

SYDNEY WEST CENTRAL PLANNING PANEL

TO: Sydney Central City Planning Panel – 13 September 2018

REPORT: SWCPP Report

SUBJECT: 2-6 Gladstone Street, Merrylands

FILE No: DA 2016/485 (Panel Reference: 2018SWC054 DA)

Application lodged	10 November 2016
Applicant	Dyldam Developments Pty Ltd
Owner	Proprietor of SP 52861
Application No.	DA 2016/485/1
Description of Land	Lot 0, SP 52861, 2-6 Gladstone Street, Merrylands
Proposed Development	Demolition of existing structures; construction of a part 6, part 9 and part 12 storey mixed use development comprising 149 residential units, 2 x ground floor commercial tenancies above 3 levels of basement car parking accommodating a total of 184 car parking spaces.
Site Area	2900.3m ² (Net Site Area less the area to be dedicated to Council for new road and park) 3906m ² (Gross Site Area)
Zoning	B6 – Enterprise Corridor under the Holroyd LEP 2013
Disclosure of political donations and gifts	Nil disclosure
Heritage	No
Issues	Compliance with the ADG controls regarding minimum ceiling height, commercial car parking provision, bicycle parking provisions, site amalgamation provisions.

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SUMMARY

1. *Development Application No. 2016/485/1 was received on 10 November 2016 for the Demolition of existing structures; construction of a part 6, part 9 and part 12 storey mixed use development comprising 149 residential units, 2 x ground floor commercial tenancies above 3 levels of basement car parking accommodating a total of 184 car parking spaces at 2-6 Gladstone Street, Merrylands.*
2. *The application was publicly notified to occupants and owners of the adjoining properties for a period of 37 days (due to extended holiday period notification) between 30 November 2016 to 6 January 2017.*
3. *The notable variations are as follows:*

Control	Required	Provided	% variation
Minimum Ceiling Height (ADG)	First Floor 3.3m	3m	9.1%
Bicycle Parking Provision (DCP)	91	0	100%
Site Amalgamation (DCP)	Amalgamation with No's. 208, 212 and No's. 214-220 Pitt Street required per DCP.		

The application is recommended for conditional approval subject to the conditions as provided in the attached schedule. The application is referred to the Panel as the proposal has a Capital Investment Value of more than \$30 million.

REPORT

SUBJECT SITE AND SURROUNDING AREA

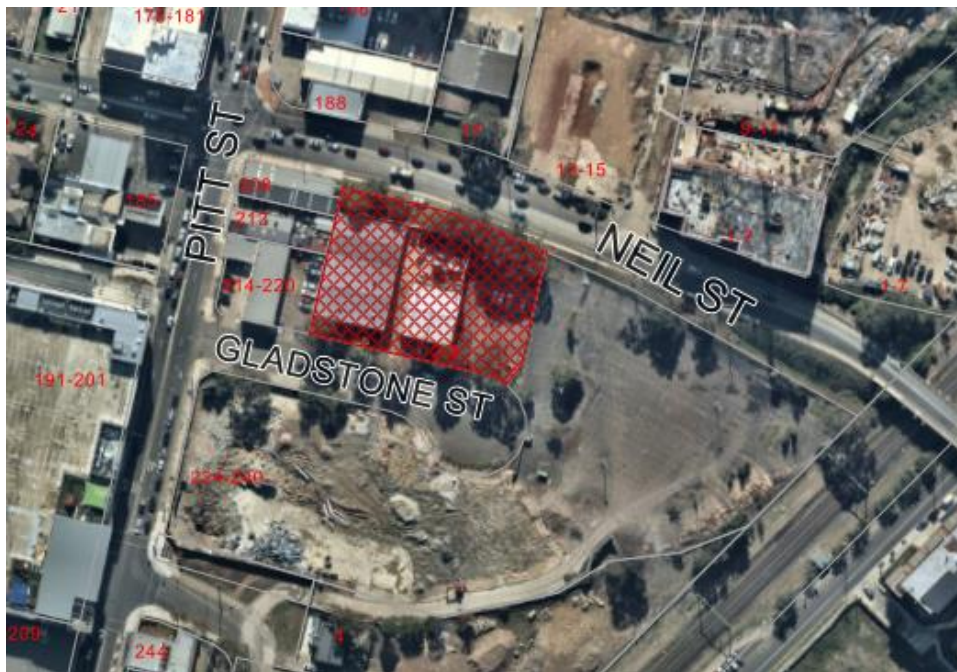
The site has a Gross Site Area of 3906m² and Net Site Area of 2900.3m². The difference between the gross and net site areas is as a result of the area to be dedicated to Council for a new road and park. The site has a frontage to Gladstone Street to the south and Neil Street to the north. The site is generally rectangular in shape with an approximate 70m frontage to Gladstone and Neil streets. The site is illustrated in Figure 1 below:

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Figure 1 – Locality Plan of subject site



Figure 2 – Aerial view of subject site



The site is located within the Neil Street Precinct of Merrylands town centre. A proposed new road connecting Gladstone Street with Neil Street runs along the eastern boundary of the site. Land adjoining to the south of the site is currently under construction for the SWCPP approved development at 224-240 Pitt Street, for a mixed use development containing 3 separate towers ranging in height between 4 and 19 storeys. The site to the east of the subject site is currently vacant, however commercial in confidence Pre-DA meetings have been held which indicate similar development to the subject and surrounding sites. The sites to the west are occupied by single storey commercial buildings.

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Land to the north of the site is currently under construction for the SWCPP approved DA's at 1-7 Neil Street and 13-15 Neil Street for five residential flat buildings of 8-12 storeys in height.

The subject site is currently occupied by two detached two storey commercial premises and associated at grade car parking areas accessed off Gladstone Street. The existing premises are occupied by a range of commercial and retail activities.

The site is generally level, with approximately 500mm of fall from the site's Neil Street frontage to Gladstone Street.

Vegetation of the site includes 42 trees located predominately as rear perimeter (Neil Street) landscaping. All vegetation is proposed to be removed as part of the proposed development in addition to four street trees.

Figure 3 – Street view of the Gladstone Street frontage of the subject site



Figure 3A – Street view of the Neil Street frontage of the subject site



DESCRIPTION OF THE PROPOSED DEVELOPMENT

Council has received a development application for the construction of a shop top housing development. Specifically, the development application proposes:

- The demolition of all structures on the subject site;
- The construction of a shop top housing development comprising:
 - Part 6, Part 9 and Part 12 storey mixed use development;
 - 149 residential units
 - 4 x rooftop/podium terraces with associated landscaping
 - 2 x ground floor commercial tenancies
 - Ground floor associated landscaping
 - 3 levels of basement car parking accommodating a total of 184 car parking spaces.

The proposed development has a total GFA of 13,216m² and a FSR of 4.6:1, in accordance with the submitted documentation. As per the HLEP2013 definition as there has been an excess residential car parking provision of 19 car spaces a further 246.24m² has been added to this GFA to result in a total GFA of 13462.24m² and FSR of 4.64:1.

The commercial component

The commercial component of the development comprises 2 retail tenancies at ground floor measuring 165m² fronting onto New Road and 113m² fronting onto Gladstone Street.

6 commercial car parking spaces are allocated to the retail tenancies within the ground floor level of the carpark accessible from Gladstone Street.

A retail bulky good storage and waste room is provided within the ground floor.

The residential component

The development proposes 149 apartments with the following mix.

Bedrooms	Number	Percentage
1	34	23%
2	103	69%
3	12	8%
TOTAL	149	100%

Communal open space is provided on the western side of the subject site, atop of the podium level at level 2, as well as the roof terraces at level 6, 9 and 12.

The development provides 145 car spaces for residents and 34 spaces for resident visitors, including 24 accessible parking spaces

A residential waste collection area is provided in the Ground Floor, including the storage of bulky waste and recyclable items.

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APPLICANTS SUPPORTING STATEMENT

The application has been supported by the following reports:

DOCUMENT	PREPARED BY	DATED
Plans		
Architectural Plans	Plus Architects	April – August 2018
Landscape Plan	Site Image Landscape Architects	April – July 2018
Reports		
DA Access Report	Access Australia	14 October 2016
BASIX Certificate	Damian O'Toole Town Planning P/L	13 August 2018
Arboriculture Impact Assessment	Redgum Horticultural	20 June 2016
Capital Investment Value Report	Construction Consultants	9 September 2016
Remedial Action Plan	EIAustralia	14 November 2017
Civil Development Application Report	at&l	April 2018
SEPP 65 Design Verification Rev. C	Plus Architects	Received August 2018
Solar Access and Cross Ventilation Study	Plus Architects	August 2018
Direct Solar Access Report	Windtech Consultants	30 August 2016
Natural Ventilation Statement	Windtech Consultants	11 August 2016
Updated Flooding Advice	Cardno	30 July 2018
Statement of Environmental Effects	JBA	November 2016
Traffic and Parking Assessment	Thompson Stanbury	August 2018
Traffic and Parking Assessment	Transport and Traffic Planning Associates	October 2016
Site Waste Management Plan	Elephants Foot Recycling Solutions	14 October 2016

INTERNAL REFERRALS

Development Engineer

The development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

Environment and Health

The development application was referred to Council's Environment Health Officer for comment who has reviewed the relevant environmental reports and advised that, the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent to address the implementation of the Remedial Action Plan recommendations and provision of an updated Acoustic Assessment Report.

Urban Design

The development application was referred to Council's Urban Designer for comment who has advised that the development proposal is satisfactory with regard to design and compliance with

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the ADG requirements and therefore can be supported subject to recommended conditions of consent.

Waste Management

The development application was referred to Council's Waste Management Officer for comment who has advised that the development proposal provides for satisfactory residential and commercial waste management and therefore can be supported subject to recommended conditions of consent.

Traffic Engineer

The development application was referred to Council's Senior Traffic Engineer for comment who has advised that the development proposal is satisfactory and that the traffic report submitted with the Development Application has satisfactorily addressed the traffic implications of the proposed development.

The proposed development can be supported subject to recommended conditions of consent, including the signposting and linemarking of car parking spaces and implementation of appropriate traffic management within the car park.

Landscape

The development application was referred to Council's Landscape Officer for comment who has advised that the development proposal's landscaping is satisfactory and therefore can be supported subject to recommended conditions of consent.

EXTERNAL REFERRALS

WaterNSW

The development application was referred to NSW Office of Water on 17 November 2016.

WaterNSW responded on behalf of NSW Office of Water on 15 December 2016. No objection has been raised subject to the imposition of conditions of consent dealing with groundwater management.

Police

The development application was referred to the Crime Prevention Officer of the Cumberland Area Command on 17 November 2016.

NSW Police responded on 3 January 2017. No objection has been raised subject to the imposition of conditions of consent dealing with CPTED.

PLANNING COMMENTS

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

State Environmental Planning Policies

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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 \$33,570,041 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 No. 55 – Remediation of Land (SEPP 55)**

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 7 have been considered in the assessment of the development application as per the following table:

Figure 4 – SEPP 55 Compliance Table

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
A Remedial Action Plan prepared by EIAustralia (ref: E23031.E06.Rev0) dated 14 November 2017 was prepared in accordance with the NSW EPA <i>Guidelines for Consultants Reporting on Contaminated Sites</i> and the <i>National Protection of the Environment (Assessment of Site Contamination) Measure (2013 Amendment)</i> . Council's Environmental Health Officer has reviewed and assessed the submitted RAP and has raised no objection	

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Matter for Consideration	Yes/No
to the content of the RAP or the preparation of the Validation Report subject to the recommendations being adopted, implemented and adhered to. Conditions of consent shall be applied to any approval for the subject site to ensure this.	

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

SEPP 65 applies to the development as the building is 3 storeys or more and contains more than 4 dwellings. A design verification statement addressing the design quality principles prescribed by SEPP 65 was prepared by Amit Julka, Reg. Number 10002 to support the application. The statement addresses each of the 9 principles and an assessment of this is provided below. Council's assessing officer's comments in relation to the submission are outlined below.

SEPP 65 sets 9 design quality principles. The development has adequately addressed the principles in the following way:

Figure 5 – SEPP 65 Design Quality Principles Table

ADG design quality principle	Response
1. Context and neighborhood character	<p>The proposal reflects the desired character of the precinct which is undergoing a transition from industrial and commercial uses to shop top housing and residential flat buildings.</p> <p>The proposal is considered to satisfy the objectives of the LEP in terms of height, as well as being a permissible land use. The context of the building is appropriate for its location given the future desired character defined by the Holroyd LEP.</p>
2. Built form and scale	<p>The design generally achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the manipulation of building elements to ensure reasonable spatial separation is established between existing neighbouring residential buildings.</p> <p>The scale and form of the building in itself is considered suitable within the future desired character of its locality.</p>
3. Density	<p>The proposal has a density that generally corresponds with the future desired character of the area, in terms of floor space yield, number of units and potential number of new residents.</p> <p>The proposed density is considered to respond to the availability of infrastructure, public transport, community facilities and environmental quality.</p>
4. Sustainability	<p>A BASIX Certificate has been submitted and the building meets the required energy and water efficiency targets.</p>
5. Landscape	<p>A landscape plan was submitted with the proposal. The landscaping options are considered to be adequate. The proposed landscaping at the ground floor level, on top of the podium and on the rooftop terraces of Level 6, 9 and 12 will provide suitable visual amenity for the future building's occupants.</p> <p>While minimal to no landscaping is proposed for the streetscape, this is in keeping with the CBD location of the site.</p>

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6. Amenity	Generally, the proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation; visual and acoustic privacy, storage, indoor and outdoor spaces. Generally, the proposal is considered acceptable regarding outlook, efficient layouts and service areas which are consistent with the ADG requirements.
7. Safety	The proposal is considered to be satisfactory in terms of natural surveillance while maintaining internal privacy. The building architecturally addresses both streets and activates those frontages.
8. Housing diversity and social interaction	It is considered that the proposal is well designed in terms of apartment size and housing choice and responds to the social context to suit the existing and future social mix. 8 x 1 bedroom units and 14 x 2 bedroom units have been nominated as adaptable units resulting in a total of 22% of units being provided as adaptable dwellings.
9. Aesthetics	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours. The proposed building is considered to respond to the environment and context, contributing in an appropriate manner to the desired future character of the area.

Integral to SEPP 65 is the Apartment Design Guide (ADG), which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development.

Following a detailed assessment of the proposal against the provisions of SEPP 65 and the ADG, it is considered the proposal is compliant with the exception of the minimum ceiling heights provision. That variation is discussed below:

- Control 4C-1 – Ceiling Heights**

Measured from finished floor level to finished ceiling level, minimum ceiling heights are:

Minimum ceiling height for apartment and mixed use buildings	
Habitable rooms	2.7m
Non-habitable	2.4m
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use

These minimums do not preclude higher ceilings if desired.

The proposed development has ceiling heights of:

- Ground floor (Level 1) 4.65m
- First floor (Level 2) 2.7m
- Second floor (Level 3) 2.7m
- Third floor (Level 4) 2.7m
- Fourth floor (Level 5) 2.7m
- Fifth floor (Level 6) 2.7m

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• Sixth floor (Level 7)	2.7m
• Seventh floor (Level 8)	2.7m
• Eight floor (Level 9)	2.7m
• Ninth floor (Level 10)	2.7m
• Tenth floor (Level 11)	2.7m
• Eleventh floor (Level 12)	2.7m

As such there is a non-compliance on the first floor, whereby rather than the 3.3m floor to ceiling height a 2.7m floor to ceiling height is proposed. This non-compliance is considered acceptable in the subject instance as the first floor of the development is to be utilised solely for residential purposes under the subject application and as such complies with the minimum floor to ceiling height for habitable rooms.

The proposal makes adequate provision for solar access and cross ventilation with the 2.7m height and the non-compliance will not result in any unnecessary impacts on future tenants or neighbouring sites.

Under the circumstances, the first floor, minimum ceiling heights non-compliance is not considered to result in an adverse outcome for the site or the precinct.

A detailed SEPP65 and Apartment Design Guide compliance table is presented in Attachment 4.

(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 45 - Development likely to affect an electricity transmission or distribution network

The subject development proposes increased residential accommodation and commercial tenancies and has proposed a new electrical substation as part of the subject application. This is considered to appropriately address Clause 45 of the ISEPP. The proposed substation is appropriately enclosed from Gladstone Street and is considered to be an appropriate urban design solution to screen the substation from the public domain.

Clause 85 – 87 of the ISEPP are not applicable to the subject site.

Clause 101, 102 and 104 of the ISEPP are not applicable to the subject site

(e) **Statement Environmental Planning Policy No 19 - Bushland in Urban Areas**

The proposal does not propose to disturb bushland zoned or reserved for public open space/The subject site does not adjoin land zoned or reserved for public open space.

(e) **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The proposal involves the removal of 4 eucalypt trees. This does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is considered acceptable.

(f) **State Environmental Planning Policy (Coastal Management) 2018**

The subject site is not identified as a coastal wetland or land identified as "proximity area for coastal wetlands" or land identified as such by the Coastal Vulnerability Area Map.

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

The amended Basix Certificate provided 748708M_02 dated 13 August 2018 and prepared by Damian O'Toole Town Planning P/L is considered acceptable

(h) State Environmental Planning Policy (State and Regional Development) 2011

The proposed development is *regionally significant development* under Schedule 7 of SEPP (State and Regional Development) as it has a capital investment value greater than \$30 million.

Regional Environmental Plans

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

Sydney Regional 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 SREP is not directly relevant to the proposed development).

Local Environmental Plans

Holroyd LEP 2013

The provision of the Holroyd LEP 2013 is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the Holroyd LEP 2013 and the objectives of the **B6 Enterprise Corridor** zone applicable to the subject land.

The proposed development is defined as "*shop top housing*" and is permissible in the B6 Enterprise Corridor zone with consent.

The relevant matters to be considered under the Holroyd LEP 2013 for the proposed development are summarised below.

Figure 6 – Holroyd LEP 2013 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.1 Minimum subdivision lot size	N/A	
4.3 Height of Buildings Maximum 42m	Yes	The development proposes a height of 41.5m.
4.4 Floor Space Ratio 5.0:1 (Total)	Yes	The development results in a total FSR of 4.64:1.

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4.6 Exceptions to development standards	N/A	
5.1A Land Reservation Acquisition	N/A	
5.10 Heritage Conservation	N/A	The site is not affected by heritage.
6.1 Acid Sulphate Soils	N/A	The land is not mapped as being affected by acid sulphate soils.

When the subject application was lodged with Council on 10 November 2016 the Neil Street Precinct Planning Proposal had not yet been gazetted into legislation. Accordingly it is of note to reference the Development Standards which applied at lodgement.

The site was previously zoned R4 – High Density Residential, which permitted with consent *Residential Flat Buildings*. Further to this Clause 11 of Schedule 1 of the HLEP2013 permitted additional uses and reads as follows;

11 Use of certain land at Neil Street, Merrylands

(1) *This clause applies to land at Neil Street, Merrylands, identified as “APU 11” on the (the **Neil Street Precinct**).*

Development for the purposes of business premises, office premises and retail premises (excluding pubs) is permitted with development consent.

It is noted that the subject site fell within this area and accordingly in this regard, *business premises, office premises and retail premises* were permissible, allowing for the ground floor retail tenancies to be permitted with consent.

Further to the zoning change, the site under the Neil Street Precinct Planning Proposal received an increase to the Maximum Building Height development standard. Upon Council receipt of the application on 10 November 2016 the development standard was 32m, accordingly the applicant submitted a Clause 4.6 Request to Vary a Development Standard. As the proposal now complies with the development standard of 42m this Clause 4.6 is no longer required and has not been assessed.

The Neil Street Precinct Planning Proposal made no change to the floor space ratio development standard.

A detailed Holroyd Local Environmental Plan 2013 compliance table is presented in Attachment 5.

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

(a) Draft State Environmental Planning Policy (Environment)

The draft SEPP relates to the protection and management of our natural environment with the aim of simplifying the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. The changes proposed include consolidating the following seven existing SEPPs:

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- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The draft policy will repeal the above existing SEPPs and certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is the only relevant instrument of those to be repealed by the draft SEPP and has previously been discussed in this report.

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

The proposed development is satisfactory when considered against the objectives and provisions of the Holroyd DCP 2013. Key matters of non-compliance under the Holroyd DCP are discussed below.

Figure 7 – Holroyd DCP 2013 Compliance Table

Clause	Control	Proposed	Complies	
Part A – General Controls				
3.1	Minimum Parking Spaces – Bicycle Parking			
	Control	Required	6 Commercial car spaces proposed.	Yes, whilst a general non-compliance The DCP per C.3 and the Holroyd S94 Contributions Plan requires a minimum of 20% and maximum of 80% of required parking to be provided on site and a contribution to be paid for the remaining parking not provided on site. The provided 6 car parking spaces equates to
	Ground Floor Leasable GFA	278/20 = 13.9 sp 278m ² = gross leasable floor area		
C.3 Notwithstanding the above provision, a minimum parking rate of 20% and maximum of 70% must be provided on-site.				

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			43%, which is compliant.																									
3.1	Minimum Parking Spaces – Bicycle Parking																											
	<table><tr><th>Control</th><th>Required</th><th>Provided</th></tr><tr><td>GLFA: Employee</td><td>285/300 = 1sp</td><td>Req. 1sp overall</td></tr><tr><td>GLFA: Visitor</td><td>285/2500 = 0.11sp</td><td>Pro. 0sp</td></tr></table> Residential Flat Buildings <table><tr><th>Control</th><th>Required</th><th>Provided</th></tr><tr><td>Studio None</td><td>N/A</td><td>Req. 89.4</td></tr><tr><td>1 bedroom 0.5 spaces</td><td>34 x 0.5 = 17sp</td><td>(90)sp overall</td></tr><tr><td>2 bedroom 0.5 spaces</td><td>103 x 0.5 = 51.5sp</td><td rowspan="3">Pro. 0sp</td></tr><tr><td>3+ bedroom 0.5 spaces</td><td>12 x 0.5 = 6sp</td></tr><tr><td>Visitor / dwelling 0.1 spaces</td><td>149 x 0.1 = 14.9sp</td></tr></table>	Control	Required	Provided	GLFA: Employee	285/300 = 1sp	Req. 1sp overall	GLFA: Visitor	285/2500 = 0.11sp	Pro. 0sp	Control	Required	Provided	Studio None	N/A	Req. 89.4	1 bedroom 0.5 spaces	34 x 0.5 = 17sp	(90)sp overall	2 bedroom 0.5 spaces	103 x 0.5 = 51.5sp	Pro. 0sp	3+ bedroom 0.5 spaces	12 x 0.5 = 6sp	Visitor / dwelling 0.1 spaces	149 x 0.1 = 14.9sp	No bicycle car parking proposed	No – Conditions of Consent to be applied
Control	Required	Provided																										
GLFA: Employee	285/300 = 1sp	Req. 1sp overall																										
GLFA: Visitor	285/2500 = 0.11sp	Pro. 0sp																										
Control	Required	Provided																										
Studio None	N/A	Req. 89.4																										
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3+ bedroom 0.5 spaces	12 x 0.5 = 6sp																											
Visitor / dwelling 0.1 spaces	149 x 0.1 = 14.9sp																											
PART M – MERRYLANDS CENTRE																												
4.1	Site Amalgamation and minimum frontage																											
	Sites must not be left such that they are physically unable to reasonably develop a three storey building in accordance with the controls in Sections 4 and 5 of this Part.	<p>The application will leave the adjoining sites to the west No's. 208, 212 and No's. 214-220 Pitt Street isolated and not in accordance with the desired amalgamation pattern.</p> <p>Despite this, the isolated site is considered large enough to be redeveloped separately and the application has demonstrated conceptual plans of how the adjoining lot may be redeveloped</p>	Yes																									
5G.1	Site Amalgamation and minimum frontage																											
	Amalgamation of lots in accordance with Figure 28 is desired for redevelopment.	<p>Block B has not been amalgamated in accordance with Figure 28</p> <p>Sufficient documentation has been provided to Council in November 2017 by way of:</p> <p>- Two Written</p>	Yes																									

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		<p>Valuations and</p> <ul style="list-style-type: none"> - Evidence of a reasonable offer being made to the affected site land owners <p>Which demonstrates a genuine offer has been made to the adjoining neighbor to show that attempts have been made to amalgamate in accordance with Figure 28.</p>	
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As indicated in the compliance table above, the proposed development complies with the provisions of Council's Holroyd DCP 2013 and is considered acceptable from an environmental planning view point.

A detailed Holroyd Development Control Plan 2013 compliance table is presented in Attachment 6.

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

The accompanying Statement of Environmental Effects has advised that the Proponent has sought to enter into a Voluntary Planning agreement (VPA) with Council to deliver infrastructure works within the Neil Street Precinct. It is proposed to offset the provision of S94 Contributions from the development through a crediting mechanism. Despite this VPA the subject application requires the payment of S94 Contributions as per Part 4.5 of the plan due to the commercial parking non-compliance – this is explained in detail below in Section 7.11 of this report.

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))

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

The proposed development will contribute to the livelihood of the Merrylands town centre, including providing activity in the town centre after hours.

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

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site can be said to be suitable to accommodate the proposal. The proposed development has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

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

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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 37 days (required 21 days but given holiday period extended notification was in place) between 30 November 2016 and 6 January 2017. The notification generated two submissions in respect of the proposal with no submissions disclosing a political donation or gift. The issues raised in the public submissions are summarised and commented on as follows:

Figure 8 – Submissions summary table

Issue	Comment
Lack of attempt to amalgamate with 208 Pitt Street	In response to these concerns the applicant was required to demonstrate due diligence and genuine attempts to amalgamate with 208 Pitt Street. Documentation was submitted to Council in November 2017 which satisfied these provisions. The applicant/owner of the subject site were unsuccessful in reaching an agreement with the neighbouring properties owners. As such this cannot be ground for refusal.
Potential land locking of 208 Pitt Street	
Cannot be assessed/determined given Planning Proposal for Neil Street Precinct	The Neil Street Precinct Planning Proposal has been approved and the HLEP2013 updated to reflect these changes. The proposed development is compliant with the HLEP2013 development standards and is considered appropriate for the site.
Overdevelopment of the site by Dyldam	As demonstrated throughout this report and attachments the proposed development is considered appropriate for the subject site.
Height of Buildings	The proposed development complies with the HLEP2013 maximum building height development standard, which allows for a 42m high building.
Land Zoning and proposed use non-compliance	The proposed development is permissible with consent under the HLEP2013 B6 Enterprise Corridor zoning. As outlined above in the HLEP2013 assessment the proposal was also permitted with consent under the previous site zoning of R4 High Density Residential.
Parking non-compliance	The proposed development exceeds the minimum residential car parking requirement, with the additional car parking spaces contributed towards GFA as per the HLEP2013. The proposal provides 6 of the required 14 commercial car parking spaces and as per C2 and C3 of 3.1 of Part A of the HDGP2013: <i>C2. Parking rates for commercial and other non-residential land uses may be provided off-site with payment of a local parking contribution where a Section 94 development contributions plan makes provision for such contributions.</i> <i>C3. Notwithstanding the above provision, a minimum parking rate of 20% and maximum of 70% must be provided on-site.</i> This provision is compliant subject to the imposition of S94 contributions which are imposed per conditions of consent.
Infrastructure / Traffic / Road Access	The proposed development has been assessed by Council's Development Engineer and Traffic Engineer in conjunction with the submitted Traffic Assessment Reports and has been deemed appropriate.
Scale, Built form, setbacks and separations – impacts on acoustic and visual	As assessed against the Apartment Design Guide, HLEP2013 and HDGP2013 the proposed development is considered appropriate in regards to scale, built form, setbacks and separation.

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privacy, shadowing, sunlight and daylight access.	Accordingly the design will provide for appropriate visual and acoustic privacy as well as solar access for future tenants.
Is there an appropriate unit mix proposed?	<p>The proposal is for 149 units with an apartment mix of:</p> <ul style="list-style-type: none"> • 1-bedroom units – 34 units • 2-bedroom units – 103 units • 3-bedroom units – 12 units <p>Additionally to this mix, 22 of the proposed units will be adaptable to allow for diverse housing stock. As such this mix is considered appropriate for the locality.</p>

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

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 foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

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

This part of the Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- (1) *If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) *the dedication of land free of cost, or*
 (b) *the payment of a monetary contribution, or both.*
- (2) *A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.'*

Comments:

The development would require the payment of contributions in accordance with Part 4.5 of Holroyd Section 94 Development Contributions 2013. It is recommended that conditions be imposed on any consent requiring the payment of these contributions prior to the issue of any construction certificate for the development.

The calculation is based on a commercial parking shortfall of 7.9 car parking spaces. As at the June 2018 Quarter indexed rate \$31,241 per car parking space is required, as such the fee payable is \$246,803.90. This figure is subject to indexation as per the relevant plan.

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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, Holroyd LEP and Holroyd DCP and is considered to be satisfactory for approval subject to conditions.

The proposed development is appropriately located within the B6 Enterprise Corridor zone under the relevant provisions of Holroyd LEP 2013. The proposal is consistent with all statutory and non-statutory controls applying to the development.

Having regard to the assessment of the proposal from a merit perspective, the Panel should be satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents.

Non-compliances with Council's controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, and the development may be approved subject to conditions.

RECOMMENDATION

1. **That Development Application No. 2016/485/1 for the demolition of existing structures; construction of a part 6, part 9 and part 12 storey mixed use development comprising 149 residential units, 2 x ground floor commercial tenancies above 3 levels of basement car parking accommodating a total of 184 car parking spaces on land at 2-6 Gladstone Street, Merrylands be approved subject to attached conditions.**
2. **Persons whom have lodged a submission in respect to the application be notified of the determination of the application.**

ATTACHMENTS

Attachment 1 – Notice of Determination

Attachment 2 – Architectural Plans

Attachment 3 – Submissions

Attachment 4 – ADG Assessment Table

Attachment 5 – HLEP2013 Assessment Table

Attachment 6 – HDCP2013 Assessment Table