

TO: Sydney Central City Planning Panel

SUBJECT: 42-44 Dunmore Street and 13 Pritchard Street East
WENTWORTHVILLE NSW 2145

APPLICATION No: DA2020/0415

Application lodged	16 July 2020
Applicant	Poly (NSW) Development Pty Ltd
Owner	Wentworthville 048 Service Pty Ltd
Application No.	DA2020/0415
Description of Land	42-44 Dunmore Street and 13 Pritchard Street East WENTWORTHVILLE NSW 2145, Lot A DP 319230 and Lot 11 DP 746514
Proposed Development	Construction of a mixed use development comprising four basement car park levels accommodating 808 car spaces, two storey podium comprising a ground floor supermarket, ground and first level retail and commercial tenancies, four residential buildings, with total rise of 23 storeys and containing 523 apartments, including a new public plaza, public domain works, landscaping and stormwater infrastructure
Site Area	9,605.7 m ²
Zoning	B2 Local Centre Zone
Disclosure of political donations and gifts	Nil disclosure
Heritage	No – The subject site is not listed as a heritage item nor it is located in a heritage conservation area
Principal Development Standards	FSR 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) Height of Building 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)
Issues	<ul style="list-style-type: none"> • Development standard variation to maximum building height (T3) • ADG non-compliances • DCP non-compliances • Submissions – 7 submissions received

SUMMARY

1. Development Application No. DA2020/0415 was received on 16 July 2020 for the construction of a mixed use development comprising four basement car park levels accommodating 808 car spaces, two storey podium comprising a ground floor supermarket, ground and first level retail and commercial tenancies, four residential buildings, with total rise of 23 storeys and containing 523 apartments, including a new public plaza, public domain works, landscaping and stormwater infrastructure.
2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 21 days between 26 August 2020 and 16 September 2020. In response, 7 submissions were received.
3. The development includes variations to the provisions of the Apartment Design Guide (ADG) in relation to communal open space, building separation, deep soil provision, visitor parking shortfall, apartment layout and common circulation. These non-compliances have been assessed and are considered acceptable on merit.
4. The development includes variations to the provisions of the Holroyd Local Environmental Plan 2013 (HLEP 2013) in relation to the maximum building height. Variation to the development standard is sought through a Clause 4.6 Variation Request. The Clause 4.6 variation is considered acceptable on merit.
5. The development includes variations to the provisions of the Holroyd Development Control Plan 2013 (HDCP 2013) in relation to the provision of driveway setback, site amalgamation, built form, public domain, open space and ground floor treatment. These non-compliances have been assessed and are considered acceptable on merit.
6. The application is referred to the Panel as the proposal has a Capital Investment Value (CIV) in excess of \$30 million.
7. The application is recommended for deferred commencement approval subject to the conditions as provided in the attached schedule.

REPORT

SUBJECT SITE AND SURROUNDING AREA

The site forms Lot 11 in DP 746514, which is currently known as "Wentworthville Mall" at 42-44 Dunmore Street with lot size of 8,952m², and Lot A in DP 319230 that is a single storey dwelling house at 13 Pritchard Street East with lot size of 653.7m². The site has a consolidated area of 9,605.7m², and a frontage to Dunmore Street (to the north) of 90m and a frontage of 100m to Pritchard Street East (to the south). The site has a fall of approximately 2.17m from south to north, and approximately 1.74m from east to west.

The subject site is within 150m walking distance of Wentworthville Railway Station. The site is situated between the southern side of Dunmore Street and the northern side of Pritchard Street East, between Garfield Street and Station Street.

A site inspection of the premises carried out on 25 August 2020 confirmed that the site is currently occupied by commercial, specialty and retail shop premises including dentist, TAB, clothing shop, real estate office, and food and drinks premises.

The site adjoins single storey commercial premises to the east, and Wentworthville fire station and 5 to 6 storey mixed use development to the west. Within the Wentworthville fire station, an existing telecommunication tower also adjoins the site on the western side boundary of Pritchard Street East.

The site is not affected by stormwater flooding. The site is devoid of vegetation except for a few street trees on Dunmore Street and Pritchard Street East frontages. The site contains easements for electricity purposes and covenant with Telstra for communications.

Development consent issued by Council on 12 March 2020 for the demolition of Wentworthville Mall and 13 Pritchard Street East had commenced on 4 November 2020.

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.

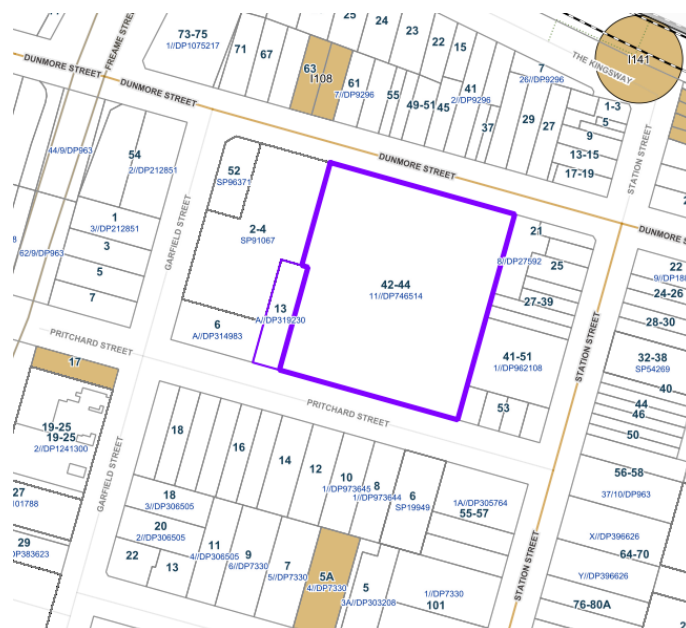


Figure 1 – Locality Map of the subject site

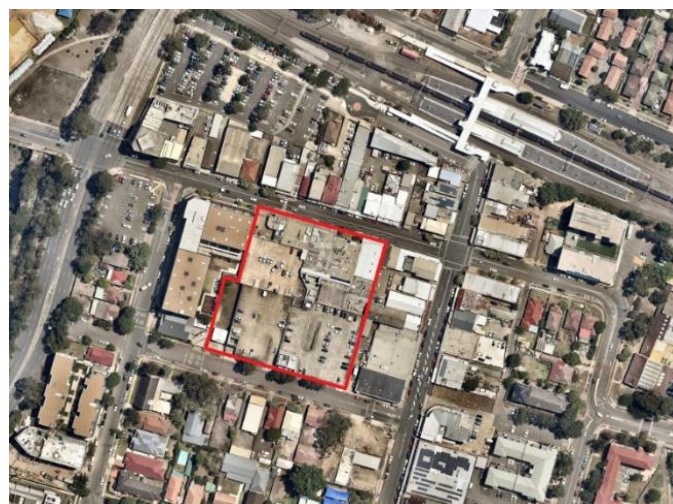


Figure 2 – Aerial view of subject site



Figure 3 - Dunmore Street View



Figure 4 – Pritchard Street East View

DESCRIPTION OF THE PROPOSED DEVELOPMENT

Council has received a development application, as amended on 23 October 2020, for construction of a mixed use development comprising four basement car park levels accommodating 808 car spaces, two storey podium comprising a ground floor supermarket, ground and first level retail and commercial tenancies, four residential buildings, with total rise of 23 storeys and containing 523 apartments, including a new public plaza, public domain works, landscaping and stormwater infrastructure.

The four (4) buildings proposed are as follows.

Building no.	No. of storey	Building Height	Proposed Development
T1 (Dunmore Street)	22	70.65m (RL27.30m – RL97.95m)	3 x retail shops on the ground floor level, residential lobby, liquor store and lower ground supermarket across the site; 3 x retail/commercial premises, residential lobby, and meeting/common room on the first floor level; 47 x 1 bedroom units; 135 x 2 bedroom units; and 26 x 3 bedroom units

T2 (Dunmore Street)	23	72.7m (RL28.3m – RL101.00m)	3 x retail shops on the ground floor level, residential lobby, building manager office, loading dock and waste management room; 3 x retail/commercial premises and residential lobb on the first floor level; 48 x 1 bedroom units; 148 x 2 bedroom units; and 20 x 3 bedroom units
T3 (Pritchard Street)	10	33.43m (RL29.72m – RL63.15m)	Driveway access, plant room and lower ground supermarket across the site; 3 x commercial premises, residential lobby, and plant room on the first floor level; 1 x 1 bedroom units; 35 x 2 bedroom units; and 17 x 3 bedroom units
T4 (Pritchard Street)	10	32.35m (RL30.80m – RL63.15m)	Driveway access, plant room and lower ground supermarket across the site; 1 x commercial premises, residential lobby, public WC and substation on the first floor level; 1 x 1 bedroom units; 35 x 2 bedroom units; and 10 x 3 bedroom units
Basement 1	1		132 supermarket car parking spaces (including 4 accessible and 9 car sharing spaces), 38 commercial car parking spaces (including 3 accessible), waste management rooms, OSD/rain water tank, lifts and staircases
Basement 2	1		94 residential visitor car parking spaces (including 7 accessible spaces), 57 residential car parking spaces (including 2 accessible and 7 adaptable spaces), 66 retail/commercial car parking spaces (including 2 accessible), residential lobby, toilet facilities, bicycle storage for 59 residential visitor and 44 commercial, lifts and staircases
Basement 3	1		252 residential car parking spaces (including 42 accessible and 3 adaptable spaces), storage cages, lifts and staircases
Basement 4	1		169 residential car parking spaces (including 24 accessible and 1 adaptable spaces), lifts and staircases

The proposed unit mix is shown below.

1 bedroom x 97 (18.5%)
 2 bedroom x 353 (67.5%)
 3 bedroom x 73 (14%)
 Total – 523 (100%)

The proposed car parking allocation are as follows.

Residential – 478 car parking spaces (including 79 accessible spaces)
 Visitor – 94 car parking spaces (including 7 accessible spaces)

Supermarket – 132 car parking spaces (including 4 accessible spaces and 9 car share)
Retail/Commercial – 104 car parking spaces (including 5 accessible spaces)

Gross Floor Area (GFA) distribution of the proposed development in accordance with the land use is stipulated below.

Land use	GFA m ²
Commercial	4,586
Retail	653.6
Supermarket	4,111
Residential	45,799.4
Total	55,150

The proposal will provide gross floor area of 4,401.8m² for commercial spaces on level 1 and of 4,111m² for supermarket on the lower ground floor level to invoke the bonus FSR provision under clause 6.12 of Holroyd LEP 2013.

Executed Planning Agreement

In accordance to an executed Voluntary Planning Agreement (VPA) between Council and the applicant on 20 June 2017, the development includes the provision of footpath/verge land and public art, embellishment and dedication of part of land formerly identified as SP2 Infrastructure zone (refer to Figure 5 zoning map prior to 13 August 2020) adjoining to Dunmore Street to Council as a public domain plaza, embellishment of the site through link between Dunmore Street and Pritchard Street East, provision of footpath on Pritchard Street East, and creation of public right of way and access within the public and privately owned plaza.



Zoning map prior to 13 August 2020



Zoning map from 14 August 2020 to date

Figure 5 – Zoning maps

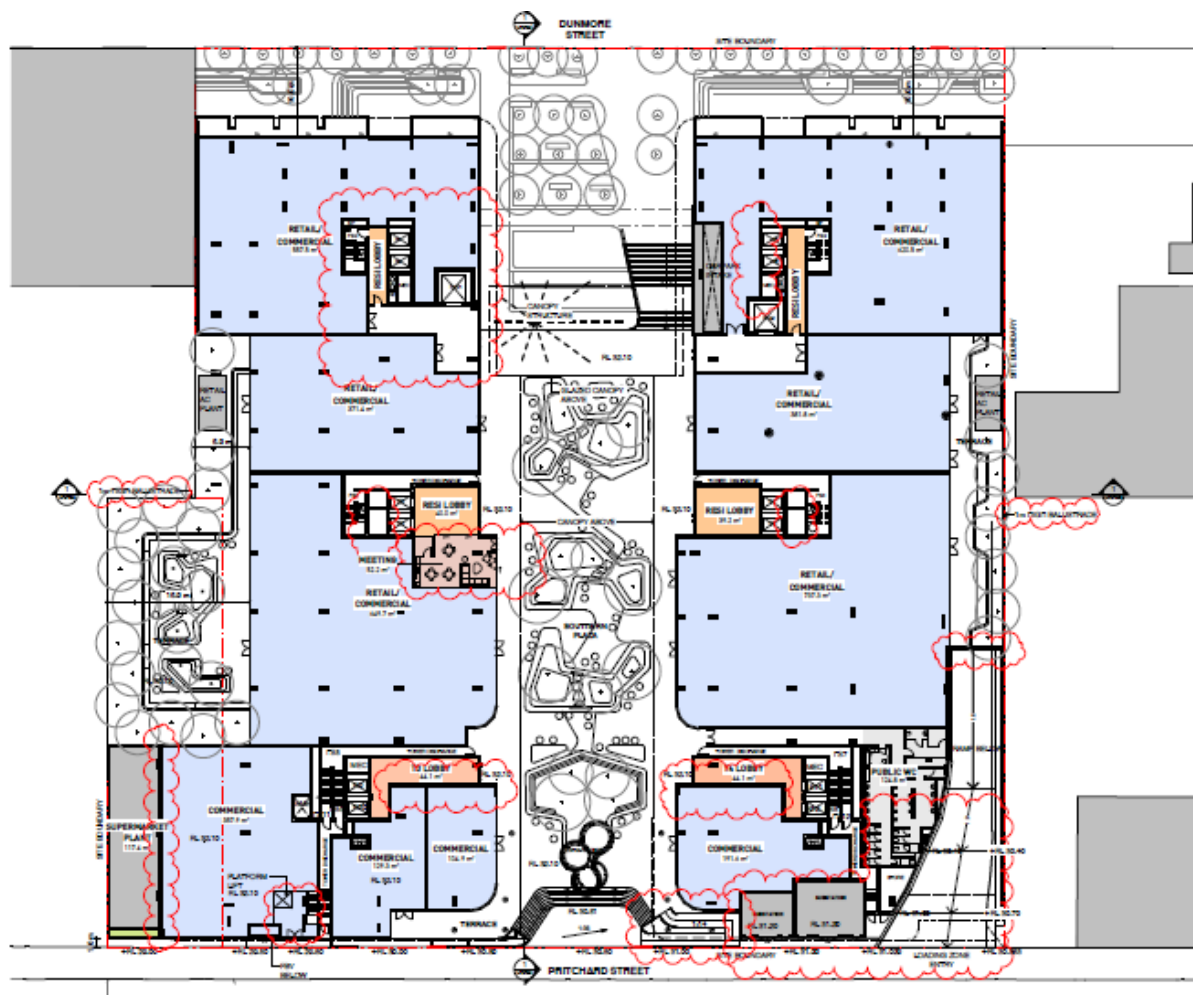


Figure 6 – Site Plan

HISTORY

- Development consent of DA2009/23 was issued by Council on 3 March 2009 for alterations to the existing retail shopping centre to reinstate fire damaged food court and car park area.
- Multiple DA and CDC were approved for fit out and use of the existing shops for various commercial uses, including development consent of DA2009/108 that was issued by Council on 28 April 2009 for fit out and use of fire damaged Franklins supermarket.
- Planning Proposal to increase building height and FSR at 42-44 Dunmore Street was approved by the Minister on 4 April 2016, which forms part of Holroyd LEP 2013 (Amendment 10). Voluntary Planning Agreement (VPA) for 600m² community space, 2,570m² public open mall space (including embellishments), commercial space and a pedestrian crossing at Dunmore Street in addition to future Section 94 development contributions was executed on 20 June 2017.
- Development consent DA2019/0510 was issued by Council on 12 March 2020 for the demolition of all existing structures and site improvements at 42-44 Dunmore Street and 13 Pritchard Street East, which had commenced on 4 November 2020.

- Planning Proposal of Wentworthville Town Centre Holroyd LEP 2013 Amendment no. 18 to increase building height and FSR of 13 Pritchard Street East was gazetted on 14 August 2020. Changes to the Holroyd LEP 2013 amendment includes conversion of area formerly zoned SP2 Infrastructure (Local Road) within the subject site facing Dunmore Street into B2 Local Centre zone.

APPLICANTS SUPPORTING STATEMENT

The applicant has provided a Statement of Environmental Effects prepared by Urbis dated 30 June 2020 and was received by Council on 16 July 2020 in support of the application.

CONTACT WITH RELEVANT PARTIES

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

INTERNAL REFERRALS

Cumberland Design Excellence Panel

The development application was referred to Council's Design Excellence Panel for comment in accordance with the provisions of Clause 6.11 (Design excellence) of the Holroyd LEP 2013 who has advised that the development proposal is satisfactory with regard to the design excellence assessment criteria for an increase of up to a maximum of 68.2m (T1&T2) and 33m (T3&T4) exclusive of architectural roof features permissible under Holroyd LEP 2013 clause 5.6 in building height, and an increase of up to 6:1 in floor space ratio subject to the recommended conditions as identified in the Design Excellence Certificate. A copy of the Design Excellence Certificate is attached at **Attachment 7** of this Report for the consideration of the Panel.

Traffic and Development Engineers

The development application was referred to Council's Traffic and Development Engineers for comment who have advised that the development proposal is satisfactory with regard to the proposed public domain works, stormwater management, parking provision and traffic impact subject to the recommended deferred commencement conditions of consent.

Environment and Health

The development application was referred to Council's Environment and Health Officer for comment who has advised that the development proposal is satisfactory with regard to the noise/acoustic impact, fitout of food premises, public health, land contamination and remediation, air quality, water protection and general environmental impact and therefore can be supported subject to recommended conditions of consent.

Landscape Architect

The development application was referred to Council's Landscape Architect for comment who has advised that the development proposal is satisfactory with regard to the proposed

public domain and landscaping works subject to the recommended deferred commencement 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 is satisfactory with regard to the proposed location waste management area and therefore can be supported subject to recommended conditions.

EXTERNAL REFERRALS

Transport for NSW

The development application was referred to TfNSW in accordance with the provisions of Clause 104 of the ISEPP. TfNSW issued concurrence, subject to conditions. These conditions have been incorporated into the recommended conditions of consent.

Endeavour Energy

The development application was referred to Endeavour Energy for comment who advised that subject to recommendations and comments, Endeavour Energy has no objection to the development application.

Transgrid

The development application was referred to Transgrid Energy for comment, who advised that there is no objection to the development application.

Sydney Water

Sydney Water has accepted the s73. Application submitted by the applicant, in which the proposal will continue to be managed under such process. Condition of consent has been recommended accordingly.

NSW Police

The development application was referred to NSW Police who provided comment on the development. Conditions of consent in respect to Crime Prevention Through Environmental Design (CPTED) matters by limiting public access to residential components through access control, territorial and space/activity management, environmental maintenance, improving lighting of the development and the provision of CCTV cameras have been recommended.

PLANNING COMMENTS

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

State Environmental Planning Policies

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

Development of a type that is listed in Schedule 7 of SEPP (State and Regional Development) 2011 is defined as 'regional significant development'. Such applications require a referral to a Sydney District Panel for determination as constituted by Part 3 of Schedule 2 under the Environmental Planning and Assessment Act 1979. The proposed development constitutes 'Regional Development' as it has a Capital Investment Value (CIV) which exceeds the \$30 million threshold. While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney Central City 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.

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
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
A detailed site investigation was carried out for the development and a report has been prepared EI Australia Pty Ltd with reference # E24880.E02_Rev0 dated 12 November 2020. The report did not reveal any potential matters of concern with regard to contamination and concludes that the site is suitable for its intended use subject to the implementation of the DSI recommendations. All soil concentrations of CoC were reported below human health criteria and indicates low risk. Ground water	

Matter for Consideration	Yes/No
<p>wells were dry at the time of investigation, however due to the proximity to the fire station (PFAS) location, if dewatering is to occur the approval must be granted from NSW Water. A dry cleaner was at the site; however, research shows that processing was done off site and the premises was a shop front for drop offs and deliveries. The authors concluded that significant contamination was not identified, and the site should be suitable for the proposed development if the recommendations from the authors are adhered to.</p> <p>Council's Environmental Health Officer has also reviewed the reports and is satisfied that the site is suitable for its intended use subject to the implementation of the DSI recommendations.</p>	

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

SEPP 65 applies to the development as the building is 3 storeys or more, and contains more than 4 dwellings. A design statement addressing the design quality principles prescribed by SEPP 65 was prepared by PTW Architects dated 29 June 2020. Integral to SEPP 65 is the Apartment Design Guide (ADG), which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development.

The proposal is generally compliant with the provisions of SEPP 65 and the ADG, with the exception of communal open space, building separation, deep soil provision, visitor parking shortfall and apartment layout. These variations are discussed below:

Figure 7 – ADG Compliance Table

ADG Requirement	Variation Discussion	Supported
<p>Objective 3D-1 Communal and Public Open Space</p> <p>Design Criteria Communal open space has a minimum area equal to 25% of the site.</p> <p>Required: 25% x 9,605.7m² = 2,401.4m²</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).</p>	<p>The overall COS proposed equally divided for the eastern and western buildings on the podium and roof top of T3 and T4 equates to 1,635.1m² or 17.02%, which is a shortfall of 766.3 m² or 7.98%. The COS area proposed will achieve 64.15% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter). Non-compliance with the overall COS area is considered acceptable given that:</p> <ul style="list-style-type: none"> - all buildings will have access to the common rooms, some with balconies, having a total area of 522.7m² accessible by the building occupants located throughout the towers, - access to privately owned public domain plaza on the ground and above ground levels with dimensions of 15m x 57m that will achieve 76% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter), and - the location of subject site is within the business zone and the proposal contributes to the provision of additional public open space. <p>In this regard, the above COS variations from the ADG are considered acceptable on merit.</p>	Yes
<p>Objective 3E-1 Deep Soil Zones</p> <p>Design Criteria</p>	<p>No deep soil zones are provided on the site, as a result of the basements and building envelopes.</p>	Yes

<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr> <tr> <td>650m² - 1,500m²</td><td>3m</td></tr> <tr> <td>greater than 1,500m²</td><td>6m</td></tr> <tr> <td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m	<p>The proposed landscaping and open space areas dispersed throughout the development, in the form of public domain landscaping at the ground level as well as the landscaping of the podium and communal open space areas are considered to adequately offset the absence of deep soil planting.</p> <p>The landscape design incorporates a range of plants, including trees, shrubs and groundcover to enhance the amenity of the development.</p>	
Site area	Minimum dimensions	Deep soil zone (% of site area)												
less than 650m ²	-	7%												
650m ² - 1,500m ²	3m													
greater than 1,500m ²	6m													
greater than 1,500m ² with significant existing tree cover	6m													
<p>Objective 3F-1 Visual Privacy</p> <p><i>Design Criteria</i></p> <p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> <p>Note:</p> <p>Separation distances between buildings on the same site should combine required building separations depending on the type of room.</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>The development generally provides compliant building separation distances to all boundaries across all levels of the development, with the exception of external building separation on Levels 5, 8 and 9; and internal building separation between its own towers. Refer to Table 1 below for details.</p> <p>The above variations to the building separation distances, internal to the development, are considered acceptable, on the basis that treatment measures can be applied to the non-compliant balconies and habitable room windows, in the form of privacy screening and the like, to protect visual amenity within the development. The architectural plans submitted with the proposal have not identified privacy measures to be applied for the areas listed on Table 1 below. Part of balconies that are west facing for unit 10508 (T1) and east facing for unit 20508 (T2) is to be reduced in size by 6m in depth. Part of balconies that are east facing for unit 30503 (T3) and west facing for unit 40503 (T4) are to be deleted to</p>	Yes
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												

	avoid the use of excessive screening on these elevations. Conditions are to be imposed to ensure compliance.	
<p>Objective 3J-1 Car Parking</p> <p>Design Criteria For development in the following locations:</p> <ul style="list-style-type: none"> - On sites that are 800m of a railway station in the Sydney Metropolitan Area <p>The minimum car parking requirement for resident and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p>	<p>The proposal will result in compliant car parking provision with the exception of residential visitor car parking with shortfall of 11 spaces. The non compliance is however considered acceptable given that the proposed development will be provided with excess of 40 spaces for retail and commercial uses. The proposal has been accompanied with traffic report, which suggest the following.</p> <p><i>The proposed development provides 572 parking spaces for residents and visitors, with 478 for residents, complying with the minimum requirements of SEPP, 94 spaces for visitors and 236 parking spaces for commercial/supermarket/retail use. It should be noted that the reallocation of parking will ensure that only 10.5% of residential visitor parking will be shared with commercial/supermarket/retail parking. This is acceptable given the fact that peak visitor demands will occur during the evening and on weekends, at times that do not overlap with peak commercial parking demands. Hence, this is considered the optimal use of the available parking resource.</i></p> <p><i>Council's DCP does not differentiate between supermarkets and commercial developments generally, even though large supermarkets are by definition a car</i></p>	Yes

	<p>dependent use, due to large shopping purchases. Absence of sufficient parking to meet the expected weekend demands will have the potential to create on-street traffic congestion, which is contrary to Council's objective to achieve an improved pedestrian amenity in the locality. The provision of 134 spaces equates to a rate of 3.3 spaces/100m² which is less than normal supermarket demands and less than supermarket operational requirements based on experience. The 'additional' parking will not impact on-street traffic conditions during commuter peak periods, as peak supermarket parking demands typically occur on Saturday mornings. The parking rate for supermarkets under the RMS Guide to Traffic Generating Developments is 4.2 spaces per 100m² GLFA. Application of this RMS rate to the proposed 4,050.1m² GLFA would result in a demand for 170 spaces for the supermarket use, substantially more than what is proposed. A small portion of this retail/supermarket/commercial parking is to be utilised as visitor parking for residential uses. Therefore, the slight overprovision of supermarket parking provides a safety margin for some residential visitors, in the unlikely event that this should occur. The parking allocation is therefore considered acceptable for the needs of the site, responding to the optimal location of the site with respect to the railway station and the anticipated higher demand for retail and commercial parking.</p> <p>Given the supermarket/retail/commercial car spaces will be available for use by the visitors of the residential development, non compliance with</p>	
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	the provision of the visitor car spaces is considered acceptable in this instance.	
Objective 4D-2 Apartment Size & Layout Design Criteria In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	All residential units open plan layouts provide maximum habitable room depth of 8m from a window, with the exceptions of 3 bedroom units located on buildings T3 and T4 with nil setbacks to the eastern and western side boundaries (units 30207, 40206 and all other units above it). These units will have maximum habitable room depth of 9.8m to the kitchen stove and wall/splashback. However, non compliance with the design criteria in this regard is considered acceptable, given that the kitchen island/sink area itself has a room depth of 8m from the window. Strict compliance with the design criteria will also not be feasible as these units have single aspect with no opportunity in providing additional windows on the nil side boundary setbacks elevation.	Yes
Objective 4F-1 Common Circulation & Spaces Design Criteria For building of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Maximum 54 apartments proposed sharing a single lift is considered acceptable as on each level, there will be 2 lifts accessible for every 8 apartments.	Yes

Table 1. Building Separation Non-compliances Summary

Level	Location	Elevation	Building separation required	Building separation proposed	Comments
2	10209 & 10210 (T1)	Internal	12m	1.3m-8.2m	Between balconies and windows
2	20209 & 20210 (T2)	Internal	12m	1.3m-8.2m	Between balconies and windows
2	30207, 30208 (T3) & 30201 (T3), 10205 (T1)	Internal	12m	3m-11.3m	Between balconies and windows

2	40206, 40207 (T4) & 40201 (T4), 20205 (T2)	Internal	12m	3m-11.3m	Between balconies and windows
3	10309 & 10310 (T1)	Internal	12m	6.3m-10.5m	Between balconies and windows
3	20309 & 20310 (T2)	Internal	12m	6.3m-10.5m	Between balconies and windows
3	30308 (T3) & 30301 (T3), 10305 (T1)	Internal	12m	2.4m-11.2m	Between balconies and windows
3	40307 (T4) & 40301 (T4), 20305 (T2)	Internal	12m	2.4m-11.2m	Between balconies and windows
4	10409 & 10410 (T1)	Internal	18m	6.3m-10.5m	Between balconies and windows
4	20409 & 20410 (T2)	Internal	18m	6.3m-10.5m	Between balconies and windows
4	30408 (T3) & 30401 (T3), 10405 (T1)	Internal	18m	2.4m-11.2m	Between balconies and windows
4	40407 (T4) & 40401 (T4), 20405 (T2)	Internal	18m	2.4m-11.2m	Between balconies and windows
5	10508 (T1) & western side boundary (46-50 Dunmore St)	External	18m	Nil	Balcony & neighbouring property
5	20508 (T2) & eastern side boundary (21 Dunmore St)	External	18m	Nil	Balcony & neighbouring property
5	10501, 10502 & common room (T1) 20501, 20502 & common room (T2)	Internal	18m	6m	Between balconies
5	30503 (T3) & 40503 (T4)	Internal	18m	14.8m	Between balconies
5	10503 (T1) & 20503 (T2) south facing balconies	Internal	18m	1.6m	Overlooking to all balconies and windows to the south
5	20504 (T2) & 40501 (T4) east facing windows	Internal	18m	1m	Overlooking to all balconies and windows to the north and south
5	10504 (T1) & 30501 (T3)	Internal	18m	1m	Overlooking to all balconies and

	west facing windows				windows to the north and south
6	10604 (T1) & 20604 (T2) south facing balconies	Internal	18m	Nil	Overlooked by COS
8	30701, 30702 (T3) & 40701, 40702 (T4)	Internal	24m	18m	Between balconies and windows
9	Rooftop COS (T4) & eastern side boundary (53 Station St)	External	24m	Nil	COS & neighbouring property
9	Rooftop COS (T3) & western side boundary (6 Garfield St)	External	24m	Nil	COS & neighbouring property

A comprehensive assessment against SEPP 65 and the ADG is contained in **Attachment 8**.

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

The provisions of the 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 occurs within 5 metres of an overhead electricity power line. As such, the Consent Authority is required to give written notice to an electricity supply authority.

In accordance with the provisions of Clause 45, the development application was referred to Endeavour Energy for comment, who advised that, subject to recommendations and comments, Endeavour Energy has no objection to the development application.

Clause 102 – Impact of road noise or vibration on non-road development

The application has been accompanied by an Acoustic Report which has been assessed by Council's Environmental Health Unit which have deemed the report satisfactory. Conditions of consent have been recommended to ensure that the acoustic amenity of the residential development is maintained.

Clause 104 – Traffic generation developments

The application is subject to Clause 104 of the ISEPP as the development involves traffic generating development as identified in Schedule 3 of the ISEPP. The development involves a car park with more than 200 spaces and more than 300 residential dwellings on the site which has access to a general road. The application was referred to TfNSW in accordance with the provisions of Clause 104 of the ISEPP.

On 4 September 2020 TfNSW issued concurrence, subject to conditions. These conditions have been incorporated into the recommended conditions of consent.

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

The proposal does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed street tree removal is considered acceptable. Please refer to the DCP compliance table for further discussion.

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

A BASIX Report has been submitted with the application which demonstrates that the development has been designed to achieve the required water, thermal comfort and energy scores.

Regional Environmental Plans

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

(a) 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 Local Environmental Plan (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 B2 Local Centre zone, refer to Attachment 9.

(a) Permissibility:-

The proposed development is defined as a 'shop top housing' and is permissible in the B2 Local Centre with consent.

***shop top** housing means one or more dwellings located above ground floor retail premises or business premises.*

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

Figure 8 – Holroyd LEP 2013 Compliance Table

Development Standard	Compliance	Discussion
4.1 Minimum subdivision lot size Nil	N/A	There is no minimum subdivision lot size applicable to the subject site.
4.3 Height of Buildings Maximum 62m, 30m	N	<p>The site is subject to split building height controls. Buildings T1 & T2 are subject to maximum building height control of 62m. Buildings T3 and T4 are subject to building height control of 30m.</p> <p>In accordance with the provisions of Clause 6.11(5), the development has incorporated a design excellence building height bonus of 10% into the building design, resulting in maximum building heights of 68.2m and 33m (noting that the bonus only applies to buildings greater than 30m and 55m in height).</p> <p>The proposed building heights are discussed below:</p> <p><u>Building T1 and T2</u> Proposed: 70.65m (T1) and 72.7m (T2)</p> <p>Additional building height of 2.45m (T1) and 4.5m (T2), which exceeds the maximum building height (inclusive of the bonus), are proposed as architectural roof features pursuant to the provisions of Cl. 5.6 of the HLEP 2013. Refer to discussion under the relevant clause below.</p> <p><u>Buildings T3 and T4</u> Proposed: 33.43m (T3) and 32.35m (T4)</p> <p>Non compliance with the maximum building height (inclusive of the bonus) for building T3 by 0.43m or 1.3% for the lift overrun is sought under clause 4.6 variation request, which has been submitted with the application to address this variation from the development standard. Refer to discussion under the relevant clause below.</p>

<p>4.4 Floor Space Ratio (FSR) Maximum 4:1 with max 2:1 bonus - Lot 11 in DP 746514 (42-44 Dunmore St, 8,952m²), 3:1 - Lot A in DP 319230 (13 Pritchard St East, 653.7m²)</p>	Y	<p>In accordance with the provisions of Clause 6.11(6) and 6.12(2), 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).</p> <p>Given that the above criteria are complied with, the maximum GFA permitted on the site is 55,673m².</p> <p>The development proposes a compliant total GFA of 55,150m², which comprises of 53,712m² on Lot 11 in DP 746514 (42-44 Dunmore St), or GFA of 6:1 and 1,438m² on Lot A in DP 319230 (13 Pritchard St East), or GFA of 2.2:1.</p>
<p>4.6 Exceptions to development standards</p>	Y	<p>The Applicant has submitted Clause 4.6 Variation Request for the departure from the building height development standard. Refer to the discussion in the following section of this Report.</p>
<p>5.6 Architectural roof features</p>	Y	<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> <ul style="list-style-type: none"> <input type="checkbox"/> <i>The height exceedance comprises a decorative element on the uppermost portion of T1 and T2;</i> <input type="checkbox"/> <i>No advertising structures are proposed above the height control;</i> <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> <input type="checkbox"/> <i>The proposed height exceedance will cause minimal overshadowing; and</i>

		<p>□ Equipment required to service T1 and T2 (including lift overrun and services) are contained wholly within the architectural roof feature.</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	Y	<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>
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 make them available when required— (a) the supply of water,	Y	<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 ownership, with a right of way to be created to facilitate access, as per the executed VPA.</p>

<p>(b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access.</p>		<p>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.</p>
<p>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).</p> <p>Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.</p> <p>This clause affords design excellence bonuses as follows:</p> <p>Building height – up to 10% FSR – up to 2:1</p>	Y	<p>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 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>
<p>6.12 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).</p> <p>Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.</p> <p>This clause affords design excellence bonuses as follows:</p> <p>Building height – up to 10% FSR – up to 2:1</p>	Y	<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>

(b) Clause 4.6 – Variation to Building Height

Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. The consent authority may grant the exception as the Secretary's concurrence can be assumed where clause 4.6 is adopted as per the Department of Planning Circular PS 18-003, dated 21 February 2018.

The applicant has submitted a written request to vary the development standards for exceedance of building height T3 by 0.43m or 1.3% for the lift overrun. Based on various case laws established by the Land and Environment Court of NSW such as *Four2five P/L v Ashfield Council* [2015] NSWLEC 9, *Randwick City Council v Micaul Holdings P/L* [2016] NSW LEC7 and *Zhang and anor v Council of the City of Ryde* [2016] NSWLEC 1179, a 3 part assessment framework for a variation request proposed under clause 4.6 has been considered and an assessment of the proposed variance, following the 3 part test is discussed in detail below.

The 3 preconditions which must be satisfied before the application can proceed are as follows:

1. Is the proposed development consistent with the objectives of the zone?

Applicant's justification:

The proposal is also consistent with the land use objectives that apply to the site under the LEP. The subject lot is zoned B2 (Local Centre). The proposed development is consistent with the relevant land use zone objectives as outlined below.

The proposal integrates a mixture of retail, business, and community uses that serve the needs of people who live in, work in and visit the local area. These uses are compatible given their complementary functions and are typical of development in Zone B2 Local Centre.

Specifically, the proposal will deliver the following:

- A new full line supermarket (c. 4,000sqm);*
- Approximately 4,400sqm commercial floor space; and*
- A high quality public domain and vibrant town centre.*

Many and varied employment opportunities (direct and indirect jobs) will be generated during marketing, construction, fit-out, and operation of the development.

The site is a highly accessible location within Wentworthville town centre. The proposal will maximise public transport patronage and encourage walking and cycling through the new plaza and central public domain, and the provision of bicycle parking within secure locations at grade within the development.

The proposal has been designed to integrate ground and podium level retail and commercial land uses with the upper level residential apartment buildings. The residential land uses are compatible and complementary to

these retail and commercial uses and will not result in any unacceptable land use conflicts. Operating conditions for the retail and commercial tenancies will mitigate any potential conflicts.

Overall it is considered that the strict maintenance of the height of building development standard in this instance is not in the public interest as:

- The proposal achieves and is consistent with the objectives of the development standard as provided in clause 4.3 and clause 6.11 of the LEP of this variation request.*
- The proposal is consistent with the objectives of the B2 Local Centre Zone, as outlined above.*
- The proposal achieves a superior planning outcome compared to a 'compliant' scheme and better achieves the objectives of the relevant development standard.*
- Strict compliance with the building height standard is an unnecessary hindrance to the ability to deliver a vibrant mixed-use development and establish an urban landmark for the town centre.*

Accordingly, it is considered that, notwithstanding the proposed variation to the building height development standard, the proposed development is in the public interest.

Planner's comment:

The development is consistent with the zone objectives, as the proposal incorporates a mix of commercial, retail and residential land uses across the site. The development is centrally located within the Wentworthville Town Centre, with access to public transport. The development encourages pedestrian movement with pedestrian links through the site and provides bicycle parking to encourage cycling as a mode of transport. The ground levels of all buildings provide commercial and retail land uses to encourage activation of the street frontages to Dunmore Street and Pritchard Street East.

2. Is the proposed development consistent with the objectives of the development standard which is not met?

Applicant's justification:

The proposal minimises visual impacts and achieves adequate solar access and privacy to adjoining land by adherence to the required building setbacks and separation distance of the Apartment Design Guide (ADG). As such, the development satisfactorily achieves the objectives of clause 4.3(a). Specifically, the proposal complies with the following objectives of the ADG and design criteria:

Objective 3B-2 – in that overshadowing to neighbouring properties is minimised. The proposal maintains a minimum two hours solar access to neighbouring properties in mid-winter notwithstanding the minor non-compliance to the height of building standard. Extensive design refinement with the Cumberland Design Excellence (CDE) Panel has addressed perceived bulky dimensions of the towers and improve the visual presentation of the development. Refinement to the design has minimised overshadowing impacts by removing the bridge indicated in the DCP between T3 and T4 and redistributing massing between T1 and T3, and T2 and T4. This has achieved a sensitive urban outcome which has lessened

visual impacts and improved solar access and privacy for neighbouring properties to the south and west.

Objective 3F-1 – in that adequate building separation distances are shared to neighbouring land to provide reasonable levels of external and internal visual privacy. Design refinement has resulted in the reconfiguration and remodulation of the residential component to achieve adequate solar access and to maintain to distant views.

The siting of development on the subject lot satisfies or exceeds the design criteria of the ADG (to the extent reasonable). The building articulation, built form massing, and façade treatment of the podium levels and upper level residential apartments of T3 on the subject lot minimise visual impact to neighbouring land and the public domain, and deliver an appropriate urban scale from the streetscape perspective of Pritchard Street East. The setting back of T3 on the subject lot further south (towards Pritchard Street East) reduces solar access impacts to the west.

To achieve the objective to ‘minimise’ visual or solar access impacts, there is no burden on the applicant to improve solar access to neighbouring land or avoid additional overshadowing. The proposal satisfies the development standard objectives by balancing minimising impacts to adjoining land with consistency of other statutory planning considerations including FSR, building separation, design excellence, communal open space etc.

The proposal is consistent with the landform of the locality in that:

- Notwithstanding the minor non-compliance with the building height control, it is consistent with applicable built form controls and design criteria relevant to landform, including FSR, building separation, floorplates, and building setbacks.*
- The built form of development on the subject land (T3) achieves landform symmetry and consistency with T4 from the perspective of Pritchard Street East. The proposal presents a two level podium and upper level residential apartments.*
- The proposal is consistent with the emerging landform and built form character of the locality as envisaged in the recently gazetted Wentworthville town centre planning proposal.*

The site planning and urban design of the development has been subject to extensive and detailed design refinement with the CDE Panel. Design refinement has specifically focused on reducing perceived building bulk by introducing ‘breaks’ to long building footprints and creating tower forms (including T3) that appear more elegant and slender and with greater vertical emphasis.

This design refinement process has been instrumental in ensuring that the proposal successfully responds to the existing and desired future character of the locality and achieves a high quality urban form and an appropriate scale and intensity.

The architectural expression and verticality of the podium of T3 to Pritchard Street East minimises the perception of height and presents a rich building materiality at an appropriate human scale. This contributes to achieving an appropriate scale and intensity of development from the public domain perspective.

The siting of the development on the subject lot responds in proportion and built form to the wider locality and contributes to an appropriate transition in scale and intensity from the north (towards Dunmore Street) to south (to Pritchard Street East).

Notwithstanding the minor non-compliance with the building height control, development on the subject lot is consistent with the scale and intensity of the future character of the town centre.

Planner's comment:

The proposed development is consistent with the building height objectives as the built form is considered to respond to the site topography and its location within the Wentworthville Town Centre. The bulk and scale of the development is considered acceptable and the development presents acceptable visual and solar access impacts on the amenity of neighbouring properties.

3. a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case? And;

Applicant's justification:

The objectives of the height of building development standard would be thwarted by a compliant scheme (within a built form of 30 metres height) for the following reasons:

- A reduction in the building height to achieve strict compliance with the building height control would compromise the efficiency and amenity of the development given that it would require reduced floor-to-ceiling heights or even the removal of an entire storey of built form to accommodate the lift overrun. The removal of an entire storey would compromise the achievement of design excellence for the site.*
- A scheme that achieved strict compliance with the 33 metre building height control would require some redistribution of GFA across the subject lot and result in a built form that extends horizontally across a greater portion of the lot as compared to the proposed building which extends vertically and presents as a slender, more elegant form.*
- A compliant scheme that utilises the maximum allowable GFA would result in a building with an increased footprint, long elevations without building breaks, and increased massing and physical bulk orientated towards the adjoining properties to the west. This would create a dominant building form from the perspective of adjoining land, thus increasing visual impact and minimising privacy. A better design outcome in terms of visual and solar access amenity is achieved by redistributing GFA into a slender, well-proportioned tower form and extending the building vertically (as compared to horizontally).*
- A compliant scheme extending horizontally across the subject lot would reduce the area of landscaped open space terrace associated with the retail and commercial tenancies at Level 01. This would have the effect of reducing the amenity for visitors and customers of the retail and commercial tenancies.*
- Strict compliance with the building height control would result in an irregular and asymmetrical built form which would not be able to achieve a high quality architectural form or building design.*
- Through the extensive design excellence review process, the proposal has been assessed against the criteria of clause 6.11 and is considered to exhibit a high standard of architectural and urban design as part of the built environment. It is reasonable to assume that in making its decision, the CDE Panel's endorsement has applied the design excellence criteria in clause 6.11*

to the subject land. This demonstrates that a superior planning outcome will be achieved by the proposal compared to one that otherwise would be constrained by strict compliance with the 33 metre building height standard.

Taking into account the above and the particular circumstances of the proposal and the subject lot it is neither reasonable nor necessary to require compliance with the height of building development standard. The proposed minor non-compliance with the height of building control demonstrates a superior planning outcome compared to a compliant scheme and better achieves the objectives of the development standard.

Planner's comment:

Strict compliance with the maximum building height requirement is considered unreasonable and unnecessary in the context of the development as the built form is site responsive and the development presents an acceptable bulk and scale.

b) Are there sufficient environmental planning grounds to justify contravening the development standard and therefore is the applicant's written justification well founded?

Applicant's justification:

There is an absence of environmental harm arising from the contravention and sufficient environmental planning grounds to justify contravening the building height development standard for the following reasons:

- The variation is numerically insignificant and the impacts resulting from the minor variation affect only supporting features of the podium (being the lift overrun) which have limited external impact.*
- The component of the building exceeding the maximum building height control is located within the centre of Building T3 and has negligible visual impacts from the public domain or streetscape.*
- The proposed development achieves a superior planning outcome compared to a 'compliant' scheme and better achieves the objectives of the height standard.*
- The minor variation does not diminish the development potential of adjacent land to the west.*
- The proposal is less than the maximum permitted FSR control that applies to the subject land (3:1), demonstrating that, notwithstanding the minor non-compliance with the building height control, it is highly consistent with what could be reasonably expect in terms of site layout design and land use intensity of the site. The minor variation to the height of building control does not result in any additional floor area or intensity of development within the site compared to what is currently envisaged for the site.*

Given the high level of compliance with other key design guidelines, high quality design of the overall proposal the variation to the development standard is supportable from environmental planning grounds. Based on the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the minor non-compliance with the height of building development standard in this instance.

Planner's comment:

The variation to the maximum building height development standard is considered acceptable on environmental planning grounds and the Applicant's written justification is well founded.

Conclusion:

Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6 subclause (3). Council is further satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

It is the view of Council Officers that justification provided is satisfactory and having considered the application on its merit, the exception to the maximum building height development standard is considered acceptable in this instance.

The provisions of any proposed instrument that is or has been the subject (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:

- 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.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 117 Local Planning Directions where appropriate.

(b) Draft Cumberland Local Environmental Plan (Draft CLEP)

The Draft Cumberland Local Environmental Plan (Draft CLEP) has been prepared by Cumberland Council to provide a single planning framework for the future planning of Cumberland City. The changes proposed seek to harmonise and repeal the three existing LEPs currently applicable to the Cumberland local government area, those being:

- Holroyd Local Environmental Plan 2013,
- Parramatta Local Environmental Plan 2011, and
- Auburn Local Environmental Plan 2010.

The current planning controls for the subject site, as contained within the Holroyd LEP 2013 are not proposed to change under the Draft CLEP.

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

The Holroyd DCP 2013 provides guidance for the design and operation of development to achieve the aims and objectives of the Holroyd LEP 2013.

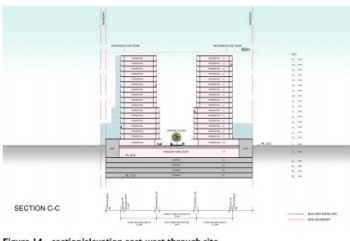
A comprehensive assessment and compliance table is contained in Attachment 10.

The following table highlights non-compliances with the Holroyd DCP 2013, which relate primarily to site amalgamation, built form, public domain, open space and ground floor treatment, and the variations sought are considered satisfactory on merit in this instance:

Figure 9 – Holroyd DCP 2013 Compliance Table

Clause	Control	Proposed	Supported
PART A GENERAL CONTROLS			
3.5 Access, Manoeuvring and Layout	Driveways shall be setback a minimum of 1.5m from the side boundary.	The application has been provided with traffic report and swept path analysis on the suitability of driveways located with nil setbacks from the eastern and western side boundaries. Council's Traffic and Development Engineers have reviewed the proposal and are in support of the application, subject to conditions.	Yes
PART J - SITE SPECIFIC CONTROLS			
10. 42-44 Dunmore Street, Wentworthville (Wentworthville Mall site)			
10.1 Circulation and Access	The through-site link has been provided, with the exception of the part closest to Pritchard Street which passes under the Pritchard Street street wall for a maximum distance of 25m and has a minimum vertical clearance of 9m.	The building section between T3 and T4 above the through-site link has been deleted as part of the amended scheme. Changes proposed to the overall built form have been referred to multiple Cumberland Design Excellence Panel meetings and they are supported subject to the imposed conditions.	Yes
10.2 Open Space	The Dunmore Street Plaza: – comprises a continuous strip of land having a depth of 8m from the existing footpath boundary along the site's Dunmore Street	A strip of 8m deep land along Dunmore Street frontage is required be dedicated to Council for the purpose of a public open space/ domain plaza. However, the design of this area has not taken consideration the Holroyd	Yes

	<p>frontage (to be dedicated to Council)</p> <ul style="list-style-type: none"> – is a paved, urban plaza that has the flexibility to cater for a range of informal uses, functioning as a promenade and including space for outdoor dining, public seating/gathering and public art – includes zones for unobstructed through pedestrian movement, outdoor dining and street furniture such as seating, lighting and rubbish bins – allows for temporary uses such as markets, stalls and outdoor music – does not include permanent structures, ensuring an open and flexible space – includes large soil volumes capable of sustaining trees – includes adequate landscaping and tree planting – includes extensive, co-ordinated street tree planting – is bordered by active frontages <p>Note: basement car parking for the development may be located beneath the plaza</p> <p>The Northern Plaza:</p> <ul style="list-style-type: none"> – has a minimum width of 20m – includes the 	<p>DCP 2013 requirements for the land to be continuous and provided with unchanging levels for the flexibility to cater for a range of informal uses, functioning as a promenade and including space for outdoor dining, public seating/gathering and public art. Most parts of the public domain plaza are provided with sunken area into the retail entry via staircases segregating the territory and potentially resulting in the exclusive use of those areas by the adjoining retail premises, instead of the general public. The maximum level difference between the existing footpath and the entry level to the retail shops is 0.7m. In this regard, subject to deferred commencement conditions have been included in the draft notice of determination to ensure that clear unobstructed area with no permanent built structures within the public domain plaza is to be provided to allow for equitable access and compliance with disability access code whilst providing publicly open space area.</p> <p>The public domain plaza would also not be capable of sustaining large soil volume, as the area between the basement car parking below and the public domain plaza will be subject to a stratum arrangement to accommodate any services and provide a buffer in the event of any future need for excavation. Council's Landscape Architect has recommended that temporary planter boxes shall be provided to satisfy the ground floor treatment requirement for a soft landscape area between the public and private open space areas.</p>	
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	 <p>SECTION C-C</p> <p>Figure 14 - section/elevation east-west through site</p>	<p>area with no permanent built structures within the public domain plaza is provided.</p> <p>The setbacks and built form of the proposed 4 buildings have also been amended due to the inclusion of 13 Pritchard Street as part of the consolidated site and the redistribution of the gross floor area and building height with the introduction of slender towers for buildings T1 and T2; greater building separation within the site through link; new linkage between buildings T1 and T3, and T2 and T4; and deletion of overhanging building above the Southern Plaza facing Pritchard Street East.</p> <p>The residential levels ceiling height is to be amended from 3.1m to 3.05m. Minor non-compliance is supported, subject to compliance with the ADG minimum ceiling height requirement of 2.7m.</p> <p>Changes proposed to the overall built form have been referred to multiple Cumberland Design Excellence Panel meetings and they are supported subject to the imposed conditions.</p>	
<p>10.8 Ground Floor Treatment</p>	<p>The area between the public domain and the glass line enclosing the internal space has a minimum 25% of soft landscaping such as garden beds and turf.</p>	<p>As also discussed above, the public domain plaza facing Dunmore Street is subject to stratum arrangement below. Strict compliance with deep soil/soft landscaping requirement will not be appropriate within this space. Non compliance with this requirement of the Holroyd DCP 2013 is considered acceptable in this instance.</p>	<p>Yes</p>

PART L - TOWN CENTRE CONTROLS			
3. Wentworthville Town Centre			
3.6 Site Amalgamation	<p>In instances where amalgamation cannot be achieved, the following information must be submitted with any development application:</p> <p>a) Two written valuations indicating the value of the remaining sites that were to be developed in conjunction with the applicants properties. These are to be undertaken by two independent valuers registered with the Australian Institute of Valuers, and;</p> <p>b) Evidence that a reasonable offer has been made to the owner(s) of the affected sites to purchase and valuation reports.</p> <p>Where amalgamation (as required) is not achieved, the applicants must show that the remaining sites, which are not included in the consolidation, and the proposed development site, will still be able to achieve the development outcome prescribed in this DCP, including achieving the required vehicular access, basement parking, built form, solar access and connectivity outcomes.</p>	<p>The proposed development will result in the site isolation of 6 Garfield Street Wentworthville that adjoins part of the western side boundary of 13 Pritchard Street East and is currently used by the NSW Fire Brigades as the Wentworthville fire station and a telecommunication tower at the rear. Given the orientation and current use of 6 Garfield Street, the applicant provided the justification for the site, in which it is not being isolated from the proposed development and is capable to developed in independently. The proposal has also been accompanied with a sketch of the future redevelopment of 6 Garfield Street that will still be able to achieve the development outcome prescribed in this DCP, including achieving the required vehicular access, basement parking, built form, solar access and connectivity outcomes.</p> <p>The applicant has also provided the following response.</p> <p><i>We are of the view that further consideration of acquisition or consolidation with the adjoining property is not relevant or necessary in the circumstances of the site and development for the following reasons:</i></p> <ul style="list-style-type: none"> ▪ Development potential on adjoining land – <i>The land at 6 Garfield Street presents a substantial landholding (approx. 797 sqm) with a regular rectangular configuration. The site occupies a prominent corner location with dual frontages to Garfield Street (to the west) and Pritchard Street East (to</i> 	Yes

		<p>the south). The project architect (PTW) has prepared an schematic built form and massing sketches to illustrate that a feasible development scheme can be delivered on 6 Garfield Street which can achieve compliance with relevant planning controls and other site planning considerations (such as land use mix, internal layouts, and boundary setbacks). The schematic built form sketches demonstrate that the subject proposal does not result in the isolation of 6 Garfield Street to the extent that future development would be constrained or impeded. For this reason, it is evident that the adjoining site can accommodate future built form commensurate with key planning controls and is not left isolated by the subject proposed development. The orderly and economic use and development of the adjoining land can be achieved.</p> <ul style="list-style-type: none"> ▪ Development site – The site to which the DA relates comprises a substantial landholding with a regular configuration and consistent boundaries to the east and west. The regular configuration of the site, with dual frontages to Dunmore Street and Pritchard Street East, facilitates efficient site layout and built form. Amalgamation of the site with the adjoining property would result an irregular-shaped parcel of land with incongruous site boundaries and that would be unlikely to achieve coordinated or 	
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		<p>efficient site planning or urban design principles.</p> <ul style="list-style-type: none"> ▪ Planning proposal – The site has been subject to a recently gazetted site-specific planning proposal to rezone the land at 42-44 Dunmore Street, increase the maximum building height and floor space ratio (FSR) controls, and introduce design excellence provisions. The planning proposal did not envisage the amalgamation of the site with the adjoining land at 6 Garfield Street. Poly has acquired the subject site with the ambition to deliver a mixed use development in line with Council's vision and objectives for the site as an iconic, landmark, and transit-orientated heart of the Wentworthville town centre. ▪ Site-specific DCP – Council has developed site-specific DCP for the subject site to establish a detailed planning and design framework for future redevelopment. The overarching vision for the site is that it will make a positive contribution to the renewal of the Wentworthville centre as a progressive, colourful, vibrant and engaging local centre that is well-connected to the surrounding area and is a great place to live and visit. As detailed in the Statement of Environmental Effects, the proposal has been designed to be generally consistent with the overarching vision for the site and the key objectives and development controls, specifically in relation to: built form, tower design, land uses, building heights, setbacks, 	
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		<p>building separation, ground floor treatment, public open spaces, access and parking, pedestrian circulation, and environmental performance. Amalgamation of the development site with the adjoining property would be inconsistent with the site-specific DCP and compromise the ability of new development to fulfil the realisation of the future vision for Wentworthville town centre.</p> <ul style="list-style-type: none"> ▪ Compliance – The proposed development is generally consistent with the provisions and objectives of relevant State and local policies and environmental planning instruments, including Holroyd Local Environmental Plan 2013, SEPP 65 - Design Quality of Residential Apartment Development, the Apartment Design Guide (ADG), and Holroyd Development Control Plan 2013. The proposal offers residents and visitors a high standard of internal and external amenity. The residential apartments achieve a high degree of compliance with the key parameters of the ADG including natural cross ventilation, solar access, building separation, landscaping, and communal open space. Amalgamation of the site with the adjoining property is likely to inhibit the achievement of such high amenity quality and compliance with key parameters of the ADG. ▪ Design excellence process – The proposal has been subject to extensive pre-DA 	
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		<p><i>and post-DA consultation with Council and the Cumberland Design Excellence Panel (CDE). The architectural design and site planning has undergone substantial refinement in response to two presentations with the CDE Panel to the point that the development has received endorsement of design excellence. It is reasonable to conclude that the CDE Panel's endorsement of design excellence is based on the achievement of coordinated site planning and urban design principles. The CDE Panel has not expressed any recommendation or requirement for consolidation of the subject site with 6 Garfield Street.</i></p>	
3.25 Public Domain	<p>Dunmore Street Plaza Included in the redevelopment of 42-44 Dunmore Street (Wentworthville Mall Site) is the construction of a Plaza along the southern side of Dunmore Street. In compliance with the Wentworthville Strategy's Structure Plan this plaza is to be extended in an easterly direction over No. 21 Station Street. This will:-</p> <p>a) Require a dedicated continuous strip of land 8 metres in depth from the existing footpath boundary extending the full length of the site at 21 Station St along the Dunmore Street frontage.</p> <p>b) Be a paved urban plaza with the flexibility to cater for a range of informal uses, functioning as a promenade and including</p>	<p>Previously discussed under Clause 10.2 Open Space, Part J of the Holroyd DCP 2013 above.</p>	Yes

	<p>distinct zones for outdoor dining, public seating/ gathering and public art.</p> <p>c) Include zones for unobstructed pedestrian movement, outdoor dining and street furniture such as seating, lighting and rubbish bins.</p> <p>d) Allow for temporary uses such as markets, stalls and outdoor music.</p> <p>e) Include adequate landscaping with large soil volumes capable of sustaining tree planting</p> <p>f) Include extensive, co-ordinated street tree planting, and</p> <p>g) Be an active frontage to promote street activation.</p> <p>h) Be open air with no permanent buildings or structures over the plaza with the exception of awnings.</p>		
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The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (EP&A Act s4.15(1)(a)(iia))

A Voluntary Planning Agreement associated with the subject Development Application was executed between Council and Applicant on 20 June 2017.

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 *Environmental Planning and Assessment Regulations 2000* (EP&A Reg).

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

In accordance with Council's Notification requirements contained within the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and *Holroyd Development Control Plan 2013*, the proposal was publicly notified for a period of 21 days between 26 August 2020 and 16 September 2020. The notification generated 7 submissions in respect of the proposal. The issues raised in the public submissions are summarised and commented on as follows:

Figure 10 – Submissions summary table

Issue	Planner's Comment
<i>Bulk and height out of place; Overshadowing of the proposed tower height onto Friend Park, Presbyterian Church at 7 McKern Street, former Regent Theatre at Station Street and federation and bungalow residences</i>	The site is subject to various planning proposal to increase building height and FSR to contribute to the renewal of the Wentworthville Town Centre, which was approved by the Minister on 4 April 2016 (42-44 Dunmore Street) and 14 August 2020 (13 Pritchard Street East). The siting of the development has been designed to distribute the higher tower elements towards Dunmore Street and to minimise overshadowing impacts on the adjoining properties. The site does not contain any items of Environmental heritage under Holroyd LEP 2013. Several items of Environmental heritage located within the direct vicinity of the site are situated towards the northern side of Dunmore Street, including Former Wentworthville Post Office (item 108). Heritage impact assessment is not required due to the spatial separation and orientation heritage listed item, which will not be affected from the proposed development. Shadow diagrams submitted with the development indicate that overshadowing on mid June from the proposed development will not affect Friend Park between 9am and 3pm.
<i>Traffic effects and jams from Dunmore and Station Streets access; traffic impact from approved development on Garfield Street</i>	A supplementary traffic study report, which includes the future 10 year growth case of the town centre, has been submitted to accompany the application to ensure that the growth can be accommodated on the network while still achieving satisfactory site access. Council's Traffic Engineer has reviewed the traffic study report and considered that the outcome of the report as satisfactory.
<i>The development will hinder emergency vehicles access and viability of</i>	The proposed development will be provided with separate access to car park and

<p><i>Wentworthville Fire Station, in which may not be capable to handle evacuation of 21 storey development in emergency event</i></p>	<p>loading dock, which will minimise vehicular queuing into the site. There is an existing keep clear area in front of the fire station to prevent the obstruction of emergency vehicles access. In the event of emergency occurring at the subject site, additional assistance from another fire station could be requested if the current fire station were not able to handle the evacuation.</p>
<p><i>Shortfall of parking; The numbers of spaces in compared with actual occupants of each units are not sufficient; Residential car parking spaces do not comply with Holroyd DCP 2013 requirements; The Panel should take consideration of car parking improvement for Wentworthville town centre; The Traffic Committee should impose on traffic restriction for on street parking; The proposed parking area may be utilised by commuter parking instead</i></p>	<p>The proposal results in compliant off street car parking spaces, with the exception of the residential visitor spaces with shortfall of 11 spaces. This is considered acceptable given that the proposed development will be provided with the excess of 40 spaces for the retail and commercial visitor spaces. These spaces will be available for concurrent use by the visitors of the residential development as well. The proposed car parking distribution is prompted by the peak hours demand for supermarket uses as stated in the applicant's traffic report.</p> <p>For site with location within close proximity of public transportation, the residential car parking rate applicable for the development is assessed based on the Guide to Traffic Generating Developments, as the rate is lower than what is prescribed by Council.</p> <p>Overall car parking improvement and further on street parking restriction for the Wentworthville Town Centre will continue to be considered as part of future planning work by Council and the NSW Government.</p>
<p><i>This development will adversely impact viability of existing small business</i></p>	<p>There is no evidence indicating direct link in the decline of the existing businesses viability as a result from the proposed development, which will be also a replacement of the former mall in the Wentworthville Town Centre.</p>
<p><i>Disruption during construction for existing business, pedestrian and traffic</i></p>	<p>Suitable conditions of consent will be imposed to ensure that disruption during construction for the existing business, pedestrian and traffic will be minimised.</p>
<p><i>Lack of recreational facilities ; Pedestrian link does not appear to be user friendly; Maintenance and monitoring issues; insufficient area for the public with little landscaping; Not a good design</i></p>	<p>The provision of a range of facilities within the communal open space areas of the development facilitate compliance with the provisions of the ADG, specifically Objective 3D-2 (Communal and Public Open Space), by allowing for a range of</p>

	activities. The maintenance of these areas is an operational matter depending on the part of the public plaza that it relates to and conditions of consent have been recommended to ensure that these areas are kept in a tidy and clean state. Council will impose conditions of consent to ensure that the high quality design of the public plaza will be provided.
<i>Comparison between the existing and proposed car parking proposed on site previously 198 spaces with 4 disability spaces provided</i>	The proposed development will be provided with a total of 236 car parking spaces to be allocated for commercial, retail and supermarket uses, including 9 accessible and 9 car share spaces. The proposal exceeds 198 car spaces provided by the former Wentworthville Mall and with the additional 9 spaces proposed for car sharing as alternative option, this will increase the numbers of users.
<i>Overshadowing impacts on 31-53 Station Street Wentworthville; Inconsistent building envelope with the DCP requirements; Loss of chamfered building form reduces solar access on eastern side; Insufficient information during public notification relating setbacks and solar diagram</i>	The setbacks and built form of the proposed 4 buildings have been amended due to the inclusion of 13 Pritchard Street as part of the consolidated site and the redistribution of the gross floor area and building height with the introduction of slender towers for buildings T1 and T2; greater building separation within the site through link; new linkage between buildings T1 and T3, and T2 and T4; and deletion of overhanging building above the Southern Plaza facing Pritchard Street East. The siting of the development has been designed to distribute the higher tower elements towards Dunmore Street and to minimise overshadowing impacts on the adjoining properties, this has resulted in the elimination of the chamfers along the side elevations. Changes proposed to the overall built form have been referred to multiple Cumberland Design Excellence Panel meetings and they are supported subject to the imposed conditions. The revised proposal has also been assessed against SEPP 65 and the ADG. The development maintains compliance with the solar access requirements of the ADG at Section 4A-1 (Solar and Daylight Access). Deviation of the built form from the Holroyd DCP 2013 including the changes to the chamfers on side elevation therefore could be supported. Public renotification of the amended

	information is not required given no changes to the overall height and FSR. .
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The public interest (EP&A Act s4.15(1)(e))

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.

CUMBERLAND LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

This part of the Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Cumberland Local Infrastructure Contributions Plan 2020 (the Contribution Plan) is applicable to the development.

In accordance with the Contribution Plan a contribution is payable, pursuant to Section 7.11 of the EP&A Act, calculated based on the residential dwelling yield:

- 1 bedroom/studio 97 dwellings
- 2 bedroom 353 dwellings
- 3 bedroom 73 dwellings

The contribution payable is offset by the amount stipulated in the Voluntary Planning Agreement of \$807,857.00.

As at September 2020, the total contribution fee payable is **\$7,146,641** would be payable prior to the issue of a Construction Certificate, and this requirement has been imposed as a condition of consent. This figure is subject to indexation as per the Contribution Plan.

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

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*, Regional Development SEPP, SEPP 55, SEPP65, ISEPP, BASIX SEPP, SREP 2005, HLEP 2013, Draft CLEP and HDCP 2013 and is considered to be suitable for deferred commencement approval.

The proposed development is appropriately located within the B2 Local Centre zone pursuant to the HLEP 2013. Variations are sought from the provisions of the ADG as they relate to communal open space, building separation, deep soil provision, visitor parking shortfall, apartment layout and common circulation. Variations are also sought under the HDCP 2013, in relation to driveway setback, site amalgamation, built form, public domain, open space and ground floor treatment.

Having regard to the assessment of the proposal from a merit perspective, Council may be satisfied that the development has been responsibly designed and provides for acceptable

levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

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 deferred commencement conditions.

RECOMMENDATION

- 1. That the Clause 4.6 variation request to vary the Height development standard, pursuant to the Holroyd LEP P 2013, be supported.**
- 2. That Development Application No. DA2020/0415 for Construction of a mixed use development comprising four basement car park levels accommodating 808 car spaces, two storey podium comprising a ground floor supermarket, ground and first level retail and commercial tenancies, four residential buildings, with total rise of 23 storeys and containing 523 apartments, including a new public plaza, public domain works, landscaping and stormwater infrastructure on land at 42-44 Dunmore Street WENTWORTHVILLE NSW 2145 be approved as deferred commencement consent subject to attached conditions.**
- 3. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.**

ATTACHMENTS

1. Draft Notice of Determination
2. Architectural Plans
3. Landscape Plans
4. Stormwater Concept Plans
5. Clause 4.6 Variation Request
6. Submissions Received
7. Design Excellence Certificate
8. ADG Assessment
9. HLEP 2013 Assessment
10. HDCEP 2013 Assessment