.

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

Part A – General Controls			
Standard	Required/Permitted	Provided	Compliance
3.1	Car Parking: - 0.8 spaces per studio or 1 b/r unit (18 units) = 14.4 spaces - 1 space per 2 b/r unit (77 units) = 77 spaces - 1.2 spaces per 3 b/r unit (14 units) = 16.8 spaces - Visitor parking 0.2 spaces per unit (109 units) = 21.8 spaces, Required: 130 (75 rounded up – including 108.2 resident & 21.8 visitor spaces) <u>Bicycles</u> 0.5 per spaces per unit, so 54.5 0.1 per unit for visitors, so 2.2 = 56.7 required (57 rounded up)	110 resident, 22 visitor spaces & 1 separate car wash = 132 car parking spaces. 75 bicycle spaces have been proposed to either the basement parking area or rear communal open space	Yes Yes
3.3	Dimensions of Car Parking Facilities, Gradients, Driveways, Circulation and Manoeuvring.	Carparking spaces comply with AS 2890. Council's Traffic Engineer has assessed the submitted plans & documentation.	Yes
3.5	Driveways		Yes

	Driveways shall be setback a minimum of 1.5m from the side boundary.	A setback of 7.0m to 7.6m is provided to the northern boundary.	
3.6	Accessible parking - 2 spaces per 100 spaces	19 disabled spaces are to be provided (1 for each adaptable unit plus a visitor).	Yes
6.1	Retaining walls - Generally <1m in height.	The application provides for a number of retaining walls to the western boundary and along 3 areas of communal lawn. These retaining walls are identified as being 1m in height and provides for a barrier between communal lawn areas. It is noted that the retaining wall along the western boundary will be provided with a 1.8m high fence which is an appropriate separation between the subject site and the adjoining lot.	Yes
6.3	Erosion and Sediment Control	A detailed sediment & erosion control plan was submitted & is considered to be acceptable.	Yes
7.4	Stormwater Management	Council's Development Engineer has reviewed the Stormwater Drainage Plans & calculations & advises that the design is acceptable subject to the imposition of recommended conditions should consent be forthcoming.	Yes
11	Site Waste Minimisation and Management Plan (SWMMP)	Council's Waste Officer has reviewed the proposed waste and recycling arrangements and SWMMP and has advised that they are acceptable subject to appropriate conditions.	Yes
Part B – General Residential Controls			
1.1	Building Materials		
	Schedule of Colours & Finishes	Materials, colours and	Yes

	to be submitted.	finishes acceptable.	
1.2	Fences Front fences to be solid $\leq 1\text{m}$ and be $\geq 50\%$ transparent to 1.5m	Front fencing is provided at a height of 1.4m with up to a height of 1m provided as a solid surface. The presentation is considered appropriate.	Yes
1.3	Views Minimise obstruction of views	No significant views will be affected.	Yes
1.5	Landscaping Max. 50% of provided landscaped area shall be forward of the front building line. Majority of landscaped area to be at the rear of the building.	Achieved	Yes
1.8	Sunlight Access 1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	Overshadowing during the morning period shall primarily be cast to the western neighbours. As the site is located on the northern side of the Great Western Highway, significant overshadowing will fall on this road. The subject site most affected by overshadowing during the morning period will be No. 188, which will be overshadowed for the majority of the morning period. This overshadowing will be diminished in the afternoon with the site obtaining acceptable sunlight. During the afternoon period, overshadowing will move further to the east. The majority of this overshadowing will still fall over the Great Western Highway, by 3pm also starting to affect dwellings on the southern side of the GWH. While so,	Yes

	Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June	acceptable sunlight in accordance with the control is provided for. All POS of adjoining northern properties fronting either Anderson Street or Fraser Street will maintain direct solar access throughout the day. No. 188 Great western Highway directly adjoining to the west will obtain acceptable solar access from 10am onwards.	Yes
1.9	Cut & Fill Cut: max. 1m; max. 0.45m within 0.9m of side/rear boundary. Cut controls are not applicable where basement parking is proposed. Fill: max. 0.3m within 0.9m of side/rear boundary; $\geq 0.6\text{m}$ to be contained within the building; if $> 0.15\text{m}$ shall occupy max. 50% of the landscaped area.	Basement Parking is proposed. The proposal provides for three (3) communal lawn areas 0.950m, 1.5m and 2.5m respectively above the from the western boundary to the centre of the site's length. This fill is created as the site maintains a consistent level of 44.1 for the finished floor level of ground floor units. Noting the separation provided to the northern rear boundary from these areas and landscaping provided, the raised floor levels are not considered to create an impact upon the amenity of adjoining properties. Levels along the northern boundary are also considered in line with existing contours. The ground floor for tower 2 is provided for cut into the site as it progresses westerly of up to 1.2m. The provided cut is not considered to create any impact on building bulk. In addition, the cut provided is not considered to create an impact upon the proposed drainage	No, but considered acceptable – see discussion below. No, but considered acceptable – see discussion below.

		system.	
1.11	Carparking & Roads New driveways shall be 1.5m from boundary for RFB Max gradient 1:20 first 6m then 1:5, with intermediates Access from basements to all units to be accessible for wheelchair users	The driveway is provided between 7m to 7.72m from the northern boundary adjoining Anderson Street. Achieved All four (4) lifts are provided to allow disabled access from both basements to all levels above.	Yes Yes Yes
1.12	Universal Housing & Accessibility 15% of units shall be adaptable units Class B.	17 units are required and 17 are proposed to be adaptable. Post Adaptation plans provided. Access report referred to Council's Community Services who raised no objection. A 1:14 access ramp in a number of places are proposed to the COS at the rear.	Yes
Part 6 - Residential Flat Buildings			
6.1	Min. lot frontage is 45m for all development $\geq$ 6 storeys The proposal shall not limit future development potential of adjoining lots i.e. landlocking	More than 6 storeys proposed so 45m needed. The site has frontage to the Great Western Highway of approximately 102.2 metres. Adjoining sites have the potential to consolidate with other sites to achieve maximum development potential. The adjoining properties to the east (No's 188-196 GWH) are provided with a 76m frontage onto the Great Western Highway which will allow for future redevelopment.	Yes Yes

6.2	Site Coverage Maximum of 30% of site area. $0.3 \times 4245 = 1274\text{m}^2$ permitted	Ground floor including bin bay & stairwells up to units (exclude stairwell up from basement) 1873m^2 which is 44%.	No, but acceptable - see discussion below.
6.3	Setbacks & Separation Principal St: 6m and correspond with existing building setback. May be reduced where site specific controls detail otherwise. Min 3m to sides RFB ≥ 5 storeys – 30% of the site length. Basement: 3m to side & rear boundaries.	Street setback of 3m or more provided which is in line with site specific controls as detailed in Part N of the DCP. 3m provided to Anderson Street, nil setback to western boundary. Please refer to comments under Part N of the DCP in regard to side setback to the western boundary. The subject site is provided with varying lengths; western portion $0.3 \times 41\text{m} = 12.3\text{m}$ (64% of site length) and $0.3 \times 31\text{m} = 9.3$ (36% of site length). The western tower 1 is provided with a compliant setback of 15.04m. Noting the sites irregular shape, Tower 2 maintains a setback between 6.5m and 9.0m. Considering the constraints of the site this is considered acceptable in this instance. Basement set back 2.13m to the Great Western Highway, 5.4m to the western boundary and a sliding setback to the eastern boundary onto Anderson Street. The rear setback varies from 8m to 2.6m. While there are a number of non-compliances, this is	Not applicable – refer to Part N DCP controls. Not applicable – refer to Part N DCP controls. No, but acceptable - see discussion below. No, but acceptable - see discussion below at end of table.

	All floors >4 storeys to be setback 3m. This control was introduced to provide a more “human” scale to buildings such that they step back from the street above 4 storeys.	acceptable in this instance noting that the non compliance will be to the Great Western Highway frontage rather than adjoining a built form. In addition, should the application be approved, appropriate conditions will be included in any determination including a dilapidation report. A setback of 2m is provided for units from the second storey onwards from ground and first floor units which is considered to provide for an appropriate streetscape presentation.	No, but acceptable - see discussion below at end of table.																		
6.4	Building Height The minimum floor to ceiling heights shall be 2.7m for habitable rooms & 2.4m for non-habitable rooms. Maximum building height in storeys shall be provided in accordance with the table below: <table><tr><th colspan="2">Permitted Height (storeys)</th></tr><tr><th>Height</th><th>Storeys</th></tr><tr><td>9m</td><td>1</td></tr><tr><td>11m</td><td>2</td></tr><tr><td>12.5m</td><td>3</td></tr><tr><td>15m</td><td>4</td></tr><tr><td>18m</td><td>5</td></tr><tr><td>21m</td><td>6</td></tr><tr><td>24 m</td><td>7</td></tr></table>	Permitted Height (storeys)		Height	Storeys	9m	1	11m	2	12.5m	3	15m	4	18m	5	21m	6	24 m	7	2.7m provided to all rooms. The application provides for a total of 6 to 7 storey’s at a maximum height of generally below 21m. One of the two proposed towers will be at a height of 7 storeys and is provided with a Clause 4.6 variation in regard to the overall height non-compliance which is primarily to the lift over-runs and a portion of the roof area. As this non-compliance is to the corner site, which is considered will provide a stronger visual emphasis on its presentation, the non-compliance is acceptable in this instance.	Yes No, but acceptable - see discussion below at end of table.
Permitted Height (storeys)																					
Height	Storeys																				
9m	1																				
11m	2																				
12.5m	3																				
15m	4																				
18m	5																				
21m	6																				
24 m	7																				
6.6	Open Space COS to be behind building line (BL), in one unbroken parcel with a minimum dimension of 4m.	COS is proposed behind the BL and is in one parcel.	Yes																		

	COS shall allow for active & passive recreation through facilities such as seating, pergolas, BBQ Ground floor units should have courtyard 10m² & 2.5m min depth.	The COS provided includes deep soil area along the rear Two (2) cabana areas with table and benches with BBQ area is also provided. Ground floor terraces are all at least 10m² & 2.5m in depth.	Yes Yes Yes
6.7	Building Appearance Appropriate scale, rhythm and proportion, responding to the building use and contextual character. Walls to street to be articulated by windows, verandahs, balconies or blade walls. Max. projection of 600mm forward of building line. Roofs shall relate to the built form, context and character of the street. Pitched roofs will not be permitted where land has been rezoned high density. Max. 3m height for roofs from ceiling line to ridge.	The design of the front façade is considered to be of an acceptable style noting the various material and color presentations proposed. As the main façade will also be with a southern aspect, the number of balconies are diminished with more windows provided. These windows are considered to be of an acceptable proportion. Walls facing the street are articulated by windows, balconies and terraces all within the required front setback. Land zoned R4 under HLEP 2013, so cannot have a pitched roof. A flat roof behind parapets is proposed which satisfies the desired future character of the street and locality. Less than 3m from ceiling to top of highest parapet	Yes Yes Yes Yes
6.8	Building Entry Shall be clearly identifiable, sheltered, well lit & visible from the street. Main entry to be separate from carparks or car entries.	Achieved	Yes
6.9	Parking & Vehicular Access		

	Shall be maintained to a basement. Vehicle entries shall be setback from the main façade and security doors shall be provided to car park entries to improve the appearance of vehicle entries One car wash bay shall be provided for all developments having 10 or more dwellings (not a visitor space). Direct access shall be provided from the car park to the lobby.	2 levels of basement parking provided. Basement entry setback from front façade & ramps down. A security roller door is proposed. A separate independent carwash bay is provided. Lift from the basements provides direct access to the lobbies.	Yes Yes Yes Yes
6.11	Internal Circulation All common facilities must be accessible. All staircases are to be internal.	The podium, rear deep soil COS, common WC & bin bay are accessible. Stairs up from the basement and residential floors are internal.	Yes Yes
6.12	Facilities & Amenities Each unit shall have a laundry Open air clothes drying facilities shall be provided in a sunny, ventilated area, screened from the public domain by 1.5m high walls. Mailboxes shall not be at 90° to the street and shall be integrated with the overall design.	A laundry is proposed within each unit. Each unit will have a mechanical clothes drier in the laundry & should consent be forthcoming, Council will require the provision of screened fixed drying lines to be provided on each balcony. Mailboxes are parallel with footpath and of appropriate design.	Yes Yes Yes
6.15	Waste Management Bin storage must: • Be located behind the building line (BL) and screened from the street and any public place. • Be accessible and relatively close to each dwelling. • Not impact upon the amenity of adjoining premises or	The bins for each unit are located off Anderson Street in an enclosed storage area adjoining the driveway entry area. Compactus rooms are provided on the ground floor to receive garbage from garbage chutes.	Yes

	dwelling within the development, i.e. odour.		
Part E – Public Participation			
1.3	To be advertised for 21 days	The application was placed on public exhibition for 21 days from 22 April to the 13 May, 2015 during this time 2 submissions were received.	Yes
Part N – Transitway Station Precinct Controls <i>The desired future character for Mays Hill is an active, urban area which makes full use of its proximity to public transport and services, as well the Parramatta Central Business District.</i> <i>A mix of uses and good pedestrian access will encourage a fuller utilization of the interface along the Great Western Highway. Taller buildings along the highway will include retail and commercial uses at the ground level, near the Transitway station, to promote an active and safe public domain. Residential developments above will offer convenient access to the Transitway station and precinct. A new laneway between Burnett Street and Robilliard Street will improve permeability, and allow for rear lane access.</i> <i>Away from the highway, a transition between higher and lower density dwellings will occur. The surrounding streets will be more domestic in scale that easily accesses the shops and services of Mays Hill and the extensive open space. The opportunity for social interaction, provided by buildings directly addressing streets, will promote a sense of community.</i> <i>Existing character, where desirable, will be kept, but a greater range of housing choice will be provided through the construction of medium density dwellings. Well designed buildings will contribute to the public domain. Site consolidation will allow more usable open space to be incorporated into new developments.</i> Comment: The proposed development is considered consistent with desired future character as outlined within the DCP.			
1.1	Site Consolidation and Frontage Amalgamation of lots in accordance with Figure 4 (a) and (b) is required for redevelopment.	Amalgamation of sites is generally in accordance with Figure 4(a) provided within the DCP. The amalgamation will include an additional lot in comparison with the requirement under the DCP. While so, future development for the remaining 3 adjoining properties to the west of the subject site is possible with the current scheme.	Yes
	Land locking of adjoining sites is	Adjoining sites have the	Yes

	not permitted. Properties shall be amalgamated to ensure the minimum frontage is obtainable without reducing the developability of adjacent properties. Notwithstanding C1, the minimum lot frontage for all development fronting the Great Western Highway shall be 45 metres.	potential to consolidate with other sites to achieve maximum development potential. The adjoining properties to the west (No's 188-196 GWH) is provided with a 76m frontage onto the Great Western Highway which will allow for future redevelopment. Achieved	Yes
1.2	Urban Design Vehicular access from the Great Western Highway is not permitted from properties identified on Figure 5 and access must be provided from the rear or side via laneways or secondary roads	Vehicle access is provided from Anderson Street.	Yes
1.3	Building Height The maximum height for development within the Mays Hill Transitway Precinct is detailed within the Holroyd Local Environmental Plan 2013, as a written statement and associated maps.	Holroyd LEP stipulates two maximum heights of 21m and 15m for the subject site. The application is non-compliant for a portion of the 21m height control provided for part of the roof and lift overrun area provided to tower 2 on the corner of Anderson Street and the Great Western Highway. This area of non-compliance is in the vicinity of 0.5m to 0.8m for the eastern most lift overrun and the roof structure above unit 109. It is noted that no built form is proposed within the 15m height control area. The application has been accompanied with a 4.6 variation request in regard to this height non compliance.	No, but acceptable -see discussion below at end of table.

	The maximum building storey limits are detailed in Figures 8 and 9. (6 storeys/4 storeys)	The application provides for a part 7/part 6 story building which is non-compliant with the maximum height requirement.	No, but acceptable -see discussion below at end of table.
1.4	Building Setbacks Setbacks shall be in accordance with Figures 10 & 11. Note: Road widening requirements detailed in Section 1.5 of this Part may apply in certain locations. • 3m setback to GWH (account for 5.5m road widening). • 3m setback to Anderson Street Buildings facing the Great Western Highway are to be built to the boundary of adjoining properties to form a continuous street edge.	A 3m setback is provided from the proposed building to the property boundary. This setback has also taken into account the required road widening. A minimum 3m setback has been provided from the proposed building to the property boundary. The development is provided with a nil setback to the western boundary. This is considered to allow for a continuous street edge once the adjoining western properties are redeveloped.	Yes Yes Yes
1.5	Site Design and Appearance Developments shall be oriented to front boundaries. Vertical articulation and a break in the building facade is required above the fourth storey for buildings exceeding 25 metres in length.	The proposed development is oriented to the Great Western Highway and Anderson Street. Achieved.	Yes Yes
1.6	Road Widening Road widening is required along both sides of the Great Western Highway to result in a footpath width of 5.5 metres from the kerb to the property boundary as indicated in Figure 12.	Road widening has been provided for to allow for the provision of a 5.5m footpath width.	Yes

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

i. Building Height

The application provides for a minor numerical non compliance to the height of tower 2 located within the 21m height control area as stipulated under the Holroyd Local Environmental Plan. The area of non compliance is between 0.5m and 0.8m for the eastern most lift overrun and roof structure above unit 109. It is noted that the application has been accompanied by a Clause 4.6 variation request for the building height as previously discussed within this report.

It is noted that level 7 to Tower 2 in which the non compliance is provided to is indented from the level below by a distance of between 7m to 9m from the eastern elevation fronting Anderson Street and 3.8m from the southern elevation facing the Great Western Highway. The additional setbacks provided to this top level are considered to diminish the impact of the non-compliant area from public areas. It is also noted via the orientation of the subject site that no additional overshadowing concerns will be created via the non compliance with properties on the opposite side of the subject site along the Great Western Highway considered to provide for a minimum of 3 hours solar access to living areas as well as private open spaces.

Taking into consideration the area of non compliance and the minimal amenity impacts created by its location, the building height proposed is considered an appropriate response to this corner site.

ii. Building Depth

The proposal will provide for varying building depths from 18m to 21m and is therefore in part non-compliant with the maximum overall depth requirement of 18m. The subject site is provided with a long frontage of 102.2m onto the Great Western Highway which in turn does dictate the shape of the proposed built form as solar access may also be captured via the eastern elevation as well as the western elevation. In this regard, it is noted that 82 units (75% of all units) has been provided with either a northern, eastern or western facing living room or kitchen. In addition, natural ventilation has been adequately demonstrated to a compliant number of units as required under the *Residential Flat Design Code*.

Noting the appropriate tests provided to building depth via sunlight requirements and natural ventilation, the design is considered acceptable in this instance.

iii. Building Separation and setbacks

As discussed within this report, the application is provided with building separation non compliances for levels 4 and 5 to the western elevation and for 5th storey levels and higher between the proposed towers. Each opening to these levels has been provided with a privacy screening mechanism which is considered to allow for the retention of an acceptable amenity for adjoining residents and in this regard, the setbacks/separations are acceptable. It is noted that balconies to the western elevation are provided with full height aluminium louvres which will mitigate any potential overlooking of adjoining western properties.

iv. Site Coverage

The Holroyd DCP 2013 permits a maximum site coverage of 30% of the site, which equates to 1,274m².

Ground floor including bin bay, store room & stairwells up to units (exclude stairwell up from basement) is 1,873m² which represents a site coverage of 44%. This is generally acceptable for RFB developments provided FSR, open space, landscaping & deep soils zones otherwise comply, as is the case with this proposal.

Noting the above, the variation to site coverage is supported on planning grounds.

v. Single Aspect apartments

The Residential Flat Design Code provides the following guides for single aspect apartments;

- *Single-aspect apartments should be limited in depth to 8 metres from a window.*
- *The back of a kitchen should be no more than 8 metres from a window.*

Of the 35 single aspect units provided, 5 are non-compliant with the minimum apartment depth (unit 2 at 10.8m and units 52, 70, 89 and 105, all at 10m). Of these units, three (units 2, 89 and 105) are provided with a depth to the rear of the kitchen at 10.8m, 10m and 10m respectively.

Taking into consideration that only 14% of single aspect units are non-compliant which in turn is 5% of overall units provided and that non compliances are only in the vicinity of 2m to 2.8m, variations are considered minor. As an appropriate number of units are provided with solar access (noting also 3 of the 5 units in question also allow for acceptable solar access) and that an appropriate number of cross-over apartments are provided a variation to the control in this instance is not considered unreasonable.

Additional weight is given to such a view as all units are compliant with minimum apartment sizes.

vi. Rear Setback

Council stipulates for rear setbacks for residential flat buildings in the HDCP as follows;

- The minimum rear setback for a residential flat buildings shall be:*
- *five storeys or more - 30% the length of the site.*

The subject site is irregular in shape which has in turn provided for a varying building depth. 64% of site length (western and central) is provided with a depth requirement of 12.3m which complies. 36% of site length (eastern) is provided with a depth requirement of 9.3m. In this area facing tower 2, the setback provided is varied from 6.4m to 9m and is therefore numerically non-compliant.

It is noted that Tower 2 is provided with compliant building separation to the rear northern boundary and noting the height restrictions to the adjoining northern neighbour, levels 5 and 6 will not be directly situated adjoining residential units. In addition, the number of units, 8 overall to levels 5 and 6 to tower 2 which front the northern boundary are not considered excessive. Of these units only the balcony areas encroach (for levels 4 to 6).

There are between 4 to 5 bedroom windows per level encroaching and they face north, which is ideal for solar access. The bedroom windows could be made highlight, however, they are low traffic rooms and normally have blinds/curtains to protect the privacy of the occupants. Their impact upon privacy is minimal and it is recommended that they be permitted as proposed.

As discussed, a number of balconies per level encroach. They also face north, receiving excellent solar access. As discussed elsewhere, the site is shallow in depth and the building envelope is restricted. These balconies serve 2 and 3 bedroom units which are not excessive in floor area.

vii. Cut and Fill

Council stipulates that the maximum cut is permitted to a maximum of 1 metre. The ground floor for tower 2 is provided with cut to a maximum of 1.2m. This cut does allow the building to present as an acceptable level fronting Anderson Street and the variation is considered minor in nature.

The maximum fill should be 0.3m within 0.9m of side/rear boundary, fill greater than $\geq 0.6\text{m}$ shall be contained within the building and if $> 0.15\text{m}$, fill shall occupy a maximum of 50% of the landscaped area.

The proposed non-compliant fill (varying from .95m to 2.5m) is restricted to 3 communal lawn areas to the centre and west of the site with areas of 62m^2 , 50m^2 and 50m^2 . These fill areas are set between 9m to 10m from the rear boundary. It is noted that substantial landscaping is provided to this boundary in addition to a 1.8m high boundary fence which are considered to provide for appropriate screening. In addition, the proposed non-compliant fill is 162m^2 , 14% of the overall communal open space provided which is not considered excessive.

In this regard, the proposed fill is considered acceptable in this instance

viii. Basement Setbacks

A 3m setback is required to the basement from side and rear boundaries. This has been provided for the western and northern boundaries. Adjoining Anderson Street an encroachment for a distance of 10m is provided to the basement level directly adjoining the driveway ramp. To the Great Western Highway frontage, a setback of 2.13m is provided for. Landscaping or private open areas sits atop the encroaching section at ground level along the southern and eastern side, except for the driveway ramp. Since the deep soil areas on site exceed the minimum required, this variation regarding the basement setback is supported based on the merits of the application.

In addition, should the application be approved, appropriate conditions will be included in any determination including a dilapidation report.

ix. Street wall setback

The DCP requires a minimum upper storey setback of 3m for all floors above 4 storeys. In this case levels 5 to 8 should be stepped back.

It is noted that the building design is provided with a podium/tower presentation with the ground and first floor as the podium and the second storey providing for a 2m setback replicated by the levels above.

The provided design does allow for articulation elements (such as balconies) are recessed elements to the façade. The provision of two towers is considered to provide for an appropriate presentation to a prominent corner site while travelling along the Great Western highway, horizontal as well as vertical elements allowing for a breaking up of the perceived

length of the building. The stepped nature of each podium level considered to also add interest to the mix of rectangular elements presented.

It is considered that enforcing strict compliance with this upper floor setback control would adversely impact upon the architecture of the building, given the nature of the site. A “wedding cake” effect, instead of a tower effect would detract from the overall composition of the building. A variation to this provision is considered justified.

x. Building storeys

The DCP requires a maximum of 6 storeys for buildings within a 21m height restriction. Tower 1 is compliant with 6 storeys provided, Tower 2 provides for 7 storeys. It is noted that while Tower 2 is provided with an additional storey, Tower 1 will provide for an overall higher built form (RL 63.1 to Tower 2; 62.2) to the uppermost podium level. In this regard, the additional level is not considered to create a significant visual impact on the Great Western Highway streetscape.

While a non compliance to the overall building height is provided by Tower 2, as this variation is only for the eastern most lift overrun and roof structure above unit 109, the building height provided is considered an appropriate response to the contours of the subject site. In this regard, noting an appropriate height provided and the minimal impact that an additional storey provides from tower to tower, the variation proposed in this instance is considered appropriate.

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

Not Applicable

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

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

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

Built Environment

Whilst the building is relatively large via the provision of a podium and two towers, it is considered that the architectural articulation provided is of an acceptable nature in relation to the overall bulk of the structure.

With regard to context and setting, it is important to note that the site fronts the Great Western Highway with a B6 Enterprise Corridor zone directly opposite its Anderson Street secondary frontage, and for this reason, this site provides a transition from future higher density mixed use zone to the east to the subject site’s residential zone.

The test for compatibility in this context then would be whether the overall height of the building is satisfactory with regard to visual privacy, solar access, overshadowing, etc. On merit assessment of these amenity issues, the proposed development is considered appropriate.

Natural Environment

With regards to environmental impacts on the natural environment, the applicant has submitted an Arboricultural Impact Assessment report. This report advises that there are approximately 30 trees on the site which will be affected by the development. A total of 10 trees will be retained by the development. The report also recommends the appointment of a project Arborist to supervise and document tree protection during demolition and excavation works.

Comments provided by Council's Landscape Section indicated no objection to the proposed landscape works subject to appropriate conditions and provision of works as indicated via the accompanying Arborist report.

The submitted landscape plan proposes significant landscaping of the site, with a total of 1,175 trees and shrubs to be planted as part of the proposed development. In this regard, the proposed development is not considered to adversely affect the natural or built environments and will provide for an enhanced natural environment through landscaping proposed on site.

Environmental Impacts - Traffic & Parking

The development provides for the total number of parking spaces as required under the State Environmental Planning Policy 65 (Design Quality of Residential Flat Development). An assessment of the amended plans by Council's Traffic Engineer raised a concern in regard to the location of 10 bicycle parking spaces in the vicinity of disabled parking space no. 97 on the mezzanine basement level. Concerns primarily arose around the availability of manoeuvring space to load and unload from the vehicle via the shared area when the bicycle parking spaces are occupied.

It is noted that a total of 75 bicycle spaces are proposed, an excess of 18 spaces necessary. In this regard, the removal of all bicycle parking spaces adjoining parking space 97 is appropriate in this instance as this will resolve manoeuvring concerns to and from a vehicle while maintaining a compliant overall bicycle parking rate.

In addition, as the application will provide for a compliant number of vehicle parking spaces in relation to DCP controls, the proposal is considered to provide for an acceptable parking solution for the subject site.

Environmental Impacts - Solar Access and Overshadowing

It is considered that the architect has considered the issues of solar access to the units within the development, overshadowing of dwellings to the south, and the need to orientate the building so that it presents to and has passive surveillance of the street.

Having regard to the above, it is considered that the development is satisfactory with regard to solar access and overshadowing.

Environmental Impacts - Acoustic Amenity

The applicant is required to prepare an acoustic assessment of noise generated from the development itself, including but not limited to proposed mechanical plant (i.e. air conditioners, automatic roller doors, mechanical plant, etc.) prior to the issue of the Construction Certificate, should consent be granted. This assessment is required to be prepared in accordance with the requirements of the NSW Industrial Noise Policy.

Social Impact

In accordance with Council's *Social Impact Assessment Policy August 2012*, a Social Impact Assessment was prepared and submitted for Council's consideration. Council's Social Planner has assessed the report and found that the report followed Council's methodology by reviewing the proposal's potential impact on population structure, housing, mobility and access, community connectedness, health and wellbeing, crime and safety, and the local economy.

Council's Social Planner reported that, the major identified positive impacts are the proposal's supply of a more diverse, affordable and well located housing mix, improved social connectivity via the provided communal open space, improved 'passive surveillance' provided by the 'active' street frontage, potential for increased 'active transport' due to proximity to a Transit stop, local parks, schools and Parramatta CBD and the new residents and the generation of employment (during construction phase).

The negative impacts are confined to the short term impacts during demolition and construction, that will otherwise be managed by relevant conditions of consent (e.g, restricted hours of construction and construction management plan).

Notwithstanding the above, the population increase of around 300 people is not considered to generate significant negative social impacts with the infrastructure available to accommodate the new residents and the normal planning arrangements of required new services (including Section 94 levies).

Economic Impacts

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

(c) the suitability of the site for the development

The site is considered suitable for a residential flat building development as it is zoned R4 and noting recent approvals granted in the near vicinity. The site is large, accessible and is close to public transport & less than 4km to both the Merrylands and Parramatta Town Centres. The site is irregular in shape with a long frontage. These constraints need to be taken into account in the assessment process.

At a strategic level, the site has been assessed during the comprehensive LEP process as being able to sustain a 21m height and 2:1 density.

(d) any submissions made

In accordance with the Holroyd Development Control Plan 2013, the original application was notified to adjoining and surrounding owners and occupiers for a period of 21 days. During this time, 2 submissions were received.

These issues are discussed below: -

Issue: Overlooking impact to adjoining property at No. 194 Great Western Highway

Comment: Concern was raised that the proposed multi storey construction has a significant number of balconies facing directly into the main front door of a granny flat. No. 194 GWH is located to the west of the site. Noting the location of the adjoining property (No. 188) and setback provided to the proposed built forms western elevation, this is a distance of 21m to the eastern boundary of No. 194.

An assessment of the provided plans does indicate that all western facing balconies are provided with aluminium louvres along their western ends. In addition, western facing windows for levels 5 and 6 are also treated with louvres. In this regard, it is considered that the application has been provided with appropriate privacy measures to mitigate potential overlooking concerns for the adjoining western properties.

Issue: Treatment of waste and garbage

Comment: Concern was raised that the plans and documentation do not clearly indicate the treatment of waste collection and where the bins are to be collected from. Amendments to plans have provided for the provision of 4 x 1,100 litre recycling bins and 8 x 1,100 litre garbage bins to be positioned on the northern side of the basement driveway on the ground floor fronting Anderson Street. In addition, the built form is provided with garbage chutes to allow for general waste to be dropped into the above mentioned bins within a compactus room on the ground floor. Each compactus room is also provided with either 1 or 2 recycling bins.

The proposed waste facilities were referred to Council's Waste Officer who did not raise concerns. It is noted that the entry to the compactus rooms are via an average door width (900mm) which are not considered to allow for the appropriate movement of 1,100 litre bins in and out of these rooms. In this regard, the width of entry doors are to be redesigned to allow for the appropriate manoeuvrability of bins, a condition of this form to be included with any consent granted.

The location of the bin storage area facing Anderson Street is considered an appropriate position noting that Council garbage services do not use the Great Western Highway for the collection of bin sizes proposed for the development. Following the completion of the construction works, it is also possible for arrangements to be made between any future Stata Body and Council's Waste Section to allow for garbage bin removal directly from the storage area by Waste officers rather than a prior kerbside placement. For recycling bins, kerbside collection is the normal procedure to be followed.

Noting the above, it is considered that the bin storage area is in an acceptable position to allow for bin collection by Council services along Anderson Street.

Issue: Drainage arrangement

Comment: Concern was raised that the plans do not provide for an appropriate indication as to the location of the site drainage.

The proposal has been designed in accordance with Council's On-Site Stormwater Detention (OSD) Policy, which ensures that the change in stormwater runoff from a site due to development does not increase flooding downstream.

The applicant has submitted fully detailed OSD drawings and the proposal has been assessed by Council's Engineers who have advised that these plans are satisfactory and are in accordance with Council's OSD Policy. In this regard, the proposed development is not considered to adversely affect the drainage in the area.

Issue: Inadequate car parking

Comment: The provided objection raised concerns that the provided car parking spaces is inadequate for the proposed 109 units, and that a maximum rather than minimum parking rate within the DCP should be used to calculate the overall car parking rate required.

Part A, Clause 3.1 – Minimum Parking Spaces of the Holroyd Development Control Plan provides for the minimum car parking rate to be provided for a proposed development. The provided tables indicate a minimum and a maximum parking requirement for residential developments. Development Control C1 of Clause 3.1 provides for the following guide;

Parking spaces shall be provided in compliance with Council's minimum car parking spaces requirements as set out in Table 3.1.

The following parking rates in Table 3.1 are provided for multi dwelling housing as per the current proposal;

Use	Measure	Minimum Spaces Required	Maximum Spaces Required
Multi dwelling housing	Bedroom per dwelling		
	Studio/1 bedroom	1	1.5
	2 bedroom	1	2
	3 bedroom	1.2	2
	4+ bedroom	1.5	2
	Visitor/dwelling	0.2	0.5

The application will require a total of 130 parking spaces. As the application is provided with a total of 132 parking spaces, the proposal is compliant.

Council cannot request more onerous standards if an application is compliant with Development Control Plan controls as indicated under Section 79C(3A)(a) of the EP&A Act. In this regard, the provided parking spaces are acceptable in this instance.

Issue: Traffic, congestion & access

Comment: The applicant prepared a traffic impact assessment report to assess the likely traffic implications of the development, to determine whether the development is satisfactory, and recommend appropriate remedial measures if required. The report advised as follows in relation to the traffic implications of the proposed development:

Traffic Implications – Road Network Capacity

Reference to Figures 5 and 6 leads to a conclusion that the main traffic implications of the proposed development in terms of road network capacity are likely to concern the additional traffic demand as a consequence of the proposed development on the following intersections:

*Great Western Highway/Hawkesbury Road/Coleman Street
Great Western Highway/Good Street
Hawkesbury Road/Amos Street*

The effect of that additional traffic demand on the operating performance of those intersections can be assessed using the SIDRA traffic model and criteria for interpreting the results of SIDRA analysis are set out on the schedule reproduced in the following pages. The results of the SIDRA analysis of those 3 intersections under existing and projected post-development traffic demand during the weekday AM and PM peak periods are summarised in the following table, while the output sheets for each of the analyses are included as Appendix C to this report. The SIDRA analysis reveals that:

- *all of the intersections operate at an acceptable level of service under both existing and projected post-development traffic demand except for the Great Western*

Highway/Good Street intersection which operates at an unsatisfactory level of service, during the weekday AM peak period only under both existing and projected post-development traffic demand

- *the additional traffic demand on the intersections as a consequence of the proposed development has only a relatively minor effect on intersection performance.*

In the circumstances it can be concluded that the proposed development has no unacceptable effect in terms of road network capacity.

Traffic-Related Environmental Effect

The proposed development does not have any unacceptable traffic-related environmental effect because:

- *the traffic generation potential of the proposed development is only moderate*
- *as noted in the foregoing, the site enjoys immediate access to the higher order road network which serves and passes through the Westmead area*
- *as can be observed from Figure 6:*
 1. *traffic generated by the proposed development is likely to approach/depart the site over a number of local access routes, diluting the additional traffic demand on any particular route*
 2. *consequently, the additional traffic demand on individual, local residential streets as a consequence of the proposed development is relatively minor.*

The application was assessed by Council's Traffic Section and found to be satisfactory. The concerns in regard to additional congestion to the end of Anderson Street via parking and vehicular movement is speculative and not supported by a traffic study. In addition, as Anderson Street is closed off from the Great Western Highway, this is considered to reduce potential traffic impacts as vehicles will only be arriving from one end of Anderson Street rather than 2 directions.

In this regard, the development is considered satisfactory from a traffic point of view.

Issue: Building Height

Comment: The application has been accompanied by a Clause 4.6 Variation to the Building Height as previously discussed within this report.

The application is non-compliant for a portion of the 21m height control provided for part of the roof and lift overrun area for Tower 2 on the corner of Anderson Street and the Great Western Highway. This area of non-compliance is in the vicinity of 0.5m to 0.8m for the eastern most lift overrun and the roof structure above unit 109. It is noted that no built form is proposed within the 15m height control area. The application has been accompanied with a 4.6 variation request in regard to this height non compliance.

The accompanying 4.6 variation is considered to discuss the necessary sub-clauses of a 4.6 variation to allow for an appropriate justification of the proposed non compliance. The area of non-compliance is considered minor in nature and will not create additional amenity concerns for surrounding residents noting the non-compliance is to a lift overrun and roof area, rather than creating an additional residential storey for instance.

It is also noted that properties directly to the east of the site along the Great Western Highway are provided with a greater height at 23m. In this regard, the redevelopment of the subject site is not considered out of character with the desired future presentation of buildings along the

Great Western Highway. Noting the above, the height variation in this instance is considered acceptable.

(e) the public interest

Long term positive benefits of the proposal include the provision of mixed apartment types and sizes which will cater for varied household groups within close proximity to the Parramatta Town Centre. Short term benefits include the provision of employment for tradespersons, builders, landscapers and the like who will undertake physical construction of the development. It is acknowledged that there will be some short term disruption to the amenity of nearby residents (truck movements, deliveries, noise of construction work, etc.) but it is considered that the long term positive benefits outweigh the short term adverse impacts noting that the proposal is provided with a compliant floor space ratio, parking control, communal open space and solar access provisions.

INTERNAL REFERRALS

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

Building Services Section	No objection, subject to conditions.
Development Engineering Section	No objection, subject to conditions.
Traffic Section	No objection, subject to Deferred Commencement conditions.
Landscaping Section	No objection, subject to conditions.
Environmental Health Unit	No objection, subject to conditions.
Waste Management Section	No objection, subject to conditions.
Strategic Planning Section	No objections.
Community Services Section (Social Planning)	No objection.
Heritage Advisor	No objections.

EXTERNAL REFERRALS

Police

Comments were sought from NSW Police (Holroyd LAC) who raised no objection subject to standard recommendations.

Roads and Maritime Service

The application was referred to the Roads and Maritime Services for comment in accordance with Clause 101, 102 and 103 of the State Environmental Planning Policy (Infrastructure) 2007. No objection was raised subject to appropriate conditions.

Urban Design Review

The application was also referred to Council's consultant urban designer for review. The following points were provided for. It should be noted that amended plans were subsequently received to address the comments from the urban designer.

1 Context Analysis

The context analysis does not show weighted pedestrian desire lines to the site or public transport routes and nearest stops.

Comment

The following discussion was provided by the accompanying Statement of Environmental Effects;

The site is also within close proximity to Parramatta Train Station and Bus Interchange, with T-Way bus stops with regular services to Parramatta, Pemulway, Greystanes and Merrylands situated within 230m radius of the subject site.

It is noted that bus routes 810 and 811 as well as the T80 regularly travel along the Great Western Highway to and from Parramatta Interchange Station. A bus stop is located 280m to the east of the subject site. Noting the above, it is considered that the proposal is located an acceptable walking distance to public transport which would then allow direct access to a commercial area with services.

2 Council's Controls

According to the Applicant's SEE, the proposal is compliant with LEP 2013 FSR controls and height controls (with very minor height overages).

Except where specifically discussed here, the reviewer relies on Council to provide an assessment of compliance with applicable LEP and DCP provisions.

Comment

As indicated within this report, the proposal is provided with a compliant floor area. The application does provide for an area of non compliance in relation to the overall 21m height control for part of the roof and lift overrun area provided to tower 2 on the corner of Anderson Street and the Great Western Highway. The accompanying 4.6 Development Control variation in relation to this height noncompliance is considered acceptable in this instance as it is not considered that the surrounding sites will be provided with a loss of amenity.

3 Access to the site

Pedestrian entries to all lobbies are now provided from the Great Western Highway, as previously recommended. All these entries include stairs, but each lobby is also accessed from the rear (north) side of the building without stairs via a ramp-only path to Anderson Street and this is assumed to meet DDA requirements.

Comment

Access ramps for the proposal are considered acceptable in relation to the Disability Discrimination Act 1992.

4 Site Planning and Building Massing

The general location, orientation and massing of the proposal remains as at the pre-DA review and is supported.

Comment

Noted.

5 *Setbacks*

Setbacks are generally acceptable from an urban design merit perspective.

Comment

Noted

6 *Great Western Highway Frontage*

The relationship of the ground floor units to the Great Western Highway has been clarified and improved and is now generally satisfactory. Whilst in principle direct access from the street to the courtyards of ground floor units is desirable, in this proposal such access for some units may not be optimal where:

- *Access is from a main entry access path, rather than directly from the street*
- *Level differences necessitate a flight of stairs which consumes a significant portion of the courtyard space*
- *The portion of the unit facing the Highway comprises only bedrooms (direct courtyard access makes more sense where the courtyard leads to living areas).*

Accordingly, it is suggested that the courtyard street access be removed from units 003, 005, 006, 013, 014.

Comment

Four (4) units fronting the Great Western Highway (Units 4, 9, 12 and 15) are provided with courtyard areas to the Highway Frontage. Each of these courtyard areas are provided directly from internal living areas. Three of the courtyard areas are accessed by a ramp from a landing directly behind the entry gate. It is noted that each courtyard provided is compliant with the minimum 10m² area and 2.5m depth requirement for ground floor terraces as stipulated under Part B, Clause 6.6 of the Holroyd Development Control Plan. In this regard, the area of each courtyard excluding the associated ramp and landing is numerically compliant with open space requirements.

While it is acknowledged that access to the courtyard is also provided from a main access path rather than directly from the street, this does enable additional planting to be located to the front of these courtyard areas which will assist in minimising the impact of their presentation. In addition, a secondary exit from each unit is appropriate in this instance as it does allow for an alternate access from an internal living area rather than through the lobby area.

7 *Communal Open Space*

Communal Open Space is provided along the northern boundary, to the north of the building. It includes a significant area of deep soil to be planted with large trees, and various facilities. Depending on future development to the north of the site, it will receive good winter sunlight. The communal open space has the potential to be exemplary and should be designed and landscaped in detail to a high standard.

Comment

Noted

8 Internal amenity

Whilst improved, the first two levels of the proposal still have some internal amenity shortcomings:

- *Units 008 and 011 and above have “snorkel” bedrooms (i.e. second bedrooms which are located behind main bedrooms) and which derive their light and air via a slot in the exterior facade which is shared with the adjoining apartment and a small extension to the bedroom itself. These are considered unacceptable due principally to a lack of acoustic privacy between the bedrooms of separate apartments.*

The simplest remedy is to make one of the apartments a one-bed unit.

- *Units 001, 018, 024 and 028 also have “snorkel” bedrooms. The passage to the window is relatively wide for its depth, so these bedrooms are acceptable in principle, but the wardrobe constricts the width. It should be moved to the opposite wall.*

In addition, some bedrooms throughout the building are 2.4m wide. This is too narrow – the minimum should be at least 2.6m and preferably 2.7m. This concern occurs mainly on the Ground Floor and Level 1 and could be easily remedied by modifying the entry and fire stair configuration on the ground floor.

The Applicant’s SEE states that the development meets the standards for daylight and natural cross-ventilation in the SEPP65 RFDC. The reviewer has not independently verified these statements, but the overall massing and configuration of the building and the unit layouts appear to take appropriate advantage of the long north-facing orientation of the site.

Comment

The ‘snorkel bedrooms’ as indicated within the plans for units 8 and 11 are provided with a 1.8m corridor from the rooms entry. It is noted that these bedrooms are located adjoining the second bedroom within the respective unit, with the bedroom of the adjoining unit located on its opposite wall. In this regard, acoustic treatment is considered acceptable as bedrooms are considered quieter areas as opposed to living areas, the positioning of bedrooms adjoining each other considered to minimise acoustic concerns created via apartment living.

The width of the ‘snorkel bedrooms’ for units 1, 18, 24 and 28 as indicated is considered appropriate with amended plans allowing for the relocation of the wardrobe as advised. In this regard, the bedrooms are considered to allow for appropriate liveability.

It is noted that amended plans have allowed for all bedrooms to be provided with a minimum width of 2.6m. In this regard, the bedroom layout provided for each unit is considered acceptable.

82 units (75%) have a north, eastern or western facing living room or kitchen, thus will receive more than 3 hours solar access to main living areas. In addition, 62% of units are considered to be provided with natural ventilation. In this regard, the proposed development is compliant with solar access and natural ventilation requirements as stipulated within the Residential Flat Design Code.

SECTION 94 CONTRIBUTIONS

Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 94 of the *Environmental Planning and Assessment Act 1979* and Holroyd Section 94 Development Contributions Plan 2013, for 109 units (18 x 1 bed, 77 x 2 bed & 14 x 3 bed units) is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$1,318,778.37**. The amount of the contribution will be determined at the time of payment in accordance with the relevant s94 Contributions Plan in force at that time.

RECOMMENDATION

It is considered that the amended design is a sound response to the constraints of the site, and is responsive to concerns raised in the deferral letter. Whilst the development is a relatively long building providing for a podium level and two towers, it is considered that the architectural articulation employed ameliorates the overall bulk of the structure. All four elevations provide visual interest through articulation and through the variety in finishes.

Variations to numerical provisions of the HDCP 2013 have been assessed as being relatively minor and/or acceptable, given site constraints and compliance with the objectives of the provisions. Variation proposed to the overall height for Tower 2 is considered appropriate in this instance and will not create amenity or visual concerns for the vicinity.

The amenity of surrounding residents is considered to have been maintained to an acceptable manner by the proposed design while the amenity of future occupants is also considered acceptable noting the amount of communal open space provided, solar access and natural ventilation compliance, balcony sizes and apartment mix and layout.

The development results in an increase in the supply of housing to an area along the Great Western Highway identified for density increase. The proposal is considered to improve the built environment and provides for mixed housing types. It is considered that these positives outweigh any perceived negative aspects of the proposed development.

It is recommended that the application proposing the demolition of existing building and structures on site, consolidation of 7 lots into 1 lot, construction of a 6 to 7 storey residential flat building comprising 109 units (18 x 1, 77 x 2 & 14 x 3 bedroom units) over 2 levels of basement car parking accommodating 132 car parking spaces **be approved subject to conditions as outlined in Attachment G of this report.**

Attachment “G” – Draft Conditions of Development Consent