

SYDNEY WEST CENTRAL PLANNING PANEL

Panel Reference Number	2017SWC069
DA Number	DA 2017/203
Local Government Area	Cumberland
Proposed Development	Demolition of existing structures, consolidation of 8 lots into 1 lot and construction of a 4 storey residential flat building comprising 78 units under Affordable Rental Housing SEPP 2009 above basement parking accommodating 68 car parking spaces
Street Address	11-19 Centenary Road, Merrylands
Applicant/Owner	Amelie Housing C/- Hawes & Swan Planning
Number of Submissions	One (1)
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment Value \$26,389,000 (>\$20 million)
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (BASIX) 2004 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) • Holroyd Local Environmental Plan 2013 (HLEP 2013) • Holroyd Development Control Plan 2013 (HDCP 2013) • Section 92 of the EP&A Regulation
Recommendation	Approval, subject to conditions
Report by	Ali Hammoud, Consultant Senior Planner, Cumberland Council
Meeting date	26 October 2017



Figure 1 – Perspective from Centenary Road Looking North-East
(Source: Ivolve Studios Pty Ltd 2016)

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ATTACHMENTS

- Attachment 1 – Development Application Plans
- Attachment 2 – Applicant's Clause 4.6 request for variations
- Attachment 3 – Assessment of compliance with Affordable Rental Housing SEPP
- Attachment 4 – Assessment of compliance with SEPP 65 Apartment Design Guide
- Attachment 5 – Assessment of compliance with Holroyd LEP 2013
- Attachment 6 – Assessment of compliance with Holroyd DCP 2013
- Attachment 7 – Public Submissions
- Attachment 8 - Proposed Conditions of Consent

1 Executive Summary

- 1.1 Council is in receipt of a Development Application (DA) from Amelie Housing for a development involving demolition of existing structures, consolidation of 8 lots into 1 lot and construction of a 4 storey residential flat building comprising 78 units under Affordable Rental Housing SEPP 2009 above basement parking accommodating 68 car parking spaces.
 - 1.2 The development proposes a U-shaped built form that addresses the Aldemey Street, Centenary Road and Wyreema Street frontages of the site with a central ground level Communal Open Space located between the building and the eastern rear boundary of the site.
 - 1.3 Vehicular access to the basement level of the building is proposed via the Wyreema Street frontage of the site where a total of 68 car parking spaces and 48 bike spaces are proposed.
 - 1.4 A copy of the proposed DA plans are provided as **Attachment 1** to this report.
 - 1.5 The proposed development constitutes 'regional development' requiring referral to the Sydney West Central Planning Panel (the Panel), as it has a capital investment value of \$26,389,000. While Council is responsible for the assessment of the DA, the Panel is the Consent Authority.
 - 1.6 The site is zoned R4 High Density Residential pursuant to Holroyd Local Environmental Plan (HLEP) 2013. Residential flat buildings, defined as "*a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing*", is permissible with development consent and the development is consistent with the objectives of the zone.
 - 1.7 The development proposes that all units within the development will be provided as affordable rental housing pursuant to the provisions contained in State Environmental Planning Policy (Affordable Rental Housing) 2009 (the ARH SEPP). In accordance with the provisions of the ARH SEPP, the application utilises bonus floor space ratio (FSR) available in return for the provision of affordable rental housing on the site. The proposed development resembles a residential flat building and is considered to be in harmony with the character of recently approved development in the vicinity of the site. Accordingly, the development is considered to satisfy the character of the local area test to be considered under Clause 16A of the ARH SEPP. A detailed assessment against the provisions of the ARH SEPP is provided as **Attachment 3** to this Report.
 - 1.8 The proposal is consistent with the objectives of State Environmental Planning Policy No. 65 (SEPP 65) and satisfactorily achieves the 9 design quality principles listed under Schedule 1. The proposal achieves the objectives of the Apartment Design Guide (ADG) and complies with the numerical design criteria as detailed in the assessment provided as **Attachment 4** to this Report.
 - 1.9 The development complies with the development standards contained within HLEP 2013 with the exception of building height. The maximum permissible height of buildings on the site is 15 metres and the proposed development includes a maximum height of 15.5 metres for a stair shaft overrun on the north-eastern corner of the building. The proposed building height is varied by up to 500mm, or 3.3%, over the 15 metre limit.
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- 1.10 The applicant has lodged a request under Clause 4.6 of HLEP 2013 seeking a variation to the height of building development standard where they consider that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case. A copy of the Clause 4.6 requests is provided at **Attachment 2** to this report. The variation is supported as the objectives of the standard are achieved and the proposal results in a better planning outcome for the site with no adverse streetscape, overshadowing or amenity impacts.
- 1.11 The maximum permissible FSR for the site is 1.2:1 under the HLEP 2013. In addition, a FSR bonus of up to 0.5:1 is available under the ARH SEPP if 50% of the development is dedicated to be used as affordable rental housing, calculated on a proportionate basis. The development proposes a FSR of 1.4:1 which is well below the maximum 1.7:1 permitted for the site as 100% of the development is proposed to be provided as affordable rental housing.
- 1.12 A detailed assessment against the provisions of the HLEP 2013 is provided at **Attachment 5** to this Report.
- 1.13 The development is generally consistent with the requirements of the Holroyd Development Control Plan (HDCP) 2013 with the exception of the car parking requirements (although compliant with the ARH SEPP requirements), site coverage and dwelling mix controls. The proposed variations are considered acceptable as the proposal is an appropriate response to the site, will provide a highly emphasised corner building and the development will not result in any amenity impacts for adjoining properties and future occupants of the development. A detailed assessment against the provisions of the HDCP 2013 is provided at **Attachment 6** to this Report.
- 1.14 The DA was referred to Roads and Maritime Services (RMS), NSW Police, Endeavour Energy, Transgrid and Transitway for comments, all of which raised no objection to the proposal subject to conditions of consent.
- 1.15 The DA was notified to surrounding property owners and occupiers for a period of 21 days between 14 June 2017 and 5 July 2017, during which time 1 submission was received. The grounds of objection raised in the submission have been satisfactorily addressed as a part of the DA and are not considered sufficient to warrant refusal of the DA.
- 1.16 The proposed development is considered satisfactory with regard to key issues such as siting and design, bulk and scale, privacy, overshadowing, access, traffic impacts, parking, site contamination, stormwater drainage and social and economic impacts. The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979 including the suitability of the site for the development and the public interest, and is considered satisfactory subject to the imposition of suitable conditions of consent to satisfactorily control the development.
- 1.17 In light of the above, it is recommended that the Panel approve the DA subject to the imposition of suitable conditions of consent. Recommended conditions are provided at **Attachment 8** to this Report.

2 Site and Context

- 2.1 The subject land comprises 8 individual lots known as Lots 1 and 2, DP 597975 and Lots 19, 20, 21, 22, 23 and 24, DP 2020. Collectively, the site is known as 11-19 Centenary Road, Merrylands. The land is an irregular shaped parcel and has a
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- 2.2 The subject site currently contains a warehouse building used as a 'St Vincent De Paul' shop, residential dwelling and associated structures and fifteen (15) trees.
- 2.3 The site has a slope in an east to west direction with the higher points of the site located along the eastern rear boundary and lower points of the site located along the western Centenary Road front boundary. The land is affected by a Flood Planning Level which creates a constraint for development on the site.
- 2.4 Pursuant to HLEP 2013, the subject site is zoned R4 High Density Residential whilst land adjoining the site to the east and situated opposite the site to the north and west is zoned R3 Medium Density Residential and land opposite the site to the west is zoned R4 High Density Residential as shown in Figure 3 below:

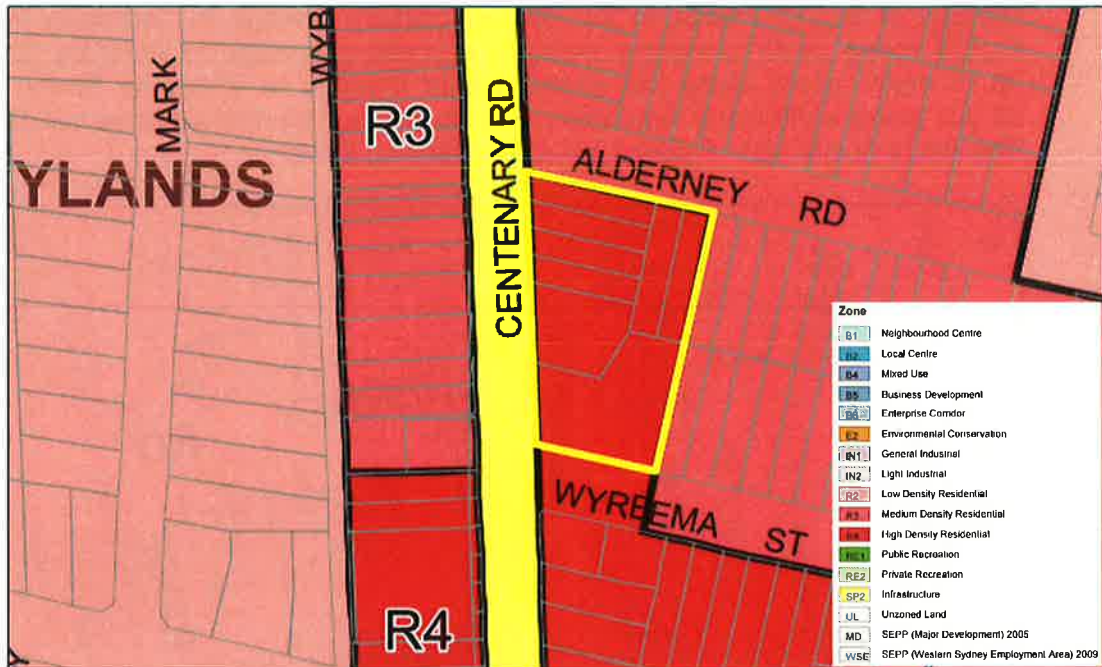


Figure 3 – Zoning Map (Source: Cumberland Council, 2017)

- 2.5 The subject site is situated on the eastern side of Centenary Road, Merrylands and is a corner site with 3 street frontages to Centenary Road to the west, Alderney Road to the north and Wyreema Street to the south. An aerial image covering the site and surrounds is provided as Figure 4 below:

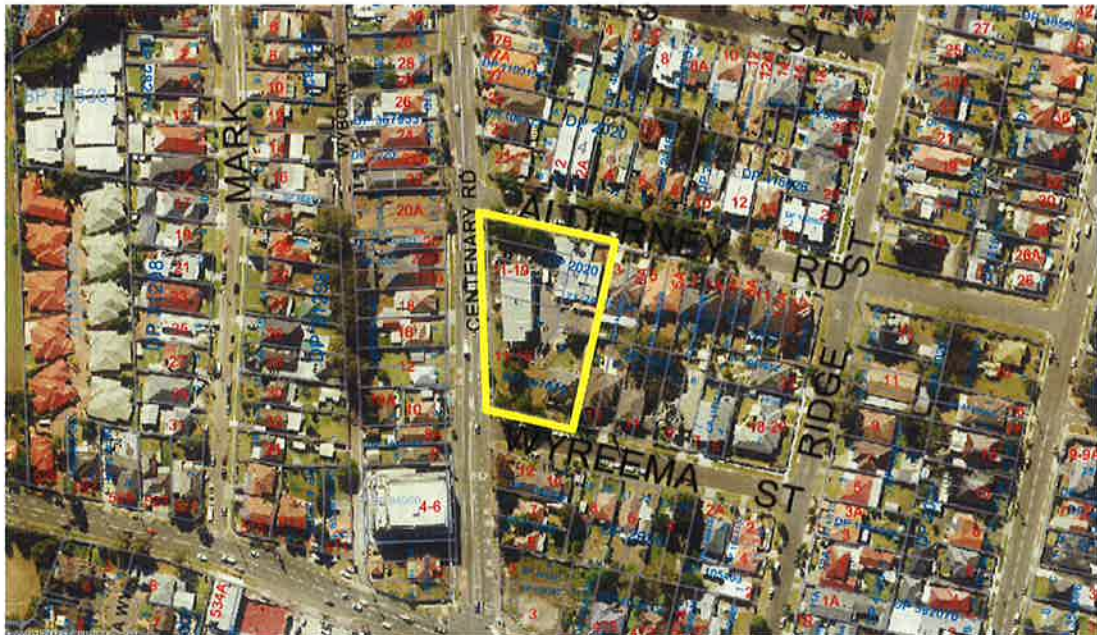


Figure 4 – Aerial Photo of Site and Surrounds (Source: Cumberland Council, 2017)

- 2.6 The locality is characterised by existing low density residential development with some higher density development emerging to the south-west and south of the site towards the Centenary Road and Merrylands Road intersection.
- 2.7 The subject site currently benefits from multiple vehicular access points on all street frontages while vehicular access to the development is proposed from the southern Wyreema Street frontage of the site.

- 2.8 The site has access to the surrounding regional road network of the M4 Motorway and Great Western Highway via Centenary Road to the north; via Merrylands Road and Cumberland Highway to the west; and via Merrylands Road and Burnett Street to the east.

3 The Proposal

- 3.1 The proposal is for the demolition of existing structures, consolidation of 8 lots into 1 lot and construction of a 4 storey residential flat building comprising 78 units under Affordable Rental Housing SEPP 2009 above basement parking accommodating 68 car parking spaces.
- 3.2 Specific details of the proposed development are as follows:

No. of Storeys / Height in metres	4 storeys / 15.5 metres (max)
No. of Units / Unit Mix	78 units <ul style="list-style-type: none"> • 38 x 1 bed units • 32 x 2 bed units • 8 x 3 bed units
Orientation	Northerly, Westerly and Southerly
Adaptable	16/78 (20.5%)
Solar	69/78 (88.5%)
Natural Ventilation	70/78 (89.7%)

The proposed unit sizes all comply with the minimum sizes prescribed by the Apartment Design Guide (ADG) with internal layouts generally observing an open plan kitchen, living and dining area with backs of kitchen no more than 8 metres from a window.

Each unit is provided with a private open space terrace at ground level or balconies on the levels above that comply with or exceed the minimum size prescribed by the ADG.

Each unit is provided with internal storage areas as well as individual secure basement storage compliant with or exceeding the total minimum required under the ADG. Only 1 unit is provided with 47.3% of its storage within the unit which is considered acceptable given the overall storage area exceeds the required minimum.

A total of 16 adaptable units (20.5%) have been provided and overall 69 units (88.5%) achieve at least 2 hours of solar access at midwinter and 70 units (89.7%) achieve natural ventilation.

Communal Open Space

The proposal includes a consolidated ground floor level communal open space (COS) measuring 1,075sqm located between the building and the eastern rear boundary of the site. The COS incorporates hard landscaping, tables and seating, pergolas, BBQ facilities and play equipment.

Built Form

The proposed built form comprises a 4 storey building height observing a U-shaped form addressing the 3 street frontages of the site and wrapping the central COS area between the building and the eastern rear boundary.

The building observes a minimum 6 metre setback from the western primary Centenary Road boundary, 4 metres from the northern and southern secondary street frontages and a minimum 6.65 metres from the eastern rear boundary.

An overall FSR of 1.4:1 is proposed, which is below the maximum 1.7:1 permitted for the site. A maximum building height of 15.5 metres is proposed which involves up to a 3.3% variation over the 15 metre height limit created by a stair shaft overrun on the north-eastern corner of the building. The height variation does not result in any net increase in the GFA achievable on the site.

Parking, Vehicular and Pedestrian Access

The proposal includes a single basement beneath the building containing a total of 68 car parking spaces and 48 bike spaces.

Vehicular access to the development is proposed from the southern Wyreema Street frontage of the site.

Pedestrian access points into the site and building are provided via 4 separate entrances, 3 of which are located on the Centenary Road frontage and 1 on the Alderney Street frontage. The entrances are legible and well-defined with 4 lobbies proposed in accordance with the 4 cores proposed for the building. Lift access is provided for all units through the basement level and ground floor lobbies.

Servicing

Waste and recycling is proposed to be conveyed via a chute system within the building to bin store rooms located in the basement level. Prior to pick up, bins will be transported to the ground level bin storage area located on the top of the driveway access at the south-eastern corner of the site.

Consolidation and Subdivision

The DA seeks to consolidate the existing 8 lots into 1 lot and does not propose to subdivide the completed development.

4 Planning Controls

4.1 The planning controls that relate to the proposed development are as follows:

a. State Environmental Planning Policy (State and Regional Development) 2011

Development of a type that is listed in Schedule 4A of the Environmental Planning and Assessment Act, 1979 is defined as 'regional development' within the meaning of SEPP (State and Regional Development) 2011. Such applications require a referral to a Sydney Planning Panel for determination. The proposed development constitutes 'Regional Development' as it has a Capital Investment Value (CIV) of \$26,389,000 which exceeds the \$20 million threshold. While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney West Central Planning Panel.

b. State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (the ARH SEPP) provides a range of development opportunities for affordable rental housing and aims, amongst other aims, *“to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards”*.

In accordance with the provisions of the ARH SEPP, the application utilises bonus FSR available in return for the provision of affordable rental housing on the site. The proposed development resembles a residential flat building and is considered to be in harmony with the character of recently approved development in the vicinity of the site. Accordingly, the development is considered to satisfy the character of the local area test to be considered under Clause 16A of the ARH SEPP.

The proposed development satisfies the requirements of the ARH SEPP and does not propose any non-compliances with the provisions of the SEPP. A detailed assessment against the provisions of the ARH SEPP is provided as **Attachment 3** to this Report.

c. State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 ensures that the RMS is given the opportunity to comment on development nominated as ‘traffic generating development’ under Schedule 3 of the SEPP. Schedule 3 identifies development involving 75 or more dwellings on a site with access to classified road or to road that connects to classified road as traffic generating development. The DA proposes 78 dwellings and is located on Centenary Road which connects to Merrylands Road (Classified Road No. 2098) and accordingly was referred to the RMS for comment in accordance with the Infrastructure SEPP. The RMS’s comments are outlined in Section 6 of this Report. In addition, a copy of any determination will be forwarded to the RMS in accordance with Clause 104(4) of the SEPP.

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

A BASIX Certificate has been lodged as a part of the DA, as well as a NatHERS (Nationwide House Energy Rating Scheme) assessor certification. The BASIX certificate indicates that the development has been designed to achieve the required water, thermal comfort and energy scores.

e. State Environmental Planning Policy No. 55 (Remediation of Land)

SEPP 55 aims to provide a state wide planning approach to the remediation of contaminated land. Where contamination is, or may be, present, the SEPP requires a proponent to investigate the site and provide the consent authority with the information to carry out its planning functions.

The site is known to contain two underground storage tanks (UST’s) as identified in previous site contamination assessment reports as well as some residual soil and groundwater contamination which remained on the site following their decommissioning and removal. The site owner has also previously notified the site to the NSW EPA under Section 60 of the Contaminated Land Management Act 1997 (CLM Act 1997) of the identified contamination at the site.

A Remediation Action Plan (RAP) was submitted with the application which recommends remediation for the site that would, upon completion, render the site suitable for the proposed land use. Conditions are included in the recommended conditions provided as **Attachment 8** requiring the site to be remediated in accordance with the RAP which will ensure that the land is suitable for the proposed residential use.

f. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

SEPP 65 and the associated Apartment Design Guide (ADG) apply to the assessment of the subject application as it includes residential flat buildings that are more than 3 storeys in height and contain more than 4 dwellings each. The DA has been accompanied by a design verification statement from a registered architect addressing the 9 'design quality principles' prescribed by the SEPP. The design verification statement has been assessed as being acceptable.

Clause 28 of the SEPP requires a consent authority to take into consideration the provisions of the ADG in the assessment of any DA. The proposed development is considered acceptable having regard to the requirements of SEPP 65 and the ADG and proposes no variations or non-compliances. A detailed assessment against the provisions of the ADG is provided at **Attachment 4** to this Report.

g. Holroyd Local Environmental Plan (HLEP) 2013

HLEP 2013 applies to the site. The development is generally consistent with the provisions of the LEP with the exception of the height of buildings development standard. The applicant has submitted a written request justifying the contravention of the development standard and considers that strict compliance is unreasonable and unnecessary in the circumstances of the case. The variation is discussed in further detail in Section 5 of this Report. A detailed assessment against the provisions of the HLEP 2013 is provided at **Attachment 5** to this Report.

h. Holroyd Development Control Plan (HDCP) 2013

HDCP 2013 applies to the site. The development is generally consistent with the provisions of the DCP with the exception of the car parking requirements (although compliant with the ARH SEPP requirements), site coverage and dwelling mix controls. The variations are discussed in further detail in Section 5 of this Report. A detailed assessment against the provisions of the HDCP 2013 is provided at **Attachment 6** to this Report.

5 Key Issues

5.1 Variations to HLEP 2013 development standards

The proposed variation to the height of buildings development standard requested by the Applicant under Clause 4.6 of HLEP 2013 is discussed below:

a. Height of Buildings variation:

The maximum permissible height of buildings on the site is 15 metres pursuant to Clause 4.3 and the Height of Buildings Maps of HLEP 2013.

The development proposes a maximum building height of 15.5 metres for a stair shaft overrun on the north-eastern corner of the building. The proposed building height is varied by up to 500mm, or 3.3%, over the 15 metre limit.

The applicant has lodged a request under Clause 4.6 of HLEP 2013 seeking a variation to the height of building development standard where they consider that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case. A copy of the Clause 4.6 requests is provided at **Attachment 2** to this report.

The variation arises due to a stair shaft overrun that provides rooftop access to access the plant that will be installed on the rooftop. The area of the building that exceeds the height control is generally limited to a stairwell only and no habitable floor space is located above the 15 metre height limit.

The Applicant has provided the following environmental planning grounds to justify the proposed variation:

- *"The proposed development is consistent with the objectives of the zone and the objectives of the building height control.*
- *The proposal does not result in any adverse impact from adjoining properties.*
- *The height variation equates to a maximum 500mm for a minor portion of the building and is not visually prominent."*

The objectives of the development standard are listed in Clause 4.3 of the LEP as follows:

- "(a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,*
- (b) to ensure development is consistent with the landform,*
- (c) to provide appropriate scales and intensities of development through height controls."*

The non-compliant building height will not cause any visual impact as the height encroachment will not be visible from the public domain or adjoining and surrounding properties. The shadow and solar access diagrams accompanying the application demonstrate that the proposal does not result in any significant adverse impacts on surrounding properties as a result of the non-compliant height over the stair shaft overrun. Similarly, the variation does not result in any additional floor space over what a compliant building would achieve and does not propose any habitable floor space above the 15 metre height limit that could pose any privacy impacts for neighbours.

The proposed development is consistent with the landform with the height breach being a direct consequence of changes in the landform at the north-eastern corner of the site.

The stair shaft overrun does not result in an increase in the visible bulk and scale of the built form than what a compliant building height would achieve given that the non-compliant component is related to a stair shaft overrun that does not contain any habitable floor space.

The objectives of the R4 High Density Residential zone are listed in the LEP as follows:

- “• *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 development achieves the objectives of the zone by allowing for the provision of the housing needs of the community within the high density residential environment and will contribute to the variety of housing types within the high density residential environment through the unit mix and affordable housing options offered on the site.

As the proposal is consistent with the objectives of the height of buildings development standard and the zone objectives, strict compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances of the case.

The Clause 4.6 variation is considered to be well founded and the variation is supported. Council is also satisfied that the proposed development will be in the public interest because it is consistent with both the objectives of the standard and the objectives of the zone.

It is considered that a better planning outcome is achieved for the site as the proposal:

- Does not result in any additional floor area or yield as a consequence of the additional height; and
- Does not create any adverse overshadowing or amenity impacts for adjoining and surrounding properties.

5.2 Variations to HDCP 2013 development controls

As noted above, **Attachment 6** provides a table that outlines the proposal's compliance with HDCP 2013. The development is generally consistent with the requirements of the HDCP 2013 with the exception of the car parking requirements (although compliant with the ARH SEPP requirements), site coverage and dwelling mix controls as discussed under the respective headings below.

a. Car Parking

Under the provisions of HDCP 2013, the development is required to provide car parking within a range between 87.6 up to 141 spaces. The development proposes a total of 68 car parking spaces. Whilst non-compliant with the HDCP 2013 requirements, it is noted that the development complies with the parking requirements prescribed in Clause 14(2)(a) of the ARH SEPP which is a standard that cannot be used to refuse consent.

Accordingly, the application is considered to provide an acceptable number of parking spaces.

b. Site Coverage

HDCP 2013 requires a maximum site coverage of 30% of the site for a residential flat building development. The proposal achieves a site coverage of 46.8% which exceeds the maximum requirement. Whilst exceeding the maximum 30%, the proposal is considered acceptable given that the development complies with the building envelope controls including FSR, height (excluding stair shaft overrun), setbacks and separation requirements.

c. Dwelling Mix

HDCP 2013 allows a maximum 20% for studios and 1 bedroom units in a development. However, the proposed development provides 38/78 (49%) as 1 bedroom dwellings. The provision of a higher proportion of 1 bedroom dwellings is considered acceptable for the site as it will respond to market demand for single occupier and 2 person units located within close proximity to the Transitway making the site highly accessible and given that the development proposes to utilise all dwellings as affordable rental housing. It is noted that there is a considerable number of new dwellings being proposed and constructed within the precinct and wider Merrylands West Centre which will all contribute to the supply of a suitable housing mix for the area. The variation is supported on the basis that a higher percentage of 1 bedroom dwellings will contribute to a suitable housing mix and affordability within the wider locality.

6 External Referrals

- 6.1 The subject Development Application was referred to the following agencies as summarised in the table below:

Referral Agency	Comment
Roads and Maritime Services	No objection, subject to conditions.
Holroyd Police Local Area Command	No objection, subject to conditions.
TransGrid	No objection, no affected assets.
Endeavour Energy	No objection, subject to conditions.
Transitway	No objection, subject to conditions.

7 Internal Referrals

- 7.1 The subject Development Application was referred to the following internal sections of Council as summarised in the table below:

Referral	Comment
Development Engineering Section	No objection, subject to conditions.
Landscaping Section	No objection, subject to conditions.
Traffic 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 objection.

8 Public Comment

- 8.1 The DA was notified to surrounding property owners and occupiers and advertised in the local newspapers for a period of 21 days from 14 June 2017 and 5 July 2017. Letters were sent to adjoining and surrounding owners and occupiers, an

advertisement was placed in the local paper and a notice was placed on site. In response, Council received 1 submission.

8.2 The concerns raised in the submission are addressed below:

Concern	Comment
Concern about safety and security and consequential social impacts.	The submission relied on assumptions about the behaviour of future occupants which was not well founded or supported by any evidence. The proposal will have acceptable social impacts on the local area and existing and future community.

8.3 The grounds of objection raised in the submission have been satisfactorily addressed as a part of the DA and are not considered sufficient to warrant refusal of the DA.

9 Section 79C Consideration

9.1 Consideration of the matters prescribed by Section 79C of the Environmental Planning and Assessment Act is summarised below:

Head of Consideration	Comment	Comply
a. the provisions of: (i) any environmental planning instrument (EPI) (ii) any draft environmental planning instrument (EPI) (iii) any development control plan (iiia) any planning agreement (iv) the regulations	The provisions of relevant EPIs and DCPs relating to the proposed development are summarised in Section 5 of this Report and have been satisfactorily addressed in Section 6. Whilst not considered certain or imminent, the proposal is consistent with the draft Amendment to Holroyd LEP for the Neil Street Precinct. There are no existing or proposed planning agreements that relate to the DA.	Yes
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	An assessment of key issues relating to the proposed development is provided in Section 6 of this Report and it is considered that the likely impacts of the development, including traffic, parking and access, bulk and scale, heritage, stormwater quality, waste management, soil and groundwater quality and the like have been satisfactorily addressed.	Yes
c. the suitability of the site for the development	The subject site is zoned R4 High Density Residential pursuant to HLEP 2013. Site and environmental constraints relating to site contamination, salinity, stormwater drainage and the like have been satisfactorily addressed as a	Yes

Head of Consideration	Comment	Comply
	part of the DA. The proposal is consistent with the building envelope controls for the site and development and will result in a development that is compatible with the existing and desired future character of the area. The site is therefore deemed to be suitable for the proposed development.	
d. any submissions made in accordance with this Act or the regulations	The DA was notified to adjoining and neighbouring owners and advertised in the local newspapers in accordance with the Regulations and the Holroyd DCP 2013. The submission has been addressed in Section 8 of this Report.	Yes
e. the public interest	The proposed development is for the purpose of a residential flat building under the HLEP 2013 that will not pose any impacts on the amenity of adjoining properties and the locality. Accordingly, it is considered that the proposal is in the public interest.	Yes

10 Conclusion

- 10.1 The proposed development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. In this regard it is considered that the site is suitable for the proposed development, the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest.
- 10.2 The proposal is consistent with the objectives of the HLEP 2013 and is permissible in the R4 High Density Residential zone and the proposal achieves the objectives of the zone. The proposal satisfies the essential criteria set out in SEPP 65, the Apartment Design Guide and the HDCP 2013, with the exception of the car parking requirements (although compliant with the ARH SEPP requirements), site coverage and dwelling mix controls.
- 10.3 The application proposes a satisfactory built form for the site and context; appropriately responds to site constraints including contamination and salinity; provides an accessible building design; and will have acceptable traffic, social and economic impacts subject to the imposition of suitable conditions of consent to satisfactorily control the development.

11 Recommendation

- 11.1 That the Development Application be approved by the Sydney West Central Planning Panel subject to the Proposed Conditions of Consent provided at **Attachment 8**.
- 11.2 That the applicant and objector be advised of the Sydney West Central Planning Panel's decision.

