

## **APPENDIX B**

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

No.	Clause	Comment	Comply
	<p><b>Zone B2 – Local Centre</b></p> <p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li>• To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.</li> <li>• To encourage employment opportunities in accessible locations.</li> <li>• To maximise public transport patronage and encourage walking and cycling.</li> <li>• To permit residential development that is complementary to, and well-integrated with, commercial uses.</li> </ul>	<p>The proposal is for shop top housing development which is a permissible land use within the zone with consent.</p> <p>The applicant has also submitted a legal advice that is contained in <b>Attachment 3</b>.</p> <p>The proposal, as modified, however does not meet the objectives of the zone in which it does not permit residential development that is complementary to, and well-integrated with, the commercial uses, particularly the addition of 4 units infill on Level 2 replacing the approved 3 retail shops, a bin room and associated commercial car parking spaces within Sherwood Road frontage. The changes proposed will result in disjointed access to Sherwood Road commercial premises particularly for disabled persons, increase the bulk and scale of the central building, reduce amenity for the new units in terms of solar access and acoustic privacy, and inadequate waste management for the overall development.</p> <p>In this regard, the proposal as modified does not meet</p>	No

No.	Clause	Comment	Comply
		the objectives of the zone and this has been included as a reason of refusal in the draft notice of determination.	
4.3	<p><b>Height of Buildings</b></p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,</p> <p>(b) to ensure development is consistent with the landform,</p> <p>(c) to provide appropriate scales and intensities of development through height controls.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>Max Fronting Sherwood Road – 23m (Block C) Remainder of the site – 17m (Block A &amp; B)</p>	<p><b>Approved:</b> Block A – 18.76m Block B – 17.48m Block C – 24.29m</p> <p><b>Proposed:</b> Block A – 18.26m Variation: 1.26m/7.41% Block B – 18.74m Variation: 1.74m/10.23% Block C – 23.79m Variation: 0.79m/3.43%</p>	No
4.4	<p><b>Floor Space Ratio</b></p> <p>(1) The objectives of this clause are as follows:</p>	<p><b>Approved:</b> Lot 101 – 2.38:1 Lot 1 – 2.14:1</p> <p><b>Proposed:</b> Lot 101 – 2.61:1, or GFA 1470.33m<sup>2</sup></p>	Yes

No.	Clause	Comment	Comply
	<p>(a) to support the viability of commercial centres and provide opportunities for economic development within those centres,</p> <p>(b) to facilitate the development of a variety of housing types,</p> <p>(c) to ensure that development is compatible with the existing and desired future built form and character of the locality,</p> <p>(d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping.</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p>Max Lot 101 – 2.4:1 (site area: 563.2m<sup>2</sup>) Lot 1 – 2.2:1 (site area: 3,171.4m<sup>2</sup>)</p>	<p>Variation: 118.65m<sup>2</sup>/8.77% Lot 1 – 2.37:1, or GFA 7,536.226m<sup>2</sup> (in accordance with the assessment officer's calculation accounting for GFA that is not included by the applicant, e.g., residential lobby, above ground bin room, public toilets and hallway)</p> <p>Variation: 559.146m<sup>2</sup>/8.01%</p>	
4.6	<b>Exceptions to Development Standards</b>	Whilst a Clause 4.6 variation request is not required for a	No

No.	Clause	Comment	Comply
		<p>s4.55 modification application, the Applicant has submitted written requests to further vary the development standard for height of buildings and FSR.</p> <p>Council is not satisfied that the Applicant's written request for the additional building height and FSR will contribute to a better planning outcome for the approved mixed use development on the site.</p> <p>Council is not satisfied that the proposed development will be in the public interest as it is inconsistent 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, see attached written request from the applicant.</p>	
5.10	<b>Heritage conservation</b>	The land does not contain a heritage item and is not within heritage conservation area or in the vicinity of a heritage item.	N/A
6.1	<b>Acid Sulfate Soils</b>	The site is not affected by Acid Sulfate Soils.	N/A
6.2	<b>Earthworks</b>	Basement proposed, as approved.	Yes
6.3	<b>Essential Services</b>	Referral from the energy provider states that proposed substation relocation is not satisfactory as its location will encroach the fire restriction zone of the building above it. This is included as part of the reasons for refusal contained within the draft notice of determination.	No
6.4	<b>Flood planning</b>	The site is not affected by flooding.	N/A

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<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Comply</b>
<b>6.5</b>	<b>Terrestrial Biodiversity</b>	There is no evidence of any terrestrial biodiversity on the site.	N/A
<b>6.7</b>	<b>Stormwater Management</b>	Amended stormwater plans have been reviewed by the Council's Development Engineer and considered satisfactory.	Yes
<b>6.8</b>	<b>Salinity</b>	As originally approved, the moderate salinity affectation has been conditioned.	Yes
<b>6.10</b>	<b>Ground floor development in Zones B2 and B4</b>	The development has been approved with ancillary car parking area for commercial spaces fronting Sherwood Road. The additional 4 units proposed within this area replacing car parking and commercial tenancies will not be located within the ground level due to the slope of the land.	Yes

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