

SYDNEY WEST CENTRAL PLANNING PANEL

Panel Reference Number	2017SWC111 DA
DA Number	DA 2017/345/1
Local Government Area	Cumberland Council
Proposed Development	Construction of 2 x three storey residential flat buildings accommodating 72 seniors housing units over basement car parking accommodating 89 parking spaces.
Street Address	128 Driftway Drive and 2 Newport Street, Pemulwuy
Applicant/Owner	LLP RV (Nelson Grove) Pty Ltd
Owner	Lendlease Retirement Living Holding Pty Ltd
Number of Submissions	Nil
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment Value \$29,100,771.70 (>\$20 million)
List of All Relevant s79C(1)(a) Matters	• State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (BASIX) 2004 • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • Sydney Environmental Plan (Sydney Harbour Catchment) 2005 • Holroyd Local Environmental Plan (LEP) 2013 • Holroyd Development Control Plan (DCP) 2013
Recommendation	Approval
Report by	William Attard, Senior Planner – Cumberland Council
Meeting date	22 February 2018



Figure 1 – Perspective from Driftway Drive looking North-East (Source: JH Architects 2017)



Figure 2 – Perspective from Driftway Drive looking South-East (Source: JH Architects 2017)

TABLE OF CONTENTS

1	Executive Summary	Page 1
2	Site and Context	Page 1
3	Background	Page 4
4	The Proposal	Page 4
5	Planning Controls and Comments	Page 6
7	External Referrals	Page 8
8	Internal Referrals	Page 8
9	Public Comment	Page 9
10	Section 79C Consideration	Page 9
11	Conclusion	Page 10
12	Recommendation	Page 10

TABLE OF FIGURES

Figure 1 – Perspective from Driftway Drive looking North-East (Source: JH Architects 2017)	Above
Figure 2 – Perspective from Driftway Drive looking South-East (Source: JH Architects 2017)	Above
Figure 3 – Location Map (Source: Cumberland Council, 2018)	Page 2
Figure 4 – Zoning Map (Source: Cumberland Council, 2018)	Page 3
Figure 5 – Aerial Photo (Source: Cumberland Council, 2018)	Page 3
Figure 6 – Heritage Map (Source: Cumberland Council, 2018)	Page 4

ATTACHMENTS

Attachment 1 – Development Application Plans

Attachment 2 – Draft Notice of Determination

1 Executive Summary

- 1.1 Council is in receipt of a Development Application from LLP RV (Nelson Grove) Pty Ltd seeking approval for construction of 2 x three storey residential flat buildings accommodating 72 seniors housing units over basement car parking accommodating 89 parking spaces at 128 Driftway Drive and 2 Newport Street, Pemulwuy. The Development Application Plans are provided as **Attachment 1** to this report.
- 1.2 The site is affected by Stormwater Flooding – Floor Level Control. The development has been assessed by Council's Development Engineer to be acceptable.
- 1.3 The Development Application was notified for a period of 21 days from 20 September 2017 to 11 October 2017 as per the Holroyd Development Control Plan (DCP) 2013, during which time no submissions were received.
- 1.4 The site is zoned R4 – High Density Residential Zone pursuant to the Holroyd Local Environmental Plan (LEP) 2013. *Residential Flat Building*, are permissible with development consent.
- 1.5 The proposal is consistent with the aims and objectives of State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy No. 55 (Remediation of Land), State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, Sydney Environmental Plan (Sydney Harbour Catchment) 2005, Holroyd Local Environmental Plan (LEP) 2013, and Holroyd Development Control Plan (DCP) 2013.
- 1.6 The Development Application was referred for comments externally to NSW Police and Endeavour Energy, and internally to Council's Development Engineer, Traffic Engineer, Landscaping and Tree Management Officer, Heritage Consultant, Environmental Health Officer, Landscape Architect, and Resource Recovery Officer, to which no concerns have been raised.
- 1.7 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 likely impacts, the suitability of the site for the development, and the public interest, and the proposed development is considered appropriate.
- 1.8 This report provides a brief commentary on compliance with all relevant legislation. The officer's detailed assessment report is located on the file.
- 1.9 In light of the above, it is recommended that the Sydney West Central Planning Panel Approve the Development Application, subject to the Draft Notice of Determination provided at **Attachment 2**.

2 Site and Context

- 2.1 The subject site is known as Lot 261, DP 1149422, 128 Driftway Drive and 2 Newport Street, Pemulwuy. The land is an irregular shaped lot and has a frontage of 71.76 metres to Driftway Drive, a frontage of 110.39 metres to Newport Street, a frontage to Greystanes Road of 8.8 metres, and a frontage of 203.295 metres to Griffins Avenue.

The site also maintains a boundary with 70 Butu Wargun Drive, Pemulwuy, of 99.855 metres, and a boundary to Lot 141 Edward Drive, Pemulwuy, of 120.715 metres. The total site area is 17,683.2sqm, and is illustrated in Figure 3 below:

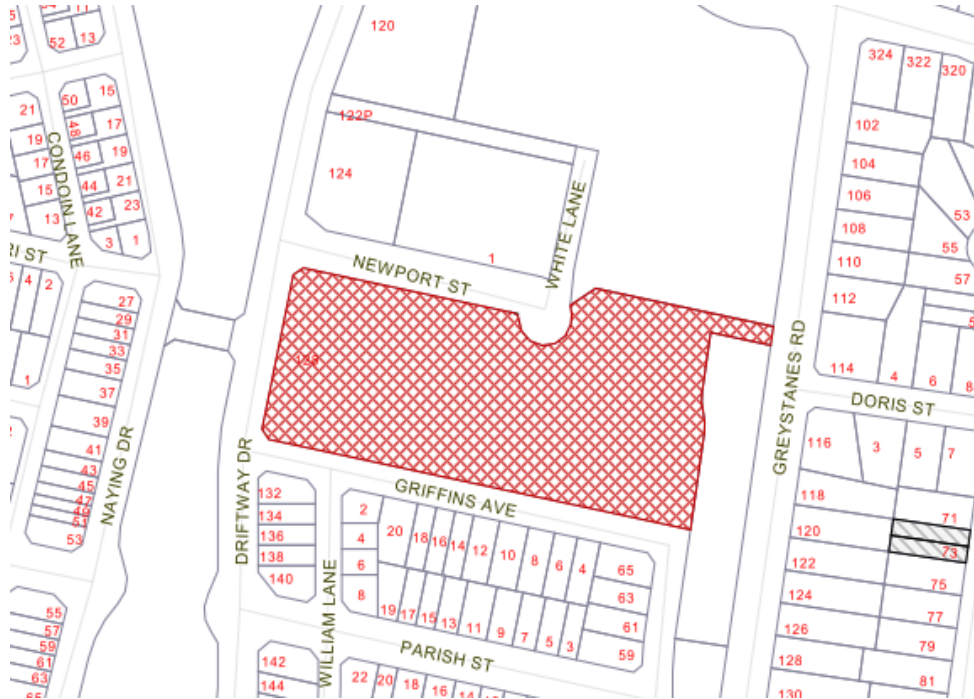


Figure 3 – Location Map (Source: Cumberland Council, 2018)

- 2.2 The area of the site to which the proposal is situated is vacant, however, other parts of the site are built upon, which are owned and managed by Lendlease, limited to:-
- A three-storey residential flat building designed to Newport Street, known hereon in as Building 1, containing basement car parking, ground floor community facilities, and above ground accommodation in the form of 25 independent living apartments; and
 - 53 villas, located on the eastern portion of the site, in the form of independent living villas.
- 2.3 The topography of the site is maintained to a 4.6% gradient, with a 9 metre fall from West to East. The site is affected by Stormwater Flooding – Floor Level Control.
- 2.4 The subject site is zoned R4 – Residential Flat Building pursuant to Holroyd Local Environmental Plan (LEP) 2013 as shown in Figure 4 below:

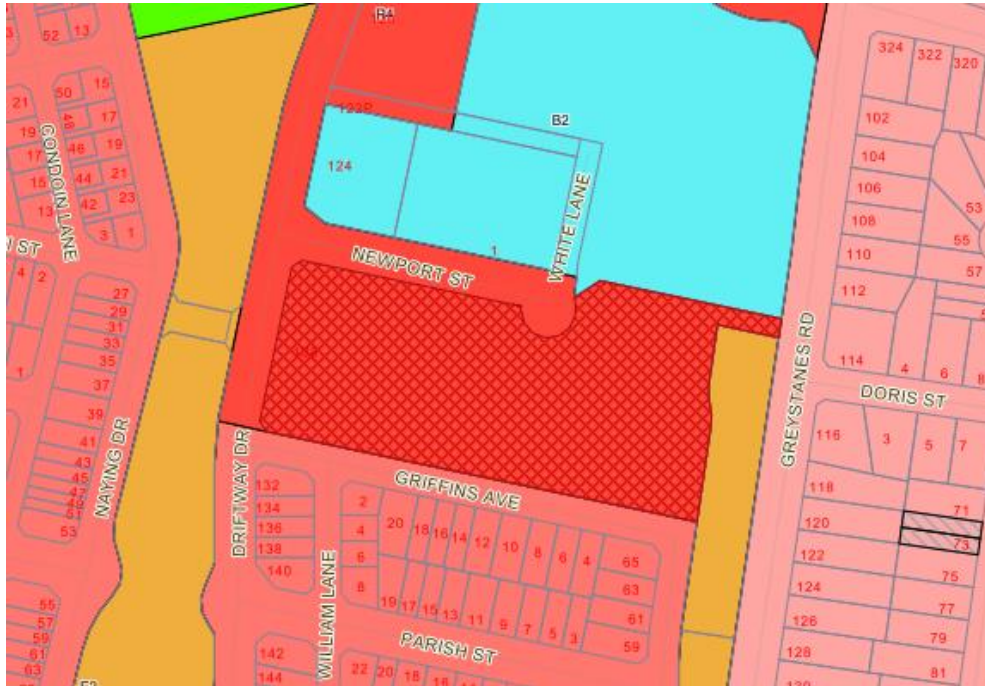


Figure 4 – Zoning Map (Source: Cumberland Council, 2018)

- 2.5 The subject site is situated to the east of Driftway Drive, and is located adjacent to the Pemulwuy Marketplace and opposite the Naying Reserve. Figure 5 below illustrates an aerial perspective of the site and the general surrounds:



Figure 5 – Aerial Photo (Source: Cumberland Council, 2018)

- 2.6 The surrounding locality is characterised as follows:-
- North – Three storey residential developments, the Allan G Ezzy Community Centre, Pemulwuy Children's Centre, and the Pemulwuy Market Place.
 - East – Single and two storey dwellings across Greystanes Road.

- South – Two storey dwellings.
- West – Naying Reserve, beyond which are two storey dwellings.

2.7 The subject site is located within the vicinity of 3 heritage items, which are as follows:-

- The Boral Main Gate (Item No. 190)
- Prospect Hill (Item No. 101662); and
- Aboriginal Scarred Tree (Item No. AH3).

Figure 6 below illustrates the location of the heritage items listed above:

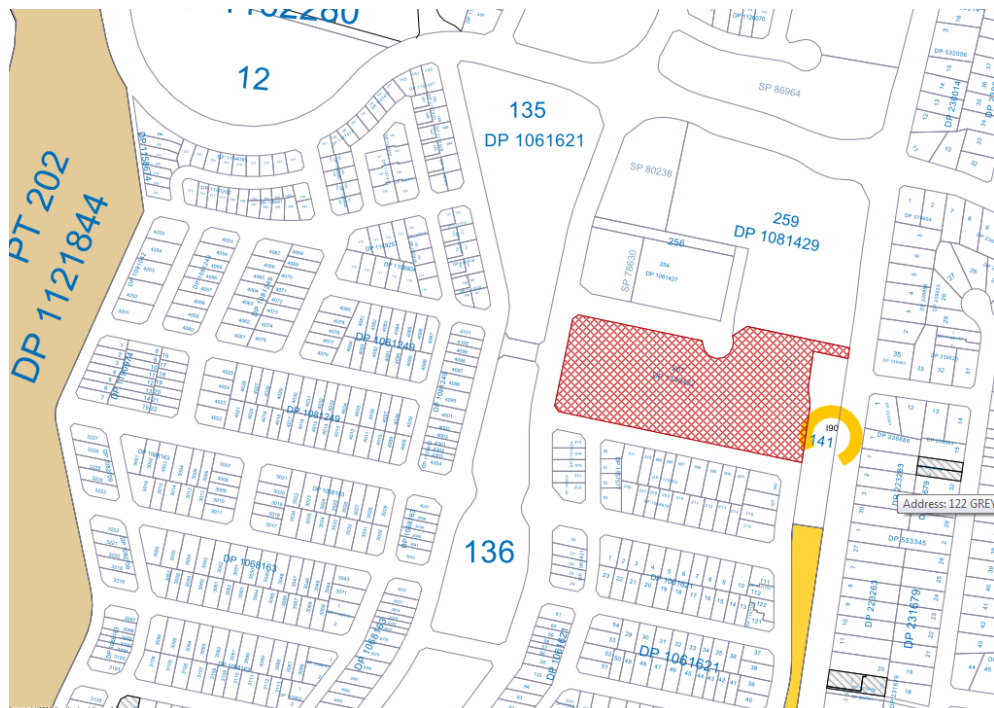


Figure 6 – Heritage Map (Source: Cumberland Council, 2018)

2.8 The site is within 400 metres walking distance to the Pemulwuy Market Place which is located on the corner of Greystanes Road and Butu Wargun Drive. Pemulwuy Market Place provides key retail and commercial services including bank facilities, supermarkets and a medical centre.

2.9 The site is also within 400 metres of a number of bus routes, including:-

- Route 809 which stops along Butu Wargun Drive, opposite Pemulwuy Market Place and provides access to Merrylands;
- Route 800 which stops along Driftway Drive and provides access to Blacktown, Prairiewood, Fairfield Heights and Fairfield;
- Route 810 which stops along Butu Wargun Drive, opposite Pemulwuy Market Place and provides access to Greystanes;
- Route 811 which stops along Butu Wargun Drive, opposite Pemulwuy Market Place and provides access to Parramatta; and

- Route 811X which stops along Butu Wargun Drive, opposite Pemulwuy Market Place and provides access to Parramatta.

3 Background

- 3.1 On 11 November 2008, the former Holroyd City Council approved Development Application 2007/845/1 for construction of 2 x 3 storey apartment buildings containing 72 self-contained seniors living units with basement parking and associated landscaping. Development Consent 2007/845/1 was not acted upon, and subsequently lapsed.
- 3.2 On 8 June 2017, the former Holroyd City Council held a Pre-Lodgement Meeting for a proposal seeking construction of 2 x 3 storey residential flat buildings containing 72 units with basement parking. Minutes of the Pre-Lodgement Meeting were subsequently issued, identifying matters to be considered for any Development Application lodged.

4 The Proposal

- 4.1 The proposal is for construction of 2 x three storey residential flat buildings accommodating 72 seniors housing units over basement car parking accommodating 89 parking spaces.
- 4.2 Specific details of the proposed development are as follows:

Built Form

The proposed built form comprises 2 residential flat buildings, both 3 storeys in height. The proposed western most building, referred to hereon in as Building 2, is setback 4.877 metres to 6.077 metres from Newport Street, 1.857 metres to 3.527 metres to Driftway Drive and 2.94 metres to 4.14 metres to Griffins Avenue. The proposed eastern most building, referred to hereon in as Building 3, is setback 3 metres to 5.04 metres to Griffins Avenue.

Parking (Basement and At-Grade)

	Basement Level
Resident Parking	69 (inclusive of 17 accessible spaces and 12 tandem spaces)
Visitor Parking	20 spaces
Bicycle Parking	32 spaces
Total	89 car spaces and 32 bicycle parking spaces

Independent Living Apartment Mix

	Building 2	Building 3	Total
1 Bedroom	4	4	8
2 Bedroom	32	32	64
3 Bedroom	0	0	0
	Total		72

Access Arrangements

Pedestrian access points to the development are maintained to Driftway Drive for Building 2 and Griffins Avenue for Building 3. Three cores have been proposed for each building, designed to maintain access to the basement level and the independent living apartments above.

Vehicular access points are maintained to Griffins Avenue, limited to a vehicular ramp to access the basement, and the existing access driveway to which the 2 at-grade visitor parking spaces and car wash bay are accessed.

Communal Open Space

The proposal maintains at-grade communal open space, between the existing three-storey residential flat building designed to Newport Street (Building 1), and the proposed buildings, designed to be 2,445.6sqm.

5 Planning Controls and Comments

5.1 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 State Environmental Planning Policy (SEPP) (State and Regional Development) 2011. Such applications require a referral to the Sydney West Central Planning Panel for determination. The proposed development constitutes 'Regional Development' as it has a Capital Investment Value (CIV) \$29,100,771.70 which exceeds the \$20 million threshold.

While Council is responsible for the assessment of the Development Application, determination of the Application will be made by the Sydney West Central Planning Panel.

b. 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 55 requires a proponent to investigate the site and provide the Consent Authority with the information to carry out its planning functions.

A Geotechnical and Contamination Assessment prepared by Douglas Partners has been submitted with the Development Application. Council's Environmental Health Officer has reviewed the report, and raises no concerns, subject to the recommendations being adopted, implemented and adhered to.

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

A BASIX Certificate has been lodged as a part of the Development Application. The BASIX certificate indicates that the development has been designed to achieve the required water, thermal comfort and energy scores.

d. 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 3 storeys or more in height and contain more than 4 dwellings each. The Development Application has been accompanied by a Design Verification Statement from a Registered Architect.

Clause 28 of the SEPP requires a Consent Authority to take into consideration the provisions of the ADG in the assessment of any Development Application. The proposed development has been assessed to comply with the requirements of SEPP 65 and the ADG, with the exception of the overall depth of the cross-over / cross-through apartments, which is discussed below. A detailed assessment against all other provisions of the ADG has been undertaken, and is located within the file.

Natural Ventilation

- The ADG requires that the overall depth of cross-over or cross-through apartments not exceed 18 metres, measured glass line to glass line. In this regard, the following units do not comply with the requirements for cross-through units:-
 - Units 5, 29 & 53 = 18.7 metres;
 - Units 30 & 54 = 20 metres;
 - Units 7, 31 & 55 = 20 metres;
 - Units 8, 32 & 56 = 18.7 metres;
 - Units 17, 41 & 65 = 18.7 metres;
 - Units 42 & 66 = 20 metres;
 - Units 19, 43 & 67 = 20 metres; and
 - Units 20, 44 & 68 = 18.7 metres.

Whilst non-compliant, a variation statement has been provided by the Applicant. The variation is acceptable on the following grounds:-

- The maximum depth is 2 metres or less from the required 18 metre depth.
- The subject's units are oriented east / west, maximising daylight access.
- The increased depth offers more circulation space to suit the seniors living requirements.

e. State Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is identified as being located within the area affected by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development raises no issues as no impact on the catchment is envisaged.

Note: The subject site is not identified in the relevant map as land within the 'Foreshores and Waterways Area' or 'Wetland Protection Zone', is not a 'Strategic Foreshore Site' and does not contain any heritage items.

Hence the majority of the SEP is not directly relevant to the proposed development.

f. Holroyd Local Environmental Plan (LEP) 2013

The Holroyd LEP 2013 applies to the site. The proposed development has been assessed to comply with the provisions of the Holroyd LEP 2013. A detailed assessment against the provisions of the Holroyd LEP 2013 has been undertaken, and is located within the file.

g. Holroyd Development Control Plan (DCP) 2013

The Holroyd DCP 2013 applies to the site. The proposed development has been assessed to comply with the provisions of the Holroyd DCP 2013, with the exception of individual entries to the ground floor units, which is discussed below. A detailed assessment against all other provisions of the Holroyd DCP 2013 has been undertaken, and is located within the file.

Building Articulation and Building Address

- The Holroyd DCP 2013 requires individual entries are to be provided to 50% of ground floor dwellings within residential flat buildings. In this regard, entrances to the units within the development, which face Driftway Drive, Newport Street, and Griffins Avenue, are maintained through the centralised lobbys of the development.

The arrangement proposed is considered acceptable, as active street frontages are maintained, and reasonable access for future occupants has been maintained through the lobby areas.

6 External Referrals

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

Referral Agency	Comment
Holroyd Police Local Area Command	No objection.
Endeavour Energy	No objection.

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 Engineer	While the site is flood affected, the proposed development does not further exasperate the flood impacts on upstream and downstream properties.
Traffic Engineer	The proposed development maintains adequate parking, and generates an acceptable traffic impact upon the local road network.
Landscaping and Tree	The proposed development provides an

Referral	Comment
Management Officer	appropriate landscape design. No trees are proposed to be removed.
Heritage Consultant	The proposed development does not negatively impact upon the surrounding heritage items.
Environmental Health Officer	The proposed development satisfies SEPP 55, and maintains acoustic privacy within the development and to surrounding developments.
Landscape Architect	The proposed development does not impact upon the adjacent parklands.
Resource Recovery Officer	The proposed development can be serviced by Council's garbage and recycling trucks.

8 Public Comment

- 8.1 The Development Application was notified for a period of 21 days from 20 September 2017 to 11 October 2017 as per the Holroyd DCP 2013. 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 no submissions.

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 (ii) any draft environmental planning instrument (iii) any development control plan (iiia) any planning agreement (iv) the regulations	The provisions of relevant Environmental Planning Instruments and the Development Control Plan relating to the proposed development are summarised in Section 5 of this Report. There are no planning agreements that relate to the Development. The proposed development satisfies the Regulations.	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	The likely impacts of the development have been considered in the assessment of the application.	Yes

Head of Consideration	Comment	Comply
locality		
c. the suitability of the site for the development	The site is considered suitable for the development as proposed.	Yes
d. any submissions made in accordance with this Act or the regulations	The Development Application was notified for a period of 21 days from 20 September 2017 to 11 October 2017 as per the Holroyd DCP 2013. 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 no submissions.	Yes
e. the public interest	The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the information provided within this report, it is considered that the development will be in the public interest.	Yes

10 Conclusion

- 10.1 The Application has been assessed and found generally compliant with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy No. 55 (Remediation of Land), State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, Sydney Environmental Plan (Sydney Harbour Catchment) 2005, Holroyd Local Environmental Plan (LEP) 2013, and Holroyd Development Control Plan (DCP) 2013, and is recommended for **Approval**.

11 Recommendation

- 11.1 The Development Application be Approved by the Sydney West Central Planning Panel, subject to the Draft Notice of Determination provided at **Attachment 2**.