

ATTACHMENT 9

The proposal is defined as a 'shop top housing'. An assessment against the relevant Holroyd LEP 2013 clauses is provided in the table below:

No.	Clause	Comment	Comply
	Zone B2 – Local Centre 1 Objectives of zone <ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. To encourage employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling. To permit residential development that is complementary to, and well-integrated with, commercial uses. 	The proposal is for shop top housing development which is a permissible land use within the zone with consent.	Yes
4.3	Height of Buildings (1) The objectives of this clause are as follows: <ul style="list-style-type: none"> (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. (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	Permissible: T1& T2 - 62m + 10% (68.2m) and T3 & T4 - 30m + 10% (33m) Proposed: 70.65m (T1), 72.7m (T2), 33.43m (T3) & 32.35m (T4) Height exceedance at building T3 by 0.43m or 1.3% for lift overrun.	No
4.4	Floor Space Ratio (1) The objectives of this clause are as follows: <ul style="list-style-type: none"> (a) to support the viability of commercial centres and provide opportunities for 	Permissible: 4:1 with max 2:1 bonus (6:1) and 3:1 (part of T3 on Lot A DP 319230) Proposed: 6:1 and 2.2:1 (part of T3)	Yes

No.	Clause	Comment	Comply
	<p>economic development within those centres,</p> <p>(b) to facilitate the development of a variety of housing types,</p> <p>(c) to ensure that development is compatible with the existing and desired future built form and character of the locality,</p> <p>(d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping.</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>		
4.6	Exceptions to Development Standards	The Applicant has submitted Clause 4.6 Variation Request for the departure from the building height development standard. Refer to the discussion in the main body of the report.	Yes
5.6	Architectural roof features	<p>The proposal includes additional building height of 2.45m (T1) and 4.5m (T2).</p> <p>The Statement of Environmental Effects which accompanies the application, has considered that the proposed building height exceedances are considered contextually appropriate, providing:</p> <p><input type="checkbox"/> <i>The height exceedance comprises a decorative element on the uppermost portion of T1 and T2;</i></p> <p><input type="checkbox"/> <i>No advertising structures are proposed above the height control;</i></p> <p><input type="checkbox"/> <i>The area of exceedance does not include any additional GFA and is not reasonably capable of modification to include GFA;</i></p> <p><input type="checkbox"/> <i>The proposed height exceedance will cause minimal overshadowing; and</i></p> <p><input type="checkbox"/> <i>Equipment required to service T1 and T2 (including lift overrun and</i></p>	Yes

No.	Clause	Comment	Comply
		<p><i>services) are contained wholly within the architectural roof feature.</i></p> <p><i>The proposed architectural roof feature achieves the objectives of clause 5.6 as the design of the uppermost part of the two towers integrates into the urban design and building elevations. The palette of materials and finishes for the architectural roof feature will provide visual interest at the uppermost portion of the building. It is intended that the architectural roof feature will identify the site as a local landmark and point of interest.</i></p> <p>The design of the roof features is considered to contribute to the overall design of the development, providing a balance to the horizontal and vertical lines of the buildings. Furthermore, the Design Excellence Panel supports the roof features and considers them to be architectural roof features.</p>	
5.10	Heritage conservation	<p>The site does not contain any items of Environmental heritage under Holroyd LEP 2013. Several items of Environmental heritage are located in the general vicinity of the site, including Former Wentworthville Post Office (item 108) to the north of Dunmore Street.</p> <p>Heritage impact assessment is not required due to the spatial separation and orientation of the heritage listed item, which will not be affected from the proposed development.</p>	Yes
6.1	Acid Sulfate Soils	The site is not affected by Acid Sulfate Soils.	N/A
6.2	Earthworks	The development comprises earthworks, including excavation to facilitate the construction of the basement. Conditions of consent have been recommended to address erosion and sediment impacts generated by earthworks as well as a dilapidation condition to address the impact of the earthworks on the adjoining properties.	Yes
6.3	Essential Services Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to	<p>The development includes the construction and dedication of 8m deep land facing Dunmore Street to Council. Conditions of consent have been recommended to facilitate stratum below the public domain and above the proposed basement level. The site through link in the middle of the site is to remain in private</p>	Yes

No.	Clause	Comment	Comply
	make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access.	ownership, with a right of way to be created to facilitate access, as per the executed VPA. Standard conditions of consent have been recommended to ensure that the supply of water, electricity, sewage and the management of stormwater drainage for the development.	
6.4	Flood planning	The site is not affected by flooding.	N/A
6.5	Terrestrial Biodiversity	There is no evidence of any terrestrial biodiversity on the site.	N/A
6.7	Stormwater Management	Council's Development Engineers have reviewed the proposed stormwater design, which includes the provision of on-site detention (OSD) system that avoids the designated land for public domain its stratum below.	Yes
6.8	Salinity Moderate salinity potential	Standard conditions of consent have been recommended to manage the salinity affectation of the subject site during the construction phase of the development.	Yes
6.10	Ground floor development in Zones B2 and B4 Consent not to be granted to development for the purposes of commercial premises or to a mixed use development with a commercial premises component, on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building— (a) will not be used for the purposes of residential accommodation, and (b) will not be used for a car park or to provide ancillary car parking spaces, and (c) will provide for uses and building design elements that encourage interaction between the inside of the building and the external public areas adjoining the building.	None of the ground floor levels of the buildings proposed are used for the purpose of residential accommodation. All car parking is contained within the basements proposed. The proposed ground floor commercial uses, coupled with the design of the built form at the ground level, encourage the presence and movement of people by fostering an interaction between the inside of the buildings and the external public areas adjoining the building.	Yes
6.11	Design excellence This clause applies to the proposed buildings on the site with a building height greater than 30 metres (Area 1) and 55 metres (Area 2). Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.	On 18 September 2020, the Cumberland DEP granted a Design Excellence Certificate in accordance with the provisions of Clause 6.11(4)(a) of the HLEP 2013. The Certificate has been granted, subject to the inclusion of conditions of consent relating to additional solar study, indoor and outdoor common spaces, tower privacy, podium planning, activation of Dunmore Street and Pritchard Street East, wind	Yes

No.	Clause	Comment	Comply
	<p>This clause affords design excellence bonuses as follows:</p> <p>Building height – up to 10% FSR – up to 2:1</p>	<p>protection design, ADG compliance for solar access and natural ventilation, façade design, apartment design, plaza landscaping and ESD.</p> <p>A copy of the Design Excellence Certificate is attached at Attachment 7 of this Report for the consideration of the Panel.</p> <p>The development has been designed incorporating the 10% building height bonus and the 2:1 FSR bonus.</p>	
6.12	<p>Development on land at 42–44 Dunmore Street, Wentworthville</p> <p>(1) This clause applies to Lot 11, DP 746514, being land at 42–44 Dunmore Street, Wentworthville.</p> <p>(2) Despite clause 4.4, the floor space ratio of a building on land to which this clause applies may exceed the floor space ratio shown for the land on the Floor Space Ratio Map by an amount, to be determined by the consent authority—</p> <p>(a) if at least 4,400 square metres of floor space above the ground floor of the building is used for the purposes of commercial premises or a health services facility—of up to 0.5:1, and</p> <p>(b) if at least 4,000 square metres of floor space within the building is used for the purposes of a supermarket—of up to 1:1.</p> <p>(3) Each amount of additional floor space permitted by subclause (2) is in addition to each other amount of additional floor space permitted by subclause (2) or by clause 6.11</p>	<p>The development has incorporated a design excellence FSR bonus of 2:1 into the building design, resulting in maximum 6:1 (noting that the bonus only applies to the provision of at least 4,400m² of floor space above ground for commercial premises and 4,000m² of floor space within the building for the purposes of a supermarket, which have been provided).</p>	Yes