

## SYDNEY CENTRAL CITY PLANNING PANEL

**TO:** Sydney Central City Planning Panel – 13 December 2018

**SUBJECT:** 31 Garfield Street, Wentworthville

**FILE No:** DA-2014/555/2 (Panel Reference: 2018SWC033 DA)

<b>Application lodged</b>	13 December 2017
<b>Applicant</b>	Universal Property Group Pty Ltd
<b>Owner</b>	UPG 5 Pty Ltd
<b>Application No.</b>	DA-2014/555/2
<b>Description of Land</b>	Lot 1 DP 1237158, 31 Garfield Street, Wentworthville (9 lots have been consolidated into 1)
<b>Proposed Development</b>	S4.55(2) modification seeking internal and external alterations and additions to approved residential flat buildings
<b>Site Area</b>	13,233.3m <sup>2</sup>
<b>Zoning</b>	<b>Zone R4 – High Density Residential</b>
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Heritage</b>	No (within the vicinity of heritage items)
<b>Principal Development Standards</b>	FSR – 1.2:1 Height of Building – 15m - 18m
<b>Issues</b>	Minor non-compliance with SEPP 65 ADG and Holroyd DCP 2013

## Table of Contents

SUMMARY .....	3
Subject Site and surrounding area .....	4
Description of the proposed development .....	5
Applicants Supporting Statement .....	7
Internal Referrals .....	7
External Referrals .....	7
Planning Comments.....	7
Section 7.11 (formerly s94) Contribution towards provision or improvement of amenities or services .....	12
Disclosure of Political Donations and Gifts.....	12
Conclusion.....	12
RECOMMENDATION .....	12

## Table of Figures

Figure 1 – Locality Plan of subject site .....	4
Figure 2 – Aerial view of subject site .....	4
Figure 3 – Street view of the Garfield Street frontage of the subject site .....	5
Figure 3A – Street view of the Cumberland Highway frontage .....	5
Figure 4 – ADG Compliance Table .....	9
Figure 5 –Holroyd LEP 2013 Compliance Table .....	10
Figure 6 – Holroyd DCP 2013 Compliance Table.....	11

## SYDNEY CENTRAL CITY PLANNING PANEL

### SUMMARY

1. Development Application No. 2014/555 was approved by Sydney West Joint Regional Planning Panel on 18 November 2015 for the demolition of existing structures, consolidation of 9 lots into 1 lot, construction of 3 residential flat buildings ranging in height between 5 and 7 storeys comprising 197 units over a level of basement car parking accommodating 257 car parking spaces at 31, 33 and 37B Garfield Street, Wentworthville.
2. The subject section 4.55(2) modification seeking internal and external alterations and additions to approved residential flat buildings was lodged on 13 December 2017.
3. The application was publicly notified to occupants and owners of the adjoining properties for a period of 21 days between 28 February 2018 to 21 March 2018. No submissions were received as a result of this notification.
4. Following Council's initial assessment with the application, amended plans and supporting documents were received on 3 December 2018 addressing issues raised by Council including floor space ratio and height.
5. The variations are as follows:

Control	Required	Approved	Modification Proposed	%age variation
Habitable room width – 2&3 bedroom (RFDC/ADG)	4m	3.2m	4m walls to walls	10%
Car Parking	Basement parking required	Basement parking provided	9 visitor car spaces on ground floor level	-

6. The original application was approved by the Panel being a regionally significant development. Under division 12A of Environmental Planning and Assessment Regulation 2000, the subject s4.55 (2) modification application is referred to the Panel as the consent authority.

### REPORT

#### SUBJECT SITE AND SURROUNDING AREA

The site is known as 31 Garfield Street, Wentworthville and is legally identified as Lot 1 in DP 1237158. The current allotment is a consolidation of 9 lots previously identified as Lot 29A in DP 307785, Lot 2 in DP 393797, Lot 1 in DP 264287, Lots 6-9 in DP 264286, Lot 3 in DP 212307, and Lot 1 in DP 212306. The total site area is 13,233.3m<sup>2</sup>.

The site is located on the eastern side of Cumberland Highway and is to the north of Mildred Street, the south of Pritchard Street and the west of Garfield Street.

The western side has a 193m frontage to Cumberland Highway. However, there is no direct access to Cumberland Highway. Access to Garfield Street is limited with 35.32m frontage to the northern end of the side. Pedestrian connection relies on pathway through 7 Mildred Street (now identified as SP 94193), which is created under a Voluntary Planning Agreement on 8 June 2016.

## SYDNEY CENTRAL CITY PLANNING PANEL

Previous Old Wentworthville Bowling Club structures have been demolished and the construction of the 3 residential flat buildings is currently underway. The site topography is relatively flat with a fall of approximately 3m across the site from eastern side to the western boundary. The surroundings are mostly low density residential developments that is transitioning into a higher density. The site is located with walking distance of approximately 350m from the Wentworthville town centre, 560m from the Wentworthville Railway Station, 230m from public bus stops, 560m from Great Western Highway and 770m from the M4 Motorway.

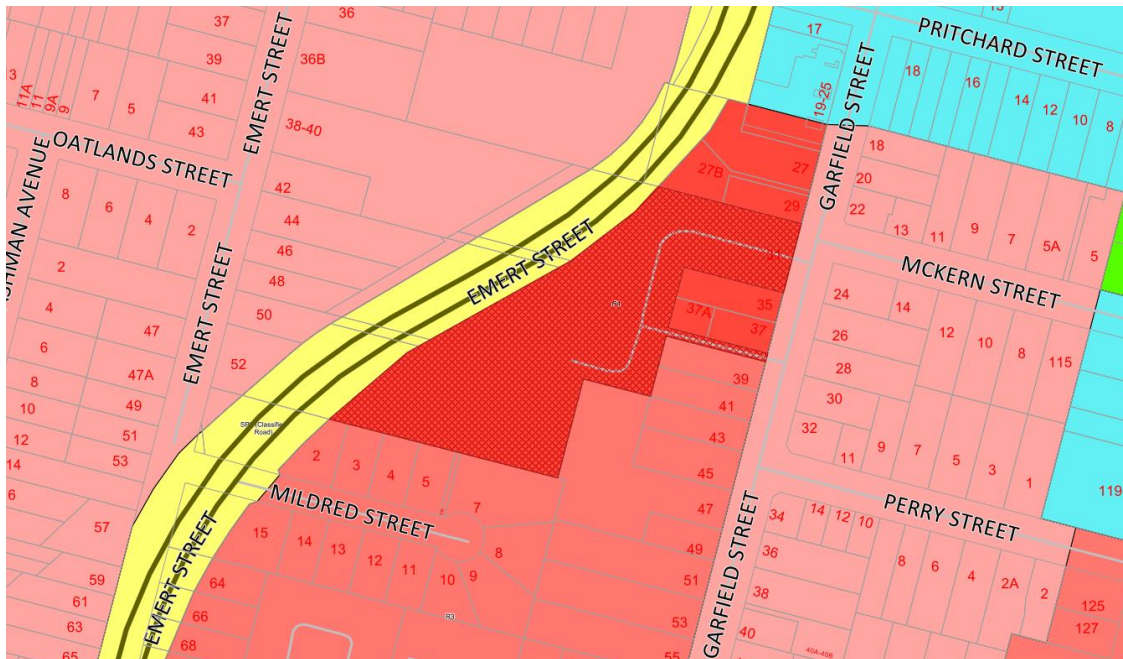


Figure 1 – Locality Plan of subject site



Figure 2 – Aerial view of subject site



## SYDNEY CENTRAL CITY PLANNING PANEL



*Figure 2 – Street view of the Garfield Street frontage of the subject site*



*Figure 3A – Street view of the Cumberland Highway frontage*

### DESCRIPTION OF THE PROPOSED DEVELOPMENT

DA 2014/555 was approved by Sydney West Joint Regional Planning Panel on 18 November 2015 for the demolition of existing structures, consolidation of 9 lots into 1 lot, construction of 3 residential flat buildings ranging in height between 5 and 7 storeys comprising 197 units over a level of basement car parking accommodating 257 car parking spaces.

DA 2014/555/2 seeks consent for internal and external alterations and additions to approved residential flat buildings, including stormwater, floor to floor height, built form, car parking and basement changes. No amendment is proposed to the approved numbers of units. Car parking is reduced from **257 to 252 244** spaces. Wording of condition 49 is to be amended.

## SYDNEY CENTRAL CITY PLANNING PANEL

Key features of the modification proposal are as follows:-

Features	Approved	Modifications
Car Parking	<p>Single basement level extending under the 3 residential flat buildings with single driveway from Garfield Street leading into the basement behind Block C. Total of 257 parking spaces proposed with the following breakdown:</p> <ul style="list-style-type: none"> <li>- 217 resident spaces</li> <li>- 40 visitor spaces</li> </ul> <p>Of the overall car spaces, 34 are accessible (30 resident and 4 visitor). Storage area, dedicated car wash bay and 121 bicycles spaces are provided.</p>	<p>Two driveways are now proposed to access one basement under Block C and another basement extending under Blocks A and B. Total of 252 244 parking spaces proposed with the following breakdown:</p> <ul style="list-style-type: none"> <li>- 242 204 resident spaces</li> <li>- 40 visitor spaces</li> </ul> <p>Of the overall car spaces, 34 are accessible (30 resident and 4 visitor). Storage area, dedicated car wash bay and bicycles spaces unchanged.</p>
Waste Management	Waste and recycling storage room provided in basement with garbage chute on all levels.	Garbage chute room on all levels has been enlarged.
Unit Mix – Total: 197 units	<p><u>Block A – 5 storeys</u></p> <ul style="list-style-type: none"> <li>- 37 x 2 bedroom</li> <li>- 31 x 3 bedroom</li> <li>- Total – 68 units</li> </ul> <p><u>Block B – part 5 &amp; 6 storeys</u></p> <ul style="list-style-type: none"> <li>- 2 x 1 bedroom</li> <li>- 45 x 2 bedroom</li> <li>- 22 x 3 bedroom</li> <li>- Total – 69 units</li> </ul> <p><u>Block C – part 5 &amp; part 7 storeys</u></p> <ul style="list-style-type: none"> <li>- 33 x 2 bedroom</li> <li>- 27 x 3 bedroom</li> <li>- Total – 60 units</li> </ul>	<p><u>Block A – 5 storeys</u></p> <ul style="list-style-type: none"> <li>- 10 x 1 bedroom</li> <li>- 55 x 2 bedroom</li> <li>- 5 x 3 bedroom</li> <li>- Total – 70 units</li> </ul> <p><u>Block B – part 5 &amp; 6 storeys</u></p> <ul style="list-style-type: none"> <li>- 1 x studio</li> <li>- 15 x 1 bedroom</li> <li>- 43 x 2 bedroom</li> <li>- 10 x 3 bedroom</li> <li>- Total – 69 units</li> </ul> <p><u>Block C – part 5 &amp; part 7 storeys</u></p> <ul style="list-style-type: none"> <li>- 16 x studio</li> <li>- 4 x 1 bedroom</li> <li>- 34 x 2 bedroom</li> <li>- 4 x 3 bedroom</li> </ul> <p>Total – 58 units</p>
Communal Open Space	36% (4,770m <sup>2</sup> ) between the buildings	33.2% (4,396m <sup>2</sup> ) between the buildings
Stormwater	Subject to conditions.	Open swales along the eastern and southern boundaries to intercept and convey minor overland flows from the subject site. Overland flow path is now to be discharged to Cumberland Highway.

## APPLICANTS SUPPORTING STATEMENT

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A Statement of Environmental Effects dated 2 December 2017 Revision A prepared by Miletic-Mieler Development Consultants Pty Ltd in support of the application.

## INTERNAL REFERRALS

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### Development Engineer

The development application was referred to Council's Development Engineer for comment who has advised that the proposed modification is satisfactory. Changes to condition 49 wording have been supported. Any works affecting Lots 101-103 in DP 830675 must maintain the terms of easement, subject to condition to be imposed.

### Traffic Engineer

The development application was referred to Council's Traffic Engineer for comment who has advised that the proposed modification is satisfactory.

### Waste Management

The modification application was referred to Council's Waste Management Officer for comment who has advised that the proposed modification is satisfactory.

### Tree Management

The development application was referred to Council's Tree Management Officer for comment who has advised that the proposed modification is satisfactory.

## EXTERNAL REFERRALS

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### RMS

The applicant has provided RMS support for the proposed modification to the overland flow discharge into Cumberland Highway dated 31 October 2018.

## PLANNING COMMENTS

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### **The provisions of any Environmental Planning Instruments (EP& A Act s4.15 (1)(a)(i))**

### **Section 4.55(2) of the Environmental Planning and Assessment Act (EP & A Act) 1979**

Pursuant to section 4.55(2), a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Requirement	Comment
It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent	The development as proposed to be modified is substantially the same as the original consent.

## SYDNEY CENTRAL CITY PLANNING PANEL

was originally granted and before that consent as originally granted was modified (if at all), and	
It has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	The application was notified in accordance with Holroyd Development Control Plan 2013, and as required by the regulations.
It has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person	The persons who made a submission in respect of the original application were notified of the proposal.
It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	As a result of the notification, no submissions were received.
In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 as are of relevance to the development the subject of the application.	<p>The provisions of the applicable EPIs are discussed elsewhere in this report The provisions of HDCP 2013 are discussed elsewhere in this report.</p> <p>Voluntary Planning Agreement for pedestrian access from Mildred Street between the applicant and Council has been entered on 8 June 2016.</p> <p>There are no relevant matters referred to in the regulations.</p> <p>There is no coastal zone management plan applying to the land.</p> <p>The likely impacts of the proposal are considered satisfactory.</p> <p>The site is considered to be suitable for the development as proposed to be modified.</p> <p>No submissions were received as a result of the notification.</p> <p>Approval of the subject application is not contrary to the public interest.</p>
The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.	The reasons given by the regional panel to grant the original consent have been considered. The development as proposed to be modified will continue to satisfy this requirement.



## SYDNEY CENTRAL CITY PLANNING PANEL

### State Environmental Planning Policies

The proposed development is affected by the following State Environmental Planning Policies:

(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 \$42.8million. While Council is responsible for the assessment, determination of the application will be made by the Sydney Central City Planning Panel. The subject section 4.55(2) modification application is therefore referred to the Panel as the consent authority.

(b) **State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

The requirement at clause 7 of SEPP 55 for the consent authority to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development was considered under the original application. The proposed modifications do not raise any new concerns about site contamination.

(c) **Statement Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development**

The proposal is classified as a residential apartment development and SEPP 65 applies. A design verification statement signed by registered architect Chee Lim was submitted with the s4.55(2) application. Compliance with SEPP 65 was addressed under the original application and the proposed modifications will result in the following non-compliances. The original application was assessed against the Residential Flat Design Code (RFDC). A comprehensive assessment against the Apartment Design Guide (ADG) controls is provided at attachment 3.

*Figure 3 – ADG Compliance Table*

No.	Clause	Comment	Yes	No	N/A
<b>4D</b>	<b>Apartment size and layout</b>				
4D-3	Combined living/dining rooms have a minimum width of 4m for 2 and 3 bedroom apartments.	The 2 and 3 bedroom units have been approved with combined living/dining rooms' width of 3.2m. The proposed modification will improve the rooms by maintaining width of 4m including the surrounding walls.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(d) **Infrastructure State Environmental Planning Policy (Infrastructure) 2007**

The provisions of the Infrastructure SEPP (ISEPP) 2007 have been considered in the assessment of the development application.

*Clause 102 and 104 – Impact of road noise or vibration on non-road development and Traffic-generating development*

## SYDNEY CENTRAL CITY PLANNING PANEL

The subject development will continue to comply with the requirements of the original approval.

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

BASIX certificate 857608M dated 15 November 2017 and prepared by Ecoinnovate was submitted with the application. The proposal achieves the target scores for energy, water and thermal comfort and relevant commitments are shown on the architectural plans. ~~This certificate relies on pre July 2017 targets which do not apply to the subject proposal. Revised BASIX certificate is required.~~

### Regional Environmental Plans

The proposed development is affected by the following Regional Environmental Plan:

### Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the area within the Sydney Harbour Catchment and SREP (Sydney Harbour Catchment) 2005 is applicable to the development application. The development application raises no issues as consistency with the requirements and objectives of the *Holroyd Development Control Plan 2013*.

### Local Environmental Plans

### Holroyd Local Environmental Plan 2013 (HLEP 2013)

The proposed development is defined as a 'residential flat building' under the provisions of HLEP 2013. Residential flat buildings are permitted with consent in the R4 – High Density Residential zone, which applies to the land. The proposed modification does not change land use as approved on the subject site.

The proposed modifications do not result any new non-compliances with the development standards. An assessment against all the relevant LEP provisions is provided at attachment 4.

Figure 4 – Holroyd LEP 2013 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.1 Minimum subdivision lot size	N/A	
4.3 Height of Buildings 15m - Maximum 18m	Yes	Block A – 15m (RL42.45) Block B – 18m (RL45.4) Block C – 20.8m (RL47.4 46.1)
4.4 Floor Space Ratio  1.2:1 (Total GFA = 15,879.96m <sup>2</sup> )	No Yes	The proposal was approved with FSR of 1.19:1 (GFA = 15,826.5m <sup>2</sup> ). The subject modification results in FSR of 1.19:1 (GFA = 15,850.72 15,806.22m <sup>2</sup> ).
4.6 Exceptions to development standards	N/A	Not required for a modification application.
5.1A Land Reservation Acquisition	N/A	
5.10 Heritage Conservation	Yes	The site is not containing any heritage items. However, it is located within the vicinity of 2 heritage items.

## SYDNEY CENTRAL CITY PLANNING PANEL

### The provisions of any draft Environmental Planning Instruments (EP& A Act s4.15 (1)(a)(ii))

The proposed development is not affected by any relevant Draft Environmental Planning Instruments.

### The provisions of any Development Control Plans (EP& A Act s4.15 (1)(a)(iii))

#### Holroyd Development Control Plan (HDCP) 2013

HDCP 2013 contains general controls which relate to all developments under Part A, and Residential Controls under Part B.

A comprehensive HDCP compliance table is attached to this report at attachment 5. ~~A summary of the non-compliances is provided in the following table.~~

*Figure 5 – Holroyd DCP 2013 Compliance Table*

No.	Control	Comment	Yes	No	N/A
<b>PART B – Residential</b>					
<b>6</b>	<b>RESIDENTIAL FLAT BUILDINGS</b>				
<b>6.9</b>	<b>Parking and vehicular access</b>				
	C1. Only basement carparking will be permitted for residential flat buildings.	9 visitor car spaces proposed on the ground floor level south of Block C, which are not supported. The area should be designated for communal use instead. Condition to delete the visitor car spaces on the ground floor level is to be imposed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 4.15(1)(a)(iia) - any planning agreement that has been entered into under part 7.4, or any draft planning agreement that a developer has offered to enter into under part 7.4, and

Voluntary Planning Agreement (VPA) for pedestrian access from Mildred Street between the applicant and Council has been entered on 8 June 2016.

### The provisions of the Regulations (EP& A Act s4.15 (1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the EP&A Regulations 2000.

### The Likely Environmental, Social or Economic Impacts (EP& A Act s4.15 (1)(b))

The likely environmental, social and economic impacts of the development have been assessed and are considered satisfactory.

### The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The site is considered suitable for the proposed development.

### Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

## SYDNEY CENTRAL CITY PLANNING PANEL

Advertised (newspaper) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification requirements contained within the Holroyd DCP 2013, the proposal was publicly exhibited for a period of 21 days between 28 February 2018 to 21 March 2018. No submissions were received as a result of the notification.

### The public interest (EP& A Act s4.15(1)(e))

The public interest is served by permitting the orderly and economic use 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 foregoing analysis, it is considered that approval of the proposed development would not be contrary to the public interest.

## SECTION 7.11 (FORMERLY S94) CONTRIBUTION TOWARDS PROVISION OR IMPROVEMENT OF AMENITIES OR SERVICES

The development would require the payment of contributions in accordance with Council Section 7.11 Contributions Plans.

The current proposed modification maintains the number of units being 197 with mix of:

- 46 x 1 bedroom/studio @\$8,674 = \$399,004
- 132 x 2 bedroom @\$14,669 = \$1,936,308
- 19 x 3 bedroom @\$20,000 = \$380,000
- Total ~~\$3,104,372~~ **\$2,715,312**

However, in accordance with section 5.3 Contribution Value of the VPA, any adjustment to the existing contribution is not applicable.

## DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

The NSW Government introduced The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (NSW). This disclosure requirement is for all members of the public relating to political donations and gifts. The law introduces disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans. The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

## CONCLUSION

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development, Holroyd Local Environmental Plan 2013 and Holroyd Development Control Plan 2013, and is considered to be satisfactory.

## RECOMMENDATION

That Development Application 2014/555/2 which seeks consent for internal and external alterations and additions to approved residential flat buildings be **approved** subject to the conditions within the draft notice of determination provided at attachment 1.



**ATTACHMENTS**

**Attachment 1 – Draft Notice of Determination**

**Attachment 2 – Architectural Plans**

**Attachment 3 – ADG Assessment Table**

**Attachment 4 – HLEP 2013 Assessment Table**

**Attachment 5 - HDCP 2013 Assessment Table**

**Attachment 6 – Comparison Approval and Modification Plans**