

Holroyd City Council



Ordinary Council Meeting 3 May 2016

NOTE: THE REPORTS PRESENTED IN THIS BUSINESS PAPER FOR COUNCIL'S CONSIDERATION ONLY CONTAIN THE RECOMMENDATION. COUNCIL'S FINAL DECISION (THE RESOLUTION) MAY BE DIFFERENT.

RESOLUTIONS OF COUNCIL ARE SUBJECT TO RESCISSION.

A NOTICE OF MOTION OF RESCISSION CAN BE SUBMITTED ANY TIME UP TO 12 NOON ON THE THIRD BUSINESS DAY FOLLOWING A COUNCIL MEETING AT WHICH THE RESOLUTION WAS PASSED. RESOLUTION(S) WILL NOT BE CARRIED INTO EFFECT UNTIL ANY RESCISSION MOTION IS DEALT WITH AT THE NEXT COUNCIL MEETING.

29 April 2016

I have the honour to notify you that the Ordinary Meeting of the Council of the City of Holroyd will be held at 6.30 p.m. in the Council Chambers, Memorial Ave, Merrylands on Tuesday, 3 May 2016.

Business as below:

Yours faithfully

(Merv Ismay)
GENERAL MANAGER

BUSINESS

1. Opening Prayer / Acknowledgement of Country / National Anthem
2. Apologies
3. Confirmation of Minutes
4. Mayor's Minutes
5. Public Forum
6. Declaration of Interest and Political Donations Received
7. Reports of Development/Community Services Committee
8. Reports of Finance and Works Committee
9. Correspondence and Officers' Reports
10. Motions pursuant to Notice (if any)
11. Questions on Notice
12. Petitions
13. Response to Public Forum Questions
14. Corporate Briefing
15. Reports of Closed Council

*Minutes of the Ordinary Meeting of Holroyd City Council
Held on 3 May 2016*

General Manager

Mayor

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HOLROYD CITY COUNCIL
16 Memorial Avenue, Merrylands (8.00am to 4.30pm)
Telephone: 9840 9840
TTY: 9840 9988
HCC@holroyd.nsw.gov.au

AGED AND DISABILITY SERVICES

Aged/Disability Team Leader	9840.9977
Disability Services Officer & Holroyd Peer Support Program.....	9840.9913
Holroyd Nutrition Services	
- CALD Centre Based Meals	
- Centre Based Meals	
- Meals on Wheels	
- Social Support Dementia – Supported Meals Program	
17 Miller Street, Merrylands.....	9840.9944
Holroyd Social Inclusion Services	
- Holroyd Neighbour Aid	
- Aboriginal & Torres Strait Islander Social Support	
- Centre Based Activities	
- Hall Hire	
90 O'Neill Street, Guildford.....	9632.2765
Information, Intake, Service and Volunteer Enquiries	
42 Lane Street, Wentworthville	9688 4751

ALL NSW EMERGENCY SERVICES 000

CENTRAL GARDENS PARK (No Tennis Court Bookings)

Thames Street, Merrylands West (Ranger's Office).....	9636.8280
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CHILD PROTECTION HELPLINE 132.111

CHILDREN'S SERVICES

Guildford West Children's Centre,	
50 Princes Street, Guildford West	9681.3793
Guildford West Out of School Hours Care,	
50 Princess Street, Guildford West	9721.2257
Holroyd Children's Centre, Banksia Babes,	
1 Goodlet Street, Merrylands	9637.3606
Holroyd Children's Centre, Gumnut Grove,	
13 Windsor Road, Merrylands	9637.9716
Merrylands / Family Day Care,	
74 Military Road, Guildford.....	9681.6511
Parramatta West Out of School Hours Care,	
57 Auburn Street, Parramatta West	9633.5246
Pemulwuy Children's Centre,	
1 Newport Street, Pemulwuy	9896.6118
Pemulwuy Out of School Hours Care,	
1 Newport Street, Pemulwuy	9896.6129
Pendle Hill Out of School Hours Care,	
Pendle Way, Pendle Hill	9631.8063
Ringrose Out of School Hours Care,	
18-36, Block K, Ringrose Avenue, Greystanes	9636.6586
Sherwood Grange Out of School Hours Care,	
50 Bruce Street, Merrylands.....	9892.4207
The Sometime Centre,	
54 Neil Street, Merrylands	9682.4918

The Sometime Centre, Pre School 3a McKern Street, Wentworthville.....	9631.6066
Wenty Children's Centre, 100 Damien Avenue, Greystanes	9896.1365
Widemere Out of School Hours Care, Nemesia Street, Greystanes	9757 1904
COMMUNITY BUS BOOKINGS.....	9840.9840
COMMUNITY FACILITIES	
Domain Community Rooms, 1 Oakes Street, Westmead.....	9840.9840
Greystanes Community Centre, 732 Merrylands Road	9631.0408
(Bookings)	9631.3544
Guildford Community Centre, Cnr Guildford Road & O'Neill Street	9632.2765
Holroyd Centre, Miller Street, Merrylands.....	9840.9900
Jones Park Hall, Burnett Street, Mays Hill (Bookings)	9840.9840
Merrylands Community Centre, 17 Miller Street, Merrylands	9840.9840
Red Gum Function Centre (Cnr Lane & Veron Streets), Wentworthville Bookings – Mr Dean Savetta.....	9840.9900
Toongabbie Community Centre, Cnr. Targo & Toongabbie Roads (Bookings)	9840.9840
Wentworthville Community Centre, 2 Lane Street (Bookings)	9840.9840
Westmead Progress Hall, Cnr Priddle & Hassall Streets, Westmead (Bookings).....	9840.9840
EARLY CHILDHOOD CENTRES	
Greystanes, 732 Merrylands Road	9631.1862
Guildford, Stimson Street (Karitane)	9632.9762
Wentworthville, Friend Park 3a McKern Street	9631.8258
EMERGENCIES (AFTER 4.30PM)	
Household Garbage Service.....	9721.2290
Animal Impounding Contractor	0412.064.676
HOLROYD COMMUNITY AID & INFORMATION SERVICE INC.	9637.7391
HOLROYD LOCAL AREA COMMAND	
Merrylands, 15-17 Memorial Avenue.....	9897.4899
LIBRARIES	
Greystanes, 732 Merrylands Road	9636.4160
Merrylands Central, Miller Street	9840.9960
Wentworthville, Lane Street	9631.7564
MERRYLANDS FIRE STATION	
Merrylands, 340 Merrylands Road	9682.4408
ORDINANCE INSPECTORS	9840.9840
Note:	Calls to 9840.9840 after hours divert to Council's Paging Service and in cases of emergency to the Ordinance Inspector on Duty.
PARRAMATTA AMBULANCE STATION.....	000
Parramatta, 153-155 Railway Street	
SENIOR CITIZENS' ORGANISATIONS	
Greystanes Over 50's Club	9636.3245

Merrylands, 17 Miller Street	9633.1103
Toongabbie, cnr Toongabbie & Targo Road.....	9631.1863
“Wenty” Club (RSL Day Care Club)	9631.5452
Wentworthville Pensioners Welfare Inc.	9631.4171

STATE EMERGENCY SERVICES

Foray Street, Guildford West.....	9892.1144
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SWIMMING CENTRES

Guildford (Heated Pool), Guildford Road.....	9632.1491
Merrylands, Burnett Street.....	9637.6618
Wentworthville, Dunmore Street.....	9631.9439

WORKS DEPOT

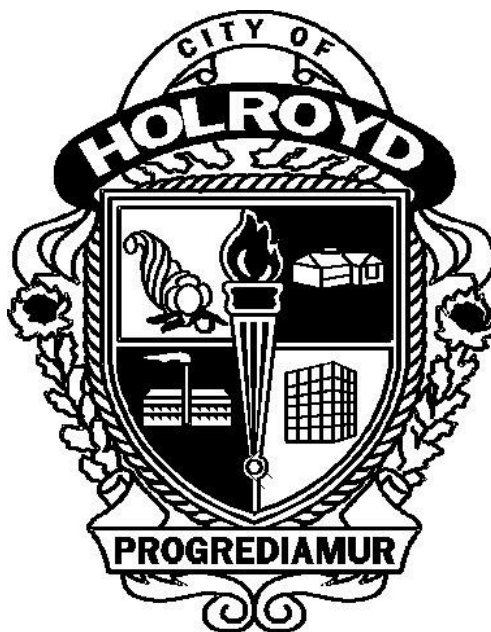
Duty Overseer, Fairfield Road, Guildford	8724.8652
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YOUTH CENTRES

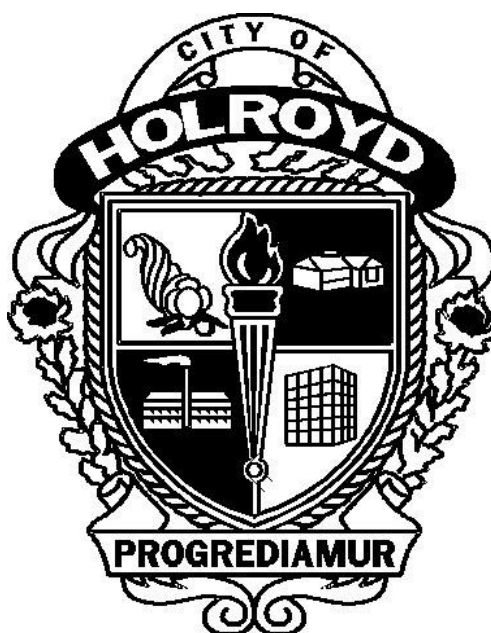
Guildford, 367 Guildford Road, Guildford	9681.3316
Merrylands, 289 Merrylands Road	9637.1535
Wentworthville (behind Wenty Pool, Dunmore Street)	9636.4969

COUNCILLOR CONTACT DETAILS

NORTH WARD	E-MAIL	FAX	MOBILE
Clr. Lake, Lisa	[clrlisalake@bigpond.com]		0427 955 589
Clr. Rahme, Joseph	[clrrahme@bigpond.com]		0427 855 693
Clr. Whitfield, Yvette	[clrwhitfield@bigpond.com]	9896 3271	0419 254 855
SOUTH WARD			
Clr. Dr. Brodie, John	[clrdrbrodie@bigpond.com]	9681 4824	0477 210 155
Clr. Colman, Pam	[clrcolman@bigpond.com]	9632 6750	0400 554 959
Clr. Kafrouni, Nasr	[clrkafrouni@bigpond.com]	9636 9273	0428 464 776
EAST WARD			
Clr. Monaghan, Peter	[clrmonaghan@bigpond.com]	9682 3608	0416 550 890
Clr. Sarkis, Eddy	[clrsarkis@bigpond.com]	9896 5599	0425 348 000
Clr. Zaiter, Michael	[clrzaiter@bigpond.com]		0427 824 969
WEST WARD			
Clr. Cummings, Greg (Mayor)	[clrcummings@bigpond.com]	9631 6159	0404 081 397
Clr. Grove, Ross	[clrgrove@bigpond.com]	9756 1728	0412 897 130
Clr. Kafrouni, Nadima (Deputy Mayor)	[clrnadimakafrouni@bigpond.com]	9636 9273	0427 806 877



DEVELOPMENT/COMMUNITY SERVICES COMMITTEE



DEVELOPMENT/COMMUNITY SERVICES COMMITTEE

**Index of the Meeting of the Development and
Community Services Committee of the Council
of the City of Holroyd, held in Council
Chambers, Memorial Ave, Merrylands on
Tuesday, 3 May 2016.**

Summary:

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185-187 Great Western Highway, Mays Hill

Responsible Department: Environmental and Planning Services
 Executive Officer: Director of Environmental & Planning Services
 File Number: INFOC/19 - BP16/447
 Delivery Program Code: 11.2.1 Ensure development is consistent with LEP and DCP requirements and vision

Application Number: 2015/155/1
 Property: 185-187 Great Western Highway, Mays Hill
 Proposal: Demolition of existing structures; consolidation of 2 lots into 1 lot; construction of a part 4, part 7 storey mixed use development comprising 32 residential units; 2 commercial units over 2 levels of basement parking accommodating 48 car parking spaces
 Applicant: E.S.R. Developments (Owner – Edmon Rizk)
 Owner: Mr T & Mrs R Sahyoun
 Land Zoning: B6 – Enterprise Corridor

Summary:

Council is in receipt of Development Application (DA) 2015/155/1 which proposes the demolition of existing structures; consolidation of 2 lots into 1 lot; construction of a part 4, part 7 storey mixed used development comprising 32 residential units; 2 commercial units over 2 levels of basement parking accommodating 48 car parking spaces at 185-187 Great Western Highway, Mays Hill.

The Development Application has been assessed under the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Buildings, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Holroyd Local Environmental Plan 2013 (Holroyd LEP 2013) and Holroyd Development Control Plan 2013 (Holroyd DCP 2013).

The subject allotment is zoned B6 – Enterprise Corridor under Holroyd LEP 2013. The proposal development would result in the creation of a landlocked site at 189 Great Western Highway, Mays Hill. As a part of the Development Application, 2 valuations have been commissioned by the Applicant from registered valuers, and a genuine and reasonable offer has been submitted to the owners of the landlocked site. Furthermore, plans have been submitted to show that 189 Great Western Highway, Mays Hill, has the potential to be developed on its own with a 3 level basement, 7 storey mixed use development.

The DA was publicly exhibited for a period of 21 days. In response, three (3) submissions from the same persons were received, objecting to the development on the grounds of land locking.

In view of the objection, the application is referred to Council for determination. Based on an assessment of the application and having regard to the merits of the proposal, it is recommended that Council approve the application, subject to the conditions as outlined in the Draft Determination Notice.

Critical Dates/Application History

Date	Action
23/04/2015	Development Application 2015/155/1 lodged.
06/05/2015 to 27/05/2015	Public notification period of Development Application. One (1) submission was received, raising concerns with:- <ul style="list-style-type: none"> Land locking of 189 Great Western Highway, Mays Hill.
02/06/2015	Follow-up correspondence was received from the original objector, providing options on the land locking concern.
08/07/2015	Application deferred on grounds relating to:- <ul style="list-style-type: none"> Height of buildings; Setbacks, separation and depth; Site consolidation; Building height; Plan detail; Development Engineering matters; Traffic Engineering matters; Landscaping and Tree Management matters; and Environmental Health matters.
10/09/2015	Amended plans and additional information received. The changes proposed were not considered significant to warrant re-notification.
10/09/2015	Amended plans and additional information referred to internal departments for comments.
29/10/2015	Follow-up correspondence was received from the original objector.
05/11/2015	Referral comments completed.
16/11/2015	Application deferred on grounds relating to:- <ul style="list-style-type: none"> Height of buildings; Site consolidation; Development Engineering matters; and Environmental Health matters.
01/12/2015, 17/12/2015 & 09/01/2016	Amended plans and additional information received. All the required documentation had not been received.
13/01/2016	Amended plans and additional information referred to internal

	departments for comments.
25/01/2016	Referral comments completed.
03/02/2016	Application deferred on grounds relating to:- <ul style="list-style-type: none"> • Site consolidation.
27/02/2016 to 29/03/2016	Amended plans and additional information received.
11/04/2016	The concept plans prepared for the landlocked site were submitted to the owners of 189 Great Western Highway, Mays Hill.
03/05/2016	Development Application referred to Council for determination.

Site Description and Locality

The subject development site comprises 2 lots legally described as Lot 2, DP 854705 and Lot 27, DP 13239 - known as 185 & 187 Great Western Highway, Mays Hill.

The subject site is situated on the south side of Great Western Highway. Adjoining to the east is a single storey dwelling (known as 183 Great Western Highway). A Development Application has been approved across 181 & 183 Great Western Highway for a 7 storey mixed use development under Development Consent 2015/12/1. To the west, is a single storey dwelling (known as 189 Great Western Highway).

The site is slightly irregular in shape along its northern boundary and has a combined area of 1243.4m². The site has a frontage to Great Western Highway of 30.785 metres and a frontage to Peggy Lane of 30.715 metres. The eastern side boundary is 39.6 metres long and the western side boundary is 41.175 metres.

The site is currently houses a mechanic / service centre and a satellite TV business, with vehicular access maintained from Great Western Highway.

The subject site is not identified as having heritage significance nor is it in the vicinity of any recognised items of heritage significance.

Site History

Development Application 2014/277/1 was lodged on 30 June 2014 proposing demolition of existing structures; consolidation of 2 lots into 1, construction of a 7 storey shop top housing development comprising 32 residential units, 2 commercial units over 2 levels of basement parking accommodating 48 car parking spaces.

The Development Application was withdrawn on 24 October 2014, due to concerns raised by Council, in particular concerns regarding daylight access, site consolidation and site contamination.

Proposal

This Development Application proposes **demolition of existing structures**; consolidation of 2 lots into 1 lot; construction of a part 4, part 7 storey mixed used development comprising 32 residential units; 2 commercial units over 2 levels of basement parking accommodating 48 car parking spaces.

Specific details of the proposed development are as follows:

- Demolition of existing structures on site.
- Consolidation of Lot 2 in Deposited Plan 854705 and Lot 27 in Deposited Plan 13239.
- Construction of a part 4, part 7 storey mixed use development over basement parking comprising a residential flat building and business premises incorporating:-

Basement – Two Levels

- 2 levels of basement serviced through the rear lane, Peggy Lane;
- 39 residential car parking spaces, inclusive of 5 accessible spaces (plus one dedicated car wash bay); and
- 9 commercial parking spaces, inclusive of 1 accessible space.

Mixed Used Development – Part 4, Part 7 storeys

- 2 business premises located on the ground floor along the frontage of Great Western Highway, comprising a total area of 170m²;
- 2 ground floor SOHO (Small Office, Home Office) units located on the ground floor along the frontage of Peggy Lane;
- A centralised lift and stairwell core, which services the development;
- 500m² of communal open space, which is designed to the ground floor and the roof top of Tower 2;
- A loading and unloading bay, serviced through Peggy Lane;
- 21 bicycle parking spaces.

Residential Tower 1 – 7 storeys

- 21 residential units made up of 3 x 1 bedroom units and 18 x 2 bedroom units, inclusive of 2 adaptable units.

Residential Tower 2 – 4 storeys

- 11 residential units made up of 1 x 1 bedroom units and 10 x 2 bedroom units, inclusive of 3 adaptable units.

Assessment

The application has been assessed against the relevant matters for consideration under Section 79C(1) of the *Environmental Planning and Assessment Act, 1979* as amended. The assessment is as follows:

Section 79C(1) Matters for consideration – general

(a) the provisions of:

(i) *any environmental planning instrument,*

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

A BASIX Certificate has been submitted with the application and demonstrates that the proposed development meets the required water, thermal comfort and energy targets.

State Environmental Planning Policy No. 55 – Remediation of Land

The intent of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) is to provide a consistent approach to the remediation of land across the State by specifying certain matters that Consent Authorities must consider when determining Development Applications on land which is potentially contaminated.

Under the provisions of Clause 7 of SEPP 55, the Consent Authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. If the land is found to be contaminated, the Consent Authority must be satisfied that the land is suitable in its contaminated state or can and will be remediated in order for it to be suitable for the purpose for which the development is proposed.

A detailed Site Assessment has been prepared, which identified the site has previously operated as a Shell service station until 1991, where the underground storage tanks were decommissioned and removed from the site. The site was also remediated within 1 metre of the existing building on site, to ensure the structural integrity of the building stays intact.

The site has since operated as a mechanic / service centre. The Detailed Site Assessment has revealed through a site inspection and bore hole testing that hydrocarbons remain in the soil and heavy metals exceeded the ecological investigation levels. The assessment concluded that a management plan should be prepared, which included

ground water management procedures, unexpected findings protocol and waste classification requirements.

A Soil and Water Management Plan was subsequently prepared and lodged, which has been reviewed by Council's Environmental Health unit to be consistent in its approach to ensure measures will not cause a pollution incident. Appropriate conditions will be provided within any consent issued, requiring the recommendations of the Soil and Water Management Plan be implemented during the demolition and construction stages of the development.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) is part of documents developed by the State Government in an effort to improve the quality of design in residential flat buildings. The Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

The Policy identifies 10 quality design principles, which are applied by Consent Authorities in determining Development Applications for residential flat buildings. The design principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merits of the proposed solutions.

By virtue of its height and number of dwellings, the proposed development is subject to SEPP 65 considerations. The information submitted with the Development Application includes a 'Design Verification Statement' by a registered NSW Architect addressing the 10 design principles of SEPP 65. The statement has been assessed as being acceptable.

Clause 30(2) of SEPP 65 requires Council to take into consideration the Department of Planning's publication titled *Residential Flat Design Code (RFDC)*. An assessment of the proposal against the main provisions of RFDC is presented in the following table:

Part 1 – Local Context

Primary Control	Guideline	Provided	Complies (Yes/No)
Building Height	To ensure the proposed development responds to the desired scale and character of the street and	Holroyd LEP stipulates a maximum height of 23 metres for the site.	Yes

	local area and to allow reasonable daylight access to all developments and the public domain.	The proposed development is maintained to a maximum height of 22.87 metres.	
Building Depth	<p>Generally, an apartment building depth of 10 – 18 metres is appropriate.</p> <p>Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.</p>	The depth of the building is maintained to 11.8 metres for Tower 1 and 9 metres for Tower 2.	Yes
Building Separation	<p>Up to 4 storeys:-</p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies; • 9m between habitable rooms/balconies and non-habitable rooms; and • 6m between non-habitable rooms <p>5 to 8 storeys:-</p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies; • 13m between habitable rooms/balconies and non-habitable rooms; and • 9m between non-habitable rooms 	<p>The proposed separation between Tower 1 and Tower 2 is 12 metres.</p> <p>The proposed separation between Tower 2 and the properties to the south of the subject site is 13.905 metres. The developments “share” to the centre of Peggy Lane is 6.095 metres.</p>	<p>Yes</p> <p>Yes</p>

Street Setbacks	<p>To establish the desired spatial proportions of the street and define the street edge. To relate setbacks to the area's street hierarchy.</p> <p>The RFDC does not nominate specific street setbacks. However, in this instance, the Holroyd DCP 2013 requires the following setbacks:-</p> <p>- 3m (Great Western Highway)</p>	The proposed development adheres to the 3m front setback to Great Western Highway.	Yes
Side and Rear Setbacks	To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings. Test side and rear setbacks with building separation, open space, deep soil zone requirements and overshadowing of adjoining properties.	The proposed development proposes a 0 metre setback to the eastern and western property boundaries in accordance with Part N of the Holroyd DCP 2013.	Yes
Floor Space Ratio (FSR)	<p>To ensure that development is in keeping with the optimum capacity of the site and the local area.</p> <p>The Holroyd LEP 2013 stipulates an FSR of 2.2:1.</p>	The proposed development maintains an FSR of 2:1.	Yes

Part 2 – Site Design

Primary Control	Guideline	Provided	Complies (Yes/No)
Deep Soil			No, but

Zones			acceptable
Fences and Walls			Yes
Landscape Design			Yes
Open space (Communal)			Yes
Orientation	<p>A minimum of 25% of the open space area of a site should be a deep soil zone, more is desirable.</p> <p>Exceptions may be made where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures shall be integrated with the design of the development.</p> <p>Note: Landscaped areas are not required in commercial zones, as per the Holroyd DCP 2013.</p>	<p>No deep soil zone areas have been provided.</p> <p>Note: Based on the footprint of the basement, deep soil zones and water filtration is not possible. However, the subject site is in a commercial zone where landscape areas with deep soil zones are not required.</p> <p>An On-site Stormwater Detention (OSD) System has been designed, to emulate the runoff characteristics of more natural site conditions.</p> <p>The OSD system has been assessed by Council's Development Engineering Department to be acceptable.</p>	<p>Yes</p> <p>Yes</p>
Stormwater Management	To define the edges between public and private land.	The edge between public and private land has been adequately defined through the proposed commercial development to Great Western Highway and rear fence to the private open space areas of the ground floor units facing Peggy Lane.	Yes

Safety	To add value to residents' quality of life within the development in the forms of privacy, outlook and views, and provide habitat for native indigenous plants and animals.	The landscape design has been assessed by Council's Landscaping and Tree Management Officer, who has found the design to be acceptable.	Yes
Visual Privacy	<p>Provide a Communal Open Space (COS) which is appropriate and relevant to the context of the buildings setting.</p> <p>An area of 25% to 35% of the site is to be provided as communal open space.</p> <p>Required = $1243.4\text{m}^2 \times 25\% = 310.85\text{m}^2$</p>	500m ² of accumulated COS has been proposed to the ground floor and to the rooftop of Tower 2, which is 40.2% of the site area.	Yes
Building Entry	To create entrances with identity and assist in orientation for visitors.	The proposed development has well defined entrances from Great Western Highway.	Yes
Parking	To minimise car dependency, whilst still providing adequate car parking.	The total number of parking spaces complies with the Holroyd DCP 2013.	Yes
Pedestrian Access	<p>Connect residential development to the street.</p> <p>Provide barrier free access to 20% of dwellings.</p>	<p>The proposed ground floor lobby connects the residential development to Great Western Highway and Peggy Lane.</p> <p>Barrier free access is maintained to all units within the development.</p>	Yes
Vehicle Access	<p>Limit width of driveways.</p> <p>Locate driveways away</p>	<p>The width of the driveway has been assessed by Council's Development Engineer to be acceptable.</p> <p>Vehicular access has been</p>	<p>Yes</p> <p>Yes</p>

	from main pedestrian entries, and on secondary streets.	maintained from the existing laneway, Peggy Lane.	
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Part 3 – Building Design

Primary Control	Guideline	Relevant Control	Complies (Yes/No)
Apartment Layout	Depth of single aspect apartment – 8 metres	<p>The depth of the proposed single aspect units are as follows:-</p> <ul style="list-style-type: none"> - SOHO 2 = 7.9m - Units 2, 9 & 16 = 9.3m - Units 3, 10 & 17 = 8.8m - Units 6, 13 & 20 = 8m - Units 23, 26 & 29 = 8.3m <p>Note: The variations to the depth of the above single aspect apartments are limited to north facing units, which are designed to achieve 3 hours of direct solar access, and maintain kitchens < 8 metres from an opening. As such, the depth of the proposed single aspect apartments are considered acceptable on their merits.</p>	No, but acceptable
	Back of the kitchen not more than 8 metres from a window.	All kitchens are less than 8 metres from an opening, with the inclusion of a window to the eastern portion of the patio of SOHO 1, which will be included as a condition of consent, should consent be granted.	Yes
	Apartment sizes:	All units are designed to meet the minimum	Yes

	Dwelling Type	Minimum Area	apartment size requirements.	
	Studio	40m ²		
	1 bedroom	50m ²		
	2 bedroom	70m ²		
	3 bedroom	95m ²		
Apartment Mix	To provide a diversity of apartment types, which cater for different household requirements now and in the future.		A mix of 4 x 1 bedroom and 28 x 2 bedroom units are provided, including adaptable units, which is considered acceptable.	Yes
Balconies	Minimum 2 metres in depth.		All balconies are a minimum depth of 2 metres.	Yes
Ceiling Heights	Minimum ceiling height of 3.3m for ground floor commercial and for first floor residential, and 2.7m for all remaining residential floors above.		<p>The proposed floor to ceiling heights for Tower 1 are as follows:-</p> <ul style="list-style-type: none"> - Ground Floor = 3.5m - First Floor = 3.3m - Second Floor = 2.75m - Third Floor = 2.75m - Fourth Floor = 2.75m - Fifth Floor = 2.75m - Sixth Floor = 2.75m <p>The proposed floor to ceiling heights for Tower 2 are as follows:-</p> <ul style="list-style-type: none"> - Ground Floor = 3.6m - First Floor = 3.3m - Second Floor = 2.75m - Third Floor = 2.75m 	Yes
Flexibility			Flexibility for future change is possible within the proposed units.	Yes

Ground Floor Apartments	Optimise the number of ground floor apartments with separate entries.	Two residential units have been maintained to the ground floor of the development. Access from the central lobby area has been designed from both units, which is considered acceptable.	Yes						
Internal Circulation	Where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to 8.	A maximum of 7 units are serviced per double loaded corridor within each floor.	Yes						
Mixed Use Building	The mix of uses should be compatible with each other like food retail, small scale commercial and residential.	The ground floor commercial tenancies will be the subject of future Development Applications for their use.	Yes						
	Positive contribution of the building to the public domain and streetscape.	The proposed commercial portion of the development provides an active street frontage to Great Western Highway.	Yes						
Storage	To provide adequate storage for everyday household items within easy access of the apartment, and to provide storage for sporting, leisure, fitness and hobby equipment.	Adequate storage has been provided throughout the development.	Yes						
	At least 50% of required storage should be within each apartment.								
	<table><tr><td>Dwelling Type</td><td>Minimum Area</td></tr><tr><td>1 bedroom</td><td>6m³</td></tr><tr><td>2 bedroom</td><td>8m³</td></tr></table>			Dwelling Type	Minimum Area	1 bedroom	6m³	2 bedroom	8m³
	Dwelling Type			Minimum Area					
1 bedroom	6m³								
2 bedroom	8m³								

	3 bedroom	10m ³		
Acoustic Privacy	To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private opens spaces.		<p>The site has a frontage to the Great Western Highway and accordingly an Acoustic Report was submitted, which Council's Environmental Health Officer has found acceptable.</p> <p>Acoustic privacy between units and adjoining developments has been maintained to an acceptable level.</p>	Yes
Daylight Access	<p>Living rooms and private open spaces for at least 70 % of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable.</p> <p>Required = 70% x 32 = 22.4 units. (23 units rounded up)</p> <p>Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed.</p> <p>Maximum = 10% x 32 = 3.2 units.</p>		<p>In total, 21 units of the proposed 32 units (65.6%) receive at least 3 hours solar access to main living and private open space areas.</p> <p>Note: The proposed variation is considered acceptable on its merits, noting the orientation of the site and the 0m side setback requirement under the Holroyd DCP 2013 restricts the amount of solar access that can be reasonably achieved to Tower 2.</p> <p>In total, 4 units of the proposed 32 units are single aspect south facing units.</p>	<p>No, but acceptable</p> <p>Yes</p>

	(4 units rounded up)		
Natural Ventilation	60% should of units should be naturally cross ventilated. Required = 60% x 32 = 19 units.	In total, 19 units of the proposed 32 units are naturally cross ventilated.	Yes
	25% of kitchens should have access to natural ventilation.	All kitchens are naturally ventilated as they are less than 8 metres from an opening, with the inclusion of a window to the eastern portion of the patio of SOHO 1, which will be included as a condition of consent, should consent be granted.	Yes
Facades	Facades should define and enhance the public domain.	The proposed facades of the development are articulated with varying setbacks, blade walls, windows, entry foyer, terraces and balconies.	Yes
Roof Design	To integrate the design of the roof into the overall façade.	A flat metal roof has been proposed which is considered acceptable.	Yes
Energy Efficiency	To reduce the necessity for mechanical heating and cooling.	A BASIX Certificate has been submitted, and is considered acceptable.	Yes
Maintenance	To ensure long life and ease of maintenance for the development.	The proposed materials are durable, robust and require minimal maintenance.	Yes
Waste Management	Provide waste management plan	A waste management plan has been submitted which has been found to be acceptable by Council's Waste Management officer.	Yes
	Allocate storage area.	A bin storage area has been proposed, which has	Yes

		been found to be acceptable by Council's Waste Management officer.	
Water Conservation	Reduce mains consumption, and reduce the quantity of stormwater runoff.	A BASIX Certificate has been submitted, and is considered acceptable.	Yes

The above table demonstrates that the proposed development largely complies with the requirements of SEPP 65, and where strict compliance has not been achieved, it is considered acceptable on merit and this has been discussed above.

Holroyd Local Environmental Plan 2013

The site is zoned B6 – Enterprise Corridor under the Holroyd LEP 2013. The proposed development is defined as mixed use development, comprising a 'Residential Flat Building' and 'Business Premises' under the LEP, which is permissible within the B6 – Enterprise Corridor zone, subject to the consent of Council.

The objectives of the B6 – Enterprise Corridor zone are:

- a) To promote businesses along main roads and encourage a mix of compatible uses.
- b) To provide a range of employment uses including business, office, retail and light industrial uses.
- c) To maintain the economic strength of centers by limiting retailing activity.
- d) To provide for residential uses, but only as part of a mixed use development.

The proposed development complies with the objectives of the zone.

An assessment against the relevant Holroyd LEP 2013 clauses is provided in the table below:

Standard	Required / Permitted	Provided	Complies (Yes/No)
4.3	Height of Buildings - Max. 23m	The proposed development is maintained to the following heights:- - Tower 1 – 22.87m - Tower 2 – 14.66m	Yes
4.4	Floor Space Ratio (FSR) - Max. 2.2:1	The proposed development maintains an	Yes

		FSR of 2:1.	
5.9	Preservation of Trees or Vegetation	Council's Landscaping and Tree Management Officer has reviewed the proposal and has no objection.	Yes
5.10	Heritage Conservation	Subject site is not heritage listed nor is it within the vicinity of a heritage item.	Yes
6.1	Acid Sulfate Soils	The site is not affected by Acid Sulfate Soils.	Yes
6.4/6.7	Flood Planning and Stormwater Management	The site is not flood affected. Council's Development Engineer has found the stormwater plans and calculations submitted with the application to be acceptable.	Yes
6.5	Terrestrial Biodiversity	There is no evidence of any terrestrial biodiversity on the site.	Yes
6.8	Salinity	The site is located on lands identified as being affected by moderate salinity. Appropriate conditions of consent relating to salinity will be imposed should consent be forthcoming.	Yes

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

There are no draft planning instruments applying to the land.

(iii) any development control plan,

Holroyd Development Control Plan 2013

Holroyd Development Control Plan (DCP) 2013 commenced on 5 August 2013. The DCP provides guidance for the design and operation of development within Holroyd to achieve the aims and objectives of *Holroyd Local Environmental Plan 2013*.

The following table provides an assessment of the proposed development against the relevant controls under Holroyd DCP 2013:

Part A – General Controls			
Standard	Required / Permitted	Provided	Complies (Yes/No)
3.1	Minimum Parking Spaces <u>Residential Parking</u> - 0.8 parking spaces per 1 bedroom unit (4 units) = 3.2 spaces - 1 parking space per 2 bedroom unit (28 units) = 28 spaces - 0.2 parking spaces per units for visitors (32 units) = 6.4 spaces Required: 37.6 spaces (38 spaces rounded up)	39 residential car parking spaces have been provided.	Yes
	<u>Business Parking</u> Business premises in B6 zone. - 1 per 20m ² of Ground Floor Leasable area = $170\text{sqm} / 20 = 8.5$ spaces Required: 8.5 spaces (9 spaces rounded up)	9 business car parking spaces have been provided to cater for the future use.	Yes
	<u>Bicycle Parking</u> Residential Flat Buildings - 0.5 spaces per unit = 16 spaces - 0.1 spaces per unit for visitors = 3.2 spaces Business Zones - 1 space per 300m ² of	21 bicycle spaces have been proposed.	Yes

	GLFA for employees = 0.57 spaces - 1 space per 2500m ² of GLFA for visitors = 0.068 spaces <hr/> Required: 19.838 spaces (20 spaces rounded up)		
3.3	Dimensions and Gradients	Council's Traffic Engineer has assessed the submitted plans and documentation and advised the proposal is satisfactory.	Yes
3.5	Access, Manoeuvring and Layout Driveways shall be setback a minimum of 1.5m from the side boundary.	The proposed driveway is setback 1.5 metres from the eastern property boundary.	Yes
3.6	Parking for the Disabled <u>Residential</u> - 2 accessible spaces per 100 spaces. <u>Commercial</u> - 1 accessible space per 100 spaces.	39 residential spaces are proposed. 5 accessible spaces are provided (1 for each adaptable unit). 9 business spaces are proposed. 1 accessible space has been provided.	Yes Yes
6.1	Retaining Walls	Should the Development Application be approved, an appropriate condition will be imposed requiring retaining walls >1m to be designed by a suitably qualified person.	Yes
6.3	Erosion and Sediment Control	An erosion and sediment control plan was submitted, and is considered to be acceptable.	Yes

7	Stormwater Management	Council's Development Engineer has found the stormwater plans and calculations submitted with the application to be acceptable.	Yes
11	Site Waste Minimisation and Management Plan (SWMMP)	Council's Waste Management Officer has reviewed the proposed waste and recycling arrangements and SWMMP and advised that they are acceptable.	Yes

Part C – Commercial, Shop Top Housing and Mixed Use Development Controls			
Standard	Required / Permitted	Provided	Complies (Yes/No)
1.1	Lot Size and Frontage		
	The minimum lot frontage for sites in B6 – Enterprise Corridor Zone is:- - 4-8 storeys = 26 metres	The proposed development is maintained to a part 7, part 4 storey development. The consolidated site has a frontage of 30.785 metres to Great Western Highway.	Yes
	Council may require consolidation of more than 1 existing allotment to meet the DCP.	Part N – Transitway Station Precinct Controls of the Holroyd DCP 2013 applies, see below.	Yes
	Sites must not be left such that they are physically unable to reasonably develop a three storey building in accordance with the controls in this part.	Concept plans have been submitted to show that 189 Great Western Highway, Mays Hill, has the potential to be developed on its own with a 3 level basement, 7 storey mixed use development.	Yes
1.2	Site Coverage, Floor Area and Building Use		

	<p>Commercial development shall be located at least at street level, fronting the primary street, and where possible, the secondary street.</p> <p>Residential dwellings are permitted at ground floor within B6 – Enterprise Corridor Zones, and where facing a street, shall enable be flexible to accommodate future commercial development.</p>	<p>2 business premises are proposed at street level, and face Great Western Highway, occupying the entire frontage, apart from the residential lobbies.</p> <p>The subject site is zoned B6 – Enterprise Corridor, and residential units are located on the ground floor.</p> <p>The 2 units which are located on the ground floor face Peggy Lane; have a reasonable degree of flexibility to accommodate future commercial development, if the need arises.</p>	<p>Yes</p> <p>Yes</p>
1.3	<p>Building Height</p> <p>The minimum floor to ceiling heights in a commercial building are:-</p> <ul style="list-style-type: none"> - Ground Floor = 3.5m - First Floor = 3.3m - All other floors = 2.7m 	<p>The proposed floor to ceiling heights for Tower 1 are as follows:-</p> <ul style="list-style-type: none"> - Ground Floor = 3.5m - First Floor = 3.3m - Second Floor = 2.75m - Third Floor = 2.75m - Fourth Floor = 2.75m - Fifth Floor = 2.75m - Sixth Floor = 2.75m <p>The proposed floor to ceiling heights for Tower 2 are as follows:-</p>	<p>Yes</p>

	<p>The maximum building height in storeys shall be:-</p> <p>- 23 metres = 6 storeys</p>	<p>- Ground Floor = 3.6m - First Floor = 3.3m - Second Floor = 2.75m - Third Floor = 2.75m</p> <p>The site benefits from a maximum 23 metre height limit.</p> <p>The proposed development is maintained to part 7, part 4 storeys.</p> <p>Note: The part 7 storeys is considered acceptable as the development complies with the height standard as noted under the Holroyd LEP 2013, and the floor to ceiling heights as noted under the RFDC & Holroyd DCP 2013.</p> <p>In this regard, the number of storeys proposed is considered acceptable on its merits.</p>	No, but acceptable
1.4	<p>Setbacks, Separation & Depth</p> <p><u>Front Setback</u> The minimum front setback in B6 – Enterprise Corridor Zones is 4 metres, unless otherwise stated in another Part of the Holroyd DCP 2013.</p> <p><u>Upper Storey Setback</u></p>	<p>The development is designed with a 3 metre setback to the Great Western Highway, in accordance with Part N - Transitway Station Precinct Controls of the Holroyd DCP 2013, see below.</p> <p><u>Ground Floor to Level 3</u></p>	<p>Yes</p> <p>Yes</p>

	<p>A street wall height of four storeys (14-17m) is required for the B6 – Enterprise Corridor on the Great Western Highway in Mays Hill. A 3 metre setback is required above the street wall height.</p> <p><u>Side Setbacks</u> No side setback is required where the site adjoins a business zone.</p>	<p>The proposed development adheres to the street wall height to Great Western Highway, as measured from the ground floor to level 3.</p> <p><u>Level 4 to Level 6</u> The proposed development provides an additional 3 metre setback above the street wall.</p> <p>The site adjoins a B6 – Enterprise Corridor zone to the east and west. The proposed building has no setback to the east or the west.</p>	<p>Yes</p> <p>Yes</p>
1.5	<p>Landscaping and Open Space</p> <p>Landscaped areas are not required in business zones.</p>	<p>The development has some on structure landscaped areas, which will enhance residential amenity.</p>	Yes
2.2	<p>Pedestrian Access</p> <p>Direct access shall be provided from the car park to all residential and commercial units.</p> <p>The main building entry points shall be clearly visible.</p>	<p>Lifts are provided from the basement car park to each residential & commercial floor, affording access.</p> <p>The main building entries are clearly visible from the public domain.</p>	<p>Yes</p> <p>Yes</p>
2.3	<p>Building Entries</p> <p>Separate entries from the street are to be provided</p>	<p>Separate entries have been provided for vehicles,</p>	Yes

	<p>for cars, pedestrians, multiple uses (commercial and residential) and ground floor apartments.</p> <p>Residential entries must be secure where access is shared between commercial and residential units.</p> <p>Multiple cores are to be provided where the site frontage is >30 metres.</p>	<p>pedestrians, to the business premises, the residential units and the ground floor units facing Peggy Lane.</p> <p>All residential entries are secure.</p> <p>The site frontage is 30.785 metres. A maximum of 7 units are designed per level, accessed via the central core in accordance with the RFDC. The proposed single core is therefore considered acceptable on its merits.</p>	<p>Yes</p> <p>No, but acceptable</p>
2.4	<p>Vehicle Access</p> <p>Driveways shall be provided from laneways, private access ways and secondary streets where possible.</p> <p>Loading and unloading facilities shall be provided from a rear lane, side street or right of way where possible.</p> <p>Driveways are limited to a maximum of 6m or 8m for commercial loading docks and servicing.</p>	<p>Vehicular access has been maintained from Peggy Lane.</p> <p>Loading and unloading for the site has been maintained from Peggy Lane.</p> <p>A 3.4 metre wide loading and unloading driveway and a 6.1m wide driveway to access the basement has been designed, which has been found to be acceptable by Council's Development Engineer.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

2.5	Parking		
	On-site parking is to be provided underground where possible. Parking shall not be visible from main street frontages.	All parking is provided within the basement level.	Yes
	Residential parking shall be separated from business car parking.	The residential and business parking spaces are separated within the basement.	Yes
3.1	Safety and Security		
	Casual surveillance is to be achieved through active street frontages and creating casual views of common internal areas.	Casual surveillance has been provided to both Great Western Highway and Peggy Lane.	Yes
	The design shall be in accordance with the Crime Prevention Through Environmental Design (CPTED) principles.	The application has been assessed by the NSW Police who have recommended the implementation of design features to enhance safety and security.	Yes
3.2	Façade Design and Building Materials		
	All walls are to be articulated via windows, verandahs, balconies or blade walls.	The building is considered to provide adequate articulation. The design is contemporary, and the incorporation of projecting and recessive elements creates visual interest.	Yes
3.4	Shop Fronts		
	All windows on the ground floor to the street frontage are to be clear	Glazing has been provided to the ground floor business premises.	Yes

	glazing.		
3.5	<p>Daylight Access</p> <p>Developments shall ensure that access to daylight is maintained to private open spaces and habitable rooms of existing and proposed surrounding buildings, so as to comply with this DCP.</p> <p>The following controls are applicable:-</p> <ul style="list-style-type: none"> - A minimum 3 hours of direct sunlight between 9.00am and 4.00pm, midwinter, shall be afforded to at least one main living area of existing dwellings; and - A minimum of 50% of the required private open space areas of adjacent dwellings shall have access to 3 hours of direct sunlight between 9.00am and 4.00pm, midwinter. 	<p>The solar access plans submitted to Council indicate that 2-4 Belinda Place and 4-6 Peggy Street, Mays Hill, will not be restricted from achieving 3 hours of direct sunlight to living areas and 50% of the required private open space areas.</p> <p>The solar access plans submitted to Council indicated that 2 Peggy Street, Mays Hill is unable to achieve 3 hours of direct sunlight to living areas and 50% of the required private open space areas.</p> <p>Note: Considering the area is in transition to a higher density, a review of the concept plans prepared for 2 Peggy Street, Mays Hill for a residential flat development, under the Development Application for 4-6 Peggy Street, Mays Hill, has revealed 75% of units within the development have the potential to comply with the standards related to solar access, in accordance with the Apartment Design Guide.</p> <p>As such, solar access to 2 Peggy Street has been</p>	<p>Yes</p> <p>No, but acceptable</p>

		found to be acceptable, noting the constrained nature of the site and on the grounds that the site is likely to transition to higher density.	
3.8	Awnings Awnings are required to:- <ul style="list-style-type: none"> - Be flat; - Be a minimum 3 metres deep; - Be setback from the kerb a minimum 600mm; - Have a minimum soffit height of 3.2 metres; - Be located over all building entries. 	The proposed awning is maintained to the entire frontage of Great Western Highway. The awning has been designed to Council's standards.	Yes
3.10	Flexibility and Adaptability 15% of units are required to be adaptable. = 4.8 units are required to be adaptable Required: 4.8 units (5 units rounded up)	5 units are proposed to be adaptable.	Yes
3.11	Corner Buildings Promote a strong and legible streetscape character by ensuring corner sites are visually significant elements.	Not Applicable.	N/A

Part N – Transitway Station Precinct Controls Section 1 - Mays Hill Transitway Precinct			
Standard	Required / Permitted	Provided	Complies (Yes/No)
1.1	Site Consolidation and Frontage		

	<p>Amalgamate lots as per Figures 4(a) & 4(b).</p> <p>Land locking of adjoining sites is not permitted.</p>	<p>Figure 4(b) requires 181, 183, 185, 187 & 189 Great Western Highway, Mays Hill, to consolidate.</p> <p>* Note: A Development Application has been approved for a 7 storey mixed use development on 181 & 183 Great Western Highway, Mays Hill.</p> <p>Amalgamation with 189 Great Western Highway, Mays Hill, has not been able to be achieved. Refer to commentary below regarding 'where amalgamation cannot be achieved'.</p>	No, but acceptable
	<p>The minimum frontage for development fronting Great Western Highway is 45m.</p>	<p>The consolidated site has a frontage of 30.785 metres.</p> <p>Note: The frontage of the site is considered acceptable, noting rear lane access is provided to the site, an appropriate building form has been provided to Great Western Highway and efforts have been made in accordance with the Holroyd DCP 2013 to acquire the adjoining site, 189 Great Western Highway, Mays Hill, to achieve additional frontage.</p>	No, but acceptable
	<p>Where amalgamation cannot be achieved, submit:</p>	<p>Two valuations prepared by independent registered valuers were undertaken,</p>	Yes

	<ul style="list-style-type: none"> - Two written valuations undertaken by independent registered valuers; and - Evidence that a reasonable offer has been made to the owners of the remaining sites. 	<p>and an offer was made to the owners of 189 Great Western Highway, Mays Hill.</p> <p>Based on the valuations received, and the offer submitted, Council confirms that evidence of a reasonable offer has been made to 189 Great Western Highway, Mays Hill.</p>	
	Alternative consolidation patterns may be considered if it can be demonstrated that development controls can be satisfied on the land & adjoining properties, achieving development outcomes as per DCP 2013 including vehicular access, basement parking & built form.	Concept plans have been submitted to show that 189 Great Western Highway, Mays Hill, has the potential to be developed on its own with a 3 level basement, 7 storey mixed use development.	Yes
1.2	<p>Private Accessway, Land Dedication and Vehicular Entries</p> <p>Vehicular access to properties facing Great Western Highway must be from the rear or the side, via laneways or secondary roads.</p>	Vehicular access is maintained to Peggy Lane.	Yes
1.3	<p>Building Height</p> <p>The maximum building height in storeys shall be:-</p> <ul style="list-style-type: none"> - Max. 6 Storeys (to Great Western Highway) 	<p>The proposed development is maintained to 7 storeys to Great Western Highway</p> <p>Note: The part 7 storeys is considered acceptable as</p>	No, but acceptable

	- Max. 4 Storeys (to Peggy Lane)	<p>the development complies with the height standard as noted under the Holroyd LEP 2013, and the floor to ceiling heights as noted under the RFDC & Holroyd DCP 2013.</p> <p>In this regard, the number of storeys proposed is considered acceptable on its merits.</p> <p>The proposed development is maintained to 4 storeys to Peggy Lane.</p>	Yes
1.4	<p>Building Setbacks</p> <p>The setback of the development shall be:-</p> <p>- 3m (Great Western Highway)</p> <p>- 0m (Side property boundaries)</p>	<p>The development is designed to a 3 metre setback to Great Western Highway.</p> <p>The proposed building has nil side setbacks to the eastern and western side boundaries.</p>	<p>Yes</p> <p>Yes</p>
	Buildings facing Great Western Highway are to be built to boundary to form a continuous street edge.	The proposed building faces Great Western Highway and is built to the eastern and western property boundaries to form a continuous street edge.	Yes
1.5	<p>Site Design & Appearance</p> <p>Development shall be oriented to front</p>	The proposed development is oriented to	Yes

	boundaries. Vertical articulation and a break in the building is required above the 4 th storey for buildings over 25 metres in length.	Great Western Highway. Vertical articulation has been provided to the elevation facing Great Western Highway.	Yes
1.6	Road Widening Road widening is required along both sides of the Great Western Highway to result in a footpath width of 5.5m from the kerb to the property boundary as per Figure 12.	Road widening has been shown on the architectural plans.	Yes.

The above table demonstrates that the proposed development largely complies with the requirements of Holroyd DCP 2013, and where strict compliance has not been achieved, it is considered acceptable on merit and this has been discussed above.

"(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and"

There are no planning agreements applicable to the proposed development.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

The proposal is consistent with matters in the regulations in as much as they apply to this proposal.

"(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,"

Context and Setting

The proposed development is within a B6 Enterprise Corridor zone, which aims to promote businesses along main roads and to encourage a mix of compatible uses. Retail activity is limited in order to maintain the economic strength of larger nearby

commercial centres. Residential uses can only be provided as part of a mixed use development. The proposed development facilitates all of these objectives.

It is likely that the area will experience a significant transition in the near future from its existing low density character to a higher density character. This development will play an integral role in this transformation process, setting the street character, tone and scale for similar mixed use development proposals in the locality.

Built Environment

It is considered that the proposed development will have a positive impact on the built environment and is acceptable in terms of streetscape presentation and overall bulk and scale. It is also considered that development will not result in any unreasonable impacts on adjoining properties in respect to loss of visual and acoustic privacy, loss of views or vistas, or overshadowing.

Although 189 Great Western Highway, Mays Hill, has not been consolidated with the development, which has resulted in this site being isolated, the site still has the potential to develop on their own, as demonstrated through the submitted concept plans. The particulars of the design are matters to be addressed with any future DA for this site.

Environmental Impact

The proposed development will not have any significant adverse environmental impacts. Furthermore, the site is not affected by flooding, acid sulfate soils, terrestrial biodiversity or riparian land. No significant trees will be affected, and the proposed development satisfies Council's landscaping controls and is therefore considered to be satisfactory with respect to the surrounding natural environment.

Social Impact

The proposed development is unlikely to create any long term negative social impacts. However, there will be short term positive social/economic impacts through the creation of employment opportunities during the construction period. The increased supply of housing in this location is appropriate and Council's Social Planner has recognised that the proposed development will have a positive impact as it will provide a diverse housing mix in a location that has been nominated for increased housing densities.

There will be short term negative impacts associated with noise and vibration during construction, and in this regard, Council's Social Planner has recommended that a Construction Management Plan (CMP) be prepared to address issues of noise,

vibration, traffic control, etc., during the construction phase of the development. A condition to this effect has been included within the Draft Conditions of Consent.

Economic Impact

The proposed development is not anticipated to have any adverse economic impacts.

Traffic & Parking

The application is accompanied by a Traffic and Parking report that provides an assessment of the likely traffic and parking impacts associated with the proposed development. The report concludes that the projected traffic generation is minimal, and as such, the development will not have any unacceptable traffic impacts on the local road network.

Council's Traffic Engineer has assessed the development having regard to the submitted Traffic and Parking report and considers the proposal to be satisfactory.

(c) the suitability of the site for the development

The site has an area of 1243.3m² with frontages to the Great Western Highway and Peggy Lane. Vehicular access is obtained via Peggy Lane (rear access lane). It has a gradual fall from the front to the rear, and achieves drainage to Council's system. No significant trees or heritage items will be affected. The proposed development is considered to be suitable for the site and the locality.

(d) any submissions made in accordance with this Act or the regulations,

In accordance with the Holroyd DCP 2013, the application was notified to adjoining and surrounding owners and occupiers for a period of 21 days. In response to the public exhibition of this application, three (3) submissions from the same persons were received objecting to the development. One (1) submission was received during the notification period and two (2) further submissions were received after.

(e) the public interest

The proposal is generally considered to be in the public interest as it satisfactorily addresses the relevant requirements and/or objectives of SEPP BASIX, SEPP 55, SEPP 65, SEPP Infrastructure 2007, Holroyd LEP 2013 and Holroyd DCP 2013.

Referrals

During the Development Application, comments were sought from a number of sections within Council. Based upon the amended design, the following summarises Council Officer/Advisers' comments:

Development Engineering Section	No objection, subject to conditions.
Traffic Engineering Section	No objection, subject to conditions.
Landscaping and Tree Management Section	No objection, subject to conditions.
Environmental Health Unit	No objection, subject to conditions.
Waste Management Section	No objection, subject to conditions.
Social Planner	No objection, subject to conditions.
Access Consultant	No objection, subject to conditions.

Comments were also sought from a number of external authorities, as provided below:

Roads and Maritime Services	No objection, subject to conditions.
Holroyd Police	No objection, subject to recommendations.

Consultation:

Exhibition Dates: 6 May 2015 to 27 May 2015.

The issues raised in the submissions are discussed below:

Issue: *The Applicant is trying to buy 189 Great Western Highway, Mays Hill, for below market value. In response to the offer submitted, the owners of 189 Great Western Highway, Mays Hill, gave a counter offer to buy 185-187 Great Western Highway, Mays Hill. If the Applicant is unwilling to sell to the owners of 189 Great Western Highway, Mays Hill, the sites should be sold on the open market.*

Comment: This issue has been addressed within a number of court cases before the Land and Environment Court, and in this regard, three cases have been cited as planning principles to assist in assessing such proposals. The three cases are as follows:-

- Melissa Melissa Grech v Auburn Council 2004;
- Cornerstone Property Group Pty Ltd v Warringah Council 2004; and
- Karavellas v Sutherland Shire Council 2004.

In summary, there are two questions that must be answered when dealing with isolated sites:

1. Firstly, is amalgamation of the sites feasible?
2. Secondly, can orderly and economic use and development of the separate site be achieved if amalgamation is not feasible?

This concern raised by the objector relates to the first question.

To answer the first question, the Court indicates that negotiations between parties should occur at an early stage, well before an application is lodged. In instances where no result is achieved, documentary evidence should be provided with the application, which demonstrates that a reasonable offer has been made. A reasonable offer is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property associated with the sale. The Court also indicated that the level of negotiation and any offers made are matters that can be given weight in the consideration of a Development Application.

With regard to the above, the Applicant provided 2 valuation reports, prepared by registered valuers, and documentary evidence of an offer, based on the valuation reports, being made to the owners 189 Great Western Highway, Mays Hill. This offer was rejected by the owners 189 Great Western Highway, Mays Hill, as not representing fair market value.

Having regard to the information provided, it is considered that amalgamation of the sites is not 'feasible' as the adjoining land owner considers the offers to not represent fair market value. It is important to note that a valuation report has not been submitted by the owners of the landlocked property, to contest the valuations prepared for the Applicant, and subsequently, the valuation reports prepared by the Applicant have been relied upon.

In this regard, it is considered that the Applicant has satisfactorily answered the first question posed by the Court when considering the issue of land locking.

With regards to the objectors request for the properties to be sold on the open market, it should be noted that there is no nexus or known legal precedent for the properties to be sold concurrently to achieve fair market price. The process of land locking is extensively documented with the planning principles cited by the Land and Environment Court, and the Holroyd DCP 2013, which has been followed by the Applicant.

Issue: *The Applicant is required to prepare proper plans to show 189 Great Western Highway, Mays Hill, will not be affected by site isolation, and that the same FSR can be achieved as if it was consolidated.*

Comment: Following from the above, this concern raised by the objector relates to the second question raised by the Court, that being “Can orderly and economic use and development of the separate site be achieved if amalgamation is not feasible.”

To answer this question, the Court further provides: “The key principle is whether both sites can achieve a development that is consistent with the planning controls.”

Part C of Holroyd DCP 2013 states:

“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 and built form.

“Sites must not be left such that they are physically unable to reasonably develop a three storey building in accordance with the controls in this part.”

The Applicant has provided conceptual architectural plans for the redevelopment of the 189 Great Western Highway, Mays Hill, in isolation. The plans show a 7 storey building comprising parking within the basement. The indicative concept plans demonstrates that it is possible to develop the site as an isolated site in accordance with the provisions of the relevant SEPPs, Holroyd LEP 2013 and Holroyd DCP 2013.

Having regard to the above, it is considered that the Applicant has satisfactorily answered the second question posed by the Court when considering the issue of land locking.

With regards to the objectors request for an isolated development to achieve the same FSR as if it was consolidated, it is important to note that it is not a requirement for the concept plans of adjoining land locked site/s to achieve the full FSR when the land locked site is to be developed in isolation. While so, the Applicant has demonstrated that a development with an FSR of 2.1:1 can be achieved on the site.

Issue: *A consolidated development can achieve an extra 21 units, if amalgamated with 189 Great Western Highway, Mays Hill. If isolated, 189 Great Western Highway, Mays Hill, will achieve 10 to 15 units.*

Comment: Information has been provided by the Applicant's Architect to indicate that the same number of units can be achieved whether as a consolidated or single holding development. This is primarily due to the maximum height and floor space ratio, overshadowing of adjoining properties, and compliance with the requirements of SEPP 65, which limits the building envelope of the development, irrespective of a consolidated vs. a single holding development.

Furthermore, as noted previously, two valuations prepared by independent registered valuers were undertaken, and an offer was made to the owners of 189 Great Western Highway, Mays Hill. Based on the valuations received, and the offer submitted, Council is of the view that evidence of a reasonable offer has been made to 189 Great Western Highway, Mays Hill.

Subsequently, plans have been submitted to show that 189 Great Western Highway, Mays Hill, has the potential to be developed on its own with a 3 level basement, 7 storey mixed use development.

Issue: *Council have advised us to get a valuation for 189 Great Western Highway, Mays Hill, however, this will be a waste of money and the valuation may be lower than the offer we have already given to buy 185 & 187 Great Western Highway, Mays Hill.*

Comment: As documented within the Holroyd DCP 2013, where a counter offer is proposed by or on behalf of the owners of the land locked site, which is largely different to the values submitted by the Applicant, the counter offer must be supported by a suitably qualified valuation report.

In this regard, a valuation report has not been submitted (despite Council asking for this) by the owners of the landlocked property, and subsequently, the valuation reports prepared by the Applicant have been relied upon.

Issue: *If 189 Great Western Highway, Mays Hill, is isolated, the parking arrangement will not work with the loss in turning circles, ramps and other compulsory items. A suggestion has been made to utilise the access ramp designed to 185 & 187 Great Western Highway, Mays Hill, to make the parking arrangement work.*

Comment: As noted above, the Applicant has provided conceptual architectural plans for the redevelopment of the 189 Great Western Highway, Mays Hill, in isolation. The plans provided in detail show a three tier basement

arrangement, which is accessed through a vehicular access point designed to 189 Great Western Highway, Mays Hill.

The plans have been reviewed by Council's Traffic Engineer to be acceptable, in concept. As such, a ROW is not required over the vehicular access ramp designed to 185 & 187 Great Western Highway, Mays Hill.

Issue: *A preferred outcome, [Council assumes in chronological order], has been provided by the owners of 189 Great Western Highway, Mays Hill, regarding land locking:-*

1. *The Architect of 185 & 187 Great Western Highway, Mays Hill, draws DA plans for 189 Great Western Highway, Mays Hill, showing a full 2.2:1 FSR.*
2. *The owners of 189 Great Western Highway, Mays Hill, buy 185 & 187 Great Western Highway, Mays Hill, at fair market price.*
3. *The owners of 189 Great Western Highway, Mays Hill, and 185 & 187 Great Western Highway, Mays Hill, sell the properties at the same time to another developer at a fair market price.*
4. *The owners of 189 Great Western Highway, Mays Hill, sell their property to 185 & 187 Great Western Highway, Mays Hill, at a fair market price.*

Comment: The following commentary is provided with regards to the above:

1. *The Architect of 185 & 187 Great Western Highway, Mays Hill, draws DA plans for 189 Great Western Highway, Mays Hill, showing a full 2.2:1 FSR.*

Comment: As noted above, the Applicant has provided conceptual architectural plans for the redevelopment of the 189 Great Western Highway, Mays Hill, in isolation. The indicative concept plans demonstrates that it is possible to develop the site as an isolated residual site in accordance with the provisions of the relevant SEPPs, Holroyd LEP 2013 and Holroyd DCP 2013.

It is important to note that it is not a requirement for the concept plans of adjoining land locked site/s to achieve the full FSR when the land locked site is to be developed in isolation; however, the Applicant has demonstrated that a development with an FSR of 2.1:1 may be achieved on the site, subject to future detailed design and assessment.

2. *The owners of 189 Great Western Highway, Mays Hill, buy 185 & 187 Great Western Highway, Mays Hill, at fair market price.*

Comment: There is not nexus or known legal precedence for the owners of 185 & 187 Great Western Highway, Mays Hill, to sell their site to the owners of 189 Great Western Highway, Mays Hill, as the Development Application submitted to Council isolates 189 Great Western Highway, Mays Hill.

3. *The owners of 189 Great Western Highway, Mays Hill, and 185 & 187 Great Western Highway, Mays Hill, sell the properties at the same time to another developer at a fair market price.*

Comment: As noted above, there is no nexus or known legal precedence for the properties to be sold concurrently to achieve fair market price.

4. *The owners of 189 Great Western Highway, Mays Hill, sell their property to 185 & 187 Great Western Highway, Mays Hill, at a fair market price.*

Comment: As noted above, the Applicant has provided 2 valuation reports, prepared by registered valuers, and documentary evidence of an offer, based on the valuation reports, being made to the owners 189 Great Western Highway, Mays Hill. As such, evidence of a reasonable offer to the owners of the land locked site of 189 Great Western Highway, Mays Hill, has been made.

Issue: *The owners of 189 Great Western Highway, Mays Hill, have requested confirmation that Council has received an email correspondence sent on 9 October 2015 in relation to a reply to the offer issued.*

Comment: Council confirms it is in receipt of the said correspondence.

Issue: *The owners of 189 Great Western Highway, Mays Hill, have requested Council pass on the correspondence of 9 October 2015, as the owners of 185 & 187 Great Western Highway, Mays Hill, have previously denied being in receipt of the correspondence.*

Comment: Council confirms the said correspondence has been forwarded to the Applicant of 185 & 187 Great Western Highway, Mays Hill.

Issue: *The owners of 189 Great Western Highway, Mays Hill, have requested Council accept the value noted within the email sent on 9 October 2015 to be superior to any valuation received from the Applicant of 185 & 187 Great Western Highway, Mays Hill, as the offers over time a significantly different.*

Comment: As noted above, and as documented within the Holroyd DCP 2013, where a counter offer is proposed by or on behalf of the owners of the land locked site, which is largely different to the values submitted by the Applicant, the counter offer must be supported by a suitably qualified valuation report.

In this regard, a valuation report has not been submitted by the owners of the landlocked property, and subsequently, the valuation reports prepared by the Applicant have been relied upon.

Issue: *The owners of 189 Great Western Highway, Mays Hill, have requested Council undertake an independent valuation of 185 & 187 Great Western Highway, Mays Hill, to allow the owners of 189 Great Western Highway, Mays Hill, to purchase 185 & 187 Great Western Highway, Mays Hill.*

Comment: There is no nexus for Council to undertake its own assessment of 185 & 187 Great Western Highway, Mays Hill, as the Development Application submitted to Council isolates 189 Great Western Highway, Mays Hill. Council has only engaged an independent peer review of valuations when the owner of an isolated site has produced a counter valuation from a registered valuer that disputes the Applicant's valuation. This has not been provided in this case.

Issue: *The owners of 189 Great Western Highway, Mays Hill, have identified if Council will accept the Development Application for 185 & 187 Great Western Highway, Mays Hill, and isolate 189 Great Western Highway, Mays Hill, a ROW access over the access ramp designed to 185 & 187 Great Western Highway, Mays Hill, shall be afforded to 189 Great Western Highway, Mays Hill.*

Comment: As noted above, the Applicant has provided conceptual architectural plans for the redevelopment of the 189 Great Western Highway, Mays Hill, in isolation. The plans provided in detail show a three tier basement arrangement, which is accessed through a vehicular access point designed to 189 Great Western Highway, Mays Hill.

The plans have been reviewed by Council's Traffic Engineer to be acceptable, in concept, to show a basement arrangement has the potential to be achieved via a vehicular access point designed to 189 Great Western Highway, Mays

Hill, and as such, a ROW is not required over the vehicular access ramp designed to 185 & 187 Great Western Highway, Mays Hill.

Conclusion:

The Development Application proposes demolition of existing structures; consolidation of 2 lots into 1 lot; construction of a part 4, part 7 storey mixed used development comprising 32 residential units; 2 commercial units over 2 levels of basement parking accommodating 48 car parking spaces at 185-187 Great Western Highway, Mays Hill.

The Development Application has been assessed under the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy No. 55 – Remediation of Land, State Environmental Planning Policy No. 65 – Residential Flat Development, State Environmental Planning Policy (Infrastructure) 2007, the Holroyd Local Environmental Plan 2013 and Holroyd Development Control Plan 2013.

The proposed development adequately addresses the objectives and requirements of the relevant Environmental Planning Instruments and Development Control Plan. Where the proposed development seeks to vary controls, suitable justification has been provided to support the variations. The proposal has no significant adverse impacts and is considered worthy of approval.

In response to the public exhibition of this application, three (3) submissions from the same persons were received objecting to the development on the grounds of land locking. The concerns have been considered as a part of the Development Application, and it is Council's view that the concerns have been adequately addressed through the plans and documentation received.

As a part of the Development Application, 2 valuations have been commissioned by the Applicant from registered valuers, and a genuine and reasonable offer has been submitted to the owners of the landlocked site. Furthermore, plans have been submitted to show that 189 Great Western Highway, Mays Hill, has the potential to be developed on its own with a 3 level basement, 7 storey mixed use development.

The proposed mix use development is considered to be compatible with the planned future character of the area and is suitable in terms of its setting, bulk and scale, proportion and architectural presentation, and as such, it is recommended that the application be approved, subject to the conditions as outlined in the Draft Determination Notice.

Financial Implications:

In the event of there being an appeal lodged to the Land and Environment Court, there are potential financial implications for Council associated with the engagement of solicitors and any subsequent legal proceedings associated with any appeal by the Applicant. The legal proceedings associated with any such appeal would result in Council expending approximately \$20,000 - \$30,000 or more.

Policy Implications:

There are no policy implications for Council associated with this report.

Communication / Publications:

There are no communication / publication issues for Council associated with this report.

Political Donations:

There are no political donations for Council associated with this report.

Report Recommendation:

- i) That Council approve DA 2015/155/1 subject to the conditions contained in the Draft Determination Notice Letter (i.e. "Officers Draft Development Consent") contained in the supplement to the Business Paper.
- ii) That person/s who made a submission be advised of Council's determination.

(Note: In accordance with Council's Code of Meeting Practice, a division is required for this item.)

Attachments:

- 1. Architectural Plans
- 2. Landscape Plan
- 3. Stormwater Plans
- 4. 3D Perspective
- 5. Officer's Draft Conditions of Consent

Planning Proposal - 1-29 Sturt Street, Smithfield

Responsible Department: Environmental and Planning Services
 Executive Officer: Director of Environmental & Planning Services
 File Number: INFOC/19 - BP16/441
 Delivery Program Code: 5.1.1 Oversee the land use planning, design and compliance framework for managing and facilitating appropriate development.
 7.1.1 Identify and support investment and business in the city.
 7.1.2 Ensure land use planning recognises and promotes business and employment centres.
 9.3.1 Ensure planning and development implements Environmentally Sustainable Design Principles

Previous Items: DCS002-16 - Rezoning Request - 1-29 Sturt Street, Smithfield - Development and Community Services Committee - 02 Feb 2016 6.30 pm

PROPOSAL DETAILS	
Address	1-29 Sturt Street, Smithfield
Owner	Bunnings Group Limited
Proponent	DFP Planning Consultants on behalf of Bunnings Group Limited
Current Zoning / Planning Controls	IN1 General Industrial
Proposed Zoning / Planning Controls	IN1 General Industrial

Summary:

On 2 February 2016 Council resolved to proceed with a Planning Proposal to rezone land at 1-29 Sturt Street, Smithfield from IN1 General Industrial to IN2 Light Industrial. The Planning Proposal was in response to a request on behalf of the landowner, Bunnings Group Limited, and the purpose of the rezoning was to enable redevelopment of the site for a Bunnings Hardware store. The Planning Proposal was forwarded to the Department of Planning and Environment (DP&E) on 8 March 2016 for Gateway Determination.

The proponent has recently written to Council to request the withdrawal of the Planning Proposal.

This report seeks Council's determination to not proceed with the Planning Proposal in accordance with the provision of the *Environmental Planning and Assessment Act 1979* and to maintain the current IN1 General Industrial zoning.

Report:***Application for a Planning Proposal***

A Planning Proposal Application (Application) to amend the Holroyd Local Environmental Plan (LEP) 2013 for land at 1-29 Sturt Street Smithfield (the site) was submitted to Council on 9 September 2015 by DFP Planning Consultants on behalf of the landowner, Bunnings Group Ltd. The Application sought to rezone the Site from IN1 General Industrial to IN2 Light Industrial. The purpose of the rezoning was to enable redevelopment of the site for a Bunnings Hardware Store. At the time of the rezoning application being submitted to Council, the proposed hardware store with associated activities were not permitted under the IN1 General Industrial zone of the Holroyd LEP 2013 but are permitted in the IN2 Light Industrial zone.

The Application to rezone the site and associated assessment was reported to Council at its meeting of 2 February 2016 (DCS002-16). The findings of the strategic merit assessment was that the site may be suitable to rezone to IN2 Light Industrial, given the site adjoins an existing IN2 Light Industrial zone area, and given that it would provide an additional buffer between the relatively proximate residential zoned land and the extant IN1 General Industrial lands. Council, as the relevant planning authority, resolved to proceed with a Planning Proposal for the rezoning. The Planning Proposal was forwarded to DP&E for Gateway Determination on 8 March 2016.

Changes to the Standard Instrument

On 11 March 2016 an Amendment Order to the Standard Instrument for all Local Environment Plans commenced. The Standard Instrument provides the mandatory and standardised content for an LEP that is common to all LGAs. In part, the Amendment Order categorised 'hardware and building supplies' and 'garden centres' as permissible land uses within both the IN1 General Industrial zone and the IN2 Light Industrial zone.

Request for Withdrawal of the Planning Proposal

Given the amendment to the Standard Instrument, and so to the Holroyd LEP 2013, which made hardware & building supplies and garden centres permissible in the IN1 General Industrial zone, the Planning Proposal process has become redundant from the proponents perspective, despite the proposed zone having possible strategic merit.

The Proponents representative wrote to Council on 30 March 2016 requesting that the Planning Proposal be withdrawn (**Attachment 1**).

Administrative Process for a Withdrawal of a Planning Proposal

As Council had resolved to progress the Planning Proposal to Gateway Determination, and as Council is the relevant planning authority for such planning decisions, a new Council Resolution to not proceed with that Planning Proposal would be required.

The Legal authority for Council to direct that a Planning Proposal is not to proceed is given under the *Environmental Planning and Assessment Act 1979* (the Act) as follows:

Part 3 - Environmental Planning Instruments;

Division 4 - Local Environmental Plans;

Section 58 - Relevant planning authority may vary proposal or not proceed.

“(4) The relevant planning authority may also, at any time, request the Minister to determine that the matter not proceed.”

As the Planning Proposal is currently with DP&E for Gateway Determination, any Resolution by Council to not proceed with the Planning Proposal would be forwarded to DP&E for their administrative action.

Merit for the Rezoning – Strategic Assessment

As part of the assessment of the rezoning application and as contained in the Report to Council, a number of factors were identified that gave merit to the rezoning of that particular site. Some of these identified factors related to a community benefit as well as the proposed redevelopment. Therefore Council may decide to proceed with the Planning Proposal, irrespective of the proponents' request, based on the merit assessment undertaken of the rezoning application and as contained in the Council Report (DCS002-16) for that application.

At the meeting of 17 December 2013, Council endorsed the Strategic Planning Work Program for the next five years to the end of 2018 (DCS043-13). Within this Work Program was an item to undertake a Retail / Employment Lands Strategy. This Strategy is to review and provide up-to-date information on retail and employment land within the LGA including the current and forecast need for such land as zoned within the LGA. This Strategy and any background studies would replace the existing Employment Lands Study dated 2009 that was used to inform the preparation of the Holroyd LEP 2013.

Therefore, the merit assessment for the rezoning application and the appropriate zoning for the site at 1-29 Sturt Street, Smithfield would be reviewed as part of the wider Retail / Employment Lands Strategy. This approach would enable a higher level and broader consideration of the merits of retaining or amending the land use zone of this Site, in the context of the forecast demand for industrial land within the Smithfield Industrial

Precinct and across the LGA. The Strategy may then recommend the retention or rezoning of particular sites that would be separately reported to Council.

Conclusion:

At its meeting of 2 February 2016 Council resolved to proceed with the Planning Proposal for 1-29 Sturt Street Smithfield, which sought to rezone the site to IN2 Light Industrial. The rezoning was to enable redevelopment of the site to a hardware store. This Planning Proposal has been lodged with DP&E. Subsequent changes made by DP&E in March 2016 to the Standard Instrument for LEPs, which underpins the Holroyd LEP 2013, has rendered the need for the site's rezoning as redundant from the proponent's perspective. Council has since received a request from the proponent to withdraw a Planning Proposal from further consideration.

It is therefore recommended that Council support the withdrawal of the Planning Proposal by resolving to not proceed further with this Planning Proposal.

Consultation:

There are no consultation processes for Council associated with this report.

Financial Implications:

A payment of a rezoning fee was received by Council on 03 September 2015 with submission of the Application.

The proponent has requested a partial refund of the application fee within the letter seeking withdrawal of the Planning Proposal. This refund request was based on the withdrawal of the Planning Proposal prior to completion of the process.

However, substantial work has been undertaken to progress the Planning Proposal to the current stage of lodgement with DP&E. Furthermore, additional effort including the preparation of this Council report, and to provide the required direction to DP&E, will incur further cost.

Therefore, to achieve full cost recovery of the work undertaken, no refund is intended to be paid to the proponent. The proponent has been notified of this position.

Policy Implications:

There are no policy implications for Council associated with this report.

Communication / Publications:

Council has liaised with DP&E regarding the proponents request to withdraw the Planning Proposal, and we have confirmed the administrative process requirements. The advice in this report reflects those requirements.

Should Council resolve to not proceed with the Planning Proposal, a notification letter of that decision would be provided to DP&E and to the proponent.

Report Recommendation:

- i) That Council resolve to not proceed with the Planning Proposal for 1-29 Sturt Street Smithfield in accordance with section 58(4) of the Act.
- ii) That the Resolution to not proceed with the Planning Proposal be forwarded to the Department of Planning & Environment.

Attachments:

1. Letter from Proponent dated 30 March 2016 requesting withdrawal of Planning Proposal

Merrylands Station and McFarlane Street Precinct Review

Responsible Department:	Environmental and Planning Services
Executive Officer:	Director of Environmental & Planning Services
File Number:	INFOC/19 - BP16/432
Delivery Program Code:	5.1.1 Oversee the land use planning, design and compliance framework for managing and facilitating appropriate development 5.2.1 Identify strategies that support the development of local centres and business across the City 7.1.2 Ensure land use planning recognises and promotes business and employment centres 8.1.1 Oversee and implement Council's Residential Development Strategy and appropriate housing opportunities through land use planning 8.2.1 Ensure housing growth is focused around centres and planning controls do not compromise housing affordability 9.3.1 Ensure planning and development implements Environmentally Sustainable Design Principles 10.4.1 Maintain and enhance opportunities for community input into planning processes
Previous Items:	CCL009-16 - Merrylands Station and McFarlane Street Precinct Review - Council - 01 Mar 2016 6.30pm COTW018-15 - Merrylands Station and McFarlane Street Precinct Review - Closed Council - 20 Oct 2015 6.30 pm COTW009-15 - Planning Proposal - Land Reservation for Public Purposes - Closed Council - 17 Mar 2015 6.30 pm

Summary:

The purpose of this report is to inform Council of the outcomes of the pre-Gateway consultation undertaken as part of the Merrylands Station and McFarlane Street Precinct Review. This report recommends that a Planning Proposal to amend Holroyd Local Environmental Plan (LEP) 2013 be prepared and forwarded to the Department of Planning and Environment (DP&E) for Gateway determination.

Report:

At the Ordinary Meeting of 1 March 2016, a report was considered by Council in relation to the *Structure and Building Height Review Report (SBHRR)*, completed by SJB Architects as part of the Merrylands Station and McFarlane Street Precinct Review. The aim of the review was to assess Council's current building height standards in the core

of Merrylands centre and recommend changes that would provide greater flexibility in which to deliver the current floor space potential for improved building design and planning outcomes. The study area included land bounded by McFarlane Street, Merrylands Road, Treves Street and Terminal Place. Refer to Figure 1. This Figure also includes reference to the specific sites that were modelled as part of the Review (numbered 1-14 below).



Figure 1 – Location Plan

At this Council meeting the following was resolved:

- i) Council proceed to conduct pre-Gateway consultation to propose an amendment to Clause 4.3 Height of Buildings to the Holroyd Local Environmental Plan 2013 and associated maps as indicated in the last column of Table 2 in this report including a proposal to reduce FSRs by 0.5:1 across the Study Area.
- ii) The Planning Proposal incorporate the resolution of 17 March 2015 in relation to Land Reservations in the Study Area, including adjustments to FSR maps with the exception of the northern arm of the Main Lane extension notwithstanding point i) above.
- iii) The Planning Proposal include an amendment to the Holroyd Local Environmental Plan 2013 to introduce the recommended design excellence controls including design bonuses of 0.5:1.

A Matter of Urgency was raised at the following Ordinary Meeting of Council of 15 March 2016 where the following was resolved:

“Resolved on the motion of Clr. Grove, seconded Clr. Zaiter that the closing date for the pre-Gateway consultation of the Merrylands Station and McFarlane Street Precinct

Review be extended by two weeks from Wednesday, 30 March 2016 to Wednesday, 13 April 2016."

Community Consultation

In accordance with the above resolutions, pre-Gateway consultation commenced on 16 March 2016 and concluded on 13 April 2016. A draft proposal outlining the urban design consultant's recommendations was released to the community for comment and is included as **Attachment 1**.

Notification letters were sent to subject and opposite property owners. The Proposal was advertised in both the Parramatta Advertiser and Holroyd Sun, was available on the Council website and at the Council Administration Building and Merrylands Library; and was posted on the Council Facebook Page. In addition, two community information sessions were held during the pre-Gateway consultation period on Saturday 19 March and Wednesday 23 March.

Submissions

During the community consultation period a total of seven (7) submissions were received. Three submissions objected to the Proposal; three submissions generally supported the Proposal but sought changes to increase proposed standards or area; and a submission from Endeavour Energy raised no objection but included a range of matters to be considered as part of any future development application. A copy of each submission received is provided under separate cover.

Of the seven submissions received during the public consultation period three submissions contained a copy of the same correspondence objecting to the proposal. The submissions objected to the proposed City Square and proposed re-modelling of the Merrylands Station and McFarlane Street Precinct and the associated increases in building heights.

The submissions raised a number of issues that are beyond the scope of the current Proposal. They also questioned the consultation process and in this regard it is noted that the pre-Gateway consultation was undertaken over and above any statutory obligation in the Environmental Planning and Assessment Act (EP&A Act). Should the proposal proceed to Gateway, a further community consultation period will be held and the community will be given further opportunity to provide input into the Proposal.

A summary of the issues that can reasonably be responded to as part of this Proposal are addressed below.

Issue: *Is the proposal consistent with State Government requirements/expectations and why has Council decided to have a review of building heights pertaining to this B4 Mixed Use zone?*

Response: The proposal is consistent with the principles of the 'A Plan for Growing Sydney' document that seek "to identify suitable locations for housing and employment growth coordinated with infrastructure delivery (urban renewal), including around Priority Precincts, established and new centres..."

It is appropriate to undertake regular reviews of the effectiveness of planning controls to ensure they deliver an optimal outcome in terms of developability and amenity impacts. One of the key parameters of the exhibited proposal is to provide more flexibility in terms of how development can be delivered on sites within the City Centre so that reasonable solar access can be provided in the Centre and the duration of overshadowing impacts can be managed.

Issue: *Proposed City Square is not supported and will struggle to deliver 2 hours of sunlight between 11am-1pm in mid-winter.*

Response: Only 3 submissions received express this view. Separate consultation with the community has already been undertaken in relation to the proposed City Square, and this consultation indicated that the proposed City Square was generally well supported. The proposed City Square was established in Council planning documents including Holroyd Development Control Plan (DCP) 2013 and Holroyd Section 94 Development Contributions Plan (s94 Plan) 2013, is needed to meet the demands of the increasing population and will create improved amenity for the Holroyd community. Within the context of the core of a major commercial centre such as Merrylands, the provision of 2 hours of solar access to the City Square is reasonable due to the density of development that is achievable in this urban centre.

Issue: *Increase in height, unit numbers, population and traffic as a result of the Proposal and significant increase in height on Council owned land. Why not lower floor space ratios to correlate to the current building heights?*

Response: The purpose of the Merrylands Station and McFarlane Street Precinct Review was not to make wholesale changes to maximum densities and floor space ratios in the Centre, but to provide greater flexibility in which to achieve the current floor space potential for development in the core of the Merrylands CBD. Providing this flexibility will lead to improved building design outcomes and sunlight access to apartments and public spaces. The population increase and subsequent increase in traffic was considered as part of the preparation and introduction of Holroyd Local Environmental Plan (LEP) 2013 and Holroyd s94 Plan 2013 and measures to mitigate much of the impacts associated with this growth are included in the adopted works schedule within the s94 Plan.

Comparison to the modelling that was undertaken as part of the preparation of Holroyd LEP 2013 has been undertaken and confirmed that the total estimated dwelling capacity in the area subject to the Proposal was not increasing as a result of the recommended changes to building heights. All modelling that has been undertaken in the Centre must make certain assumptions in terms of potential development amalgamation patterns and can never provide an exact calculation of dwelling numbers. Some amalgamations may not eventuate as predicted but every effort is made to model a logical and realistic pattern of development based on existing ownership and block areas and the like as well as other statutory parameters such as the requirements of the Apartment Design Guide (ADG) under State Environmental Planning Policy (SEPP) 65.

Dwelling yields in the subject area could still largely be achieved under the existing development standards in Holroyd LEP 2013, however the form of that development will likely create a poorer urban outcome compared to the proposed controls that will enable a greater degree of flexibility in providing that yield through a taller and thinner built form with opportunity for greater building separation that allows improved solar permeability throughout the Centre.

The Proposal recommends an increase in building height on the Council owned site at 28-36 McFarlane Street to approximately 32 storeys. This was recommended by SJB Architects in order to focus height around key destinations throughout the Centre, including the proposed City Square and the Station entrance (Merrylands Road and Pitt Street). The first stage of the City Square (between Main Lane and McFarlane Street) is contained on Council owned land and could currently be developed for commercial purposes, however Council determined that the site should be utilised as a civic space in order to improve the amenity for the Merrylands Centre as a whole. Subsequently, allowing a taller building on the remainder of the Council owned site adjacent to the new City Square will not only reinforce the City Square as a focal point for the Centre but will balance part of the forgone development capacity on the City Square site. While there is an increase in height on the Council site (and the majority of sites within the area subject to the Proposal) there is no increase in the floor space ratio that could be achieved were the site to develop under the current controls in Holroyd LEP 2013.

A lowering of floor space ratio controls across the subject area would be impracticable as reducing yields can severely impact developability and would be contrary to the aim of the review. Further, any notable decrease would be unlikely to be supported by the Department of Planning and Environment if included in a Planning Proposal as it would equate to a reduction in development potential, contrary to the 'orderly and economic use and development of land' object of the Environmental Planning and Assessment Act.

Issue: *Design Excellence Panel and how 'design excellence' is determined.*

Response: The design excellence provisions included in the community consultation documentation outlines the objectives and key parameters for determining design excellence that are proposed to be utilised in determining development applications within the subject area. The proposed design excellence provisions will ensure the highest possible standard of architecture and urban design is delivered in the Merrylands Centre. A separate policy document is being prepared that will detail the operational parameters of any design excellence panel that will influence the design of development proposals prior to the application process.

Issue: *Costs of infrastructure provision.*

Response: All of the proposed infrastructure works in and around the Merrylands Centre that are required as a result of the projected growth are included in the comprehensive Works Schedule contained in the Holroyd Section 94 Plan. This Works Schedule contains detailed information in relation to the costs of the provision of this infrastructure. A review of the s94 Plan is currently being undertaken and a revised Plan including updated costings will be reported to Council when completed.

The remaining submissions to the Merrylands Station and McFarlane Street Precinct pre-Gateway Review have been made on behalf of property owners within the subject area and are considered below. These submissions generally support the Proposal but request a number of changes to the exhibited development standards.

Issue: *Properties at No. 244-252 Pitt Street, Merrylands are not included in the area subject to the Proposal. It is requested that they be included and that the height of building (HOB) standards and the FSR provisions in Holroyd LEP 2013 be increased.*

Response: The site at No. 244 – 252 Pitt Street and the Council Land (currently used as a car park and bus terminus) are not included in either the Neil Street Precinct Urban Design Review (reported to Council on 20 October 2015 (COTW019-15)) or the Merrylands Station and McFarlane Street Precinct Study. A location map identifying the No. 244-252 Pitt Street and the Council owned bus terminus site is included as Figure 2 below.

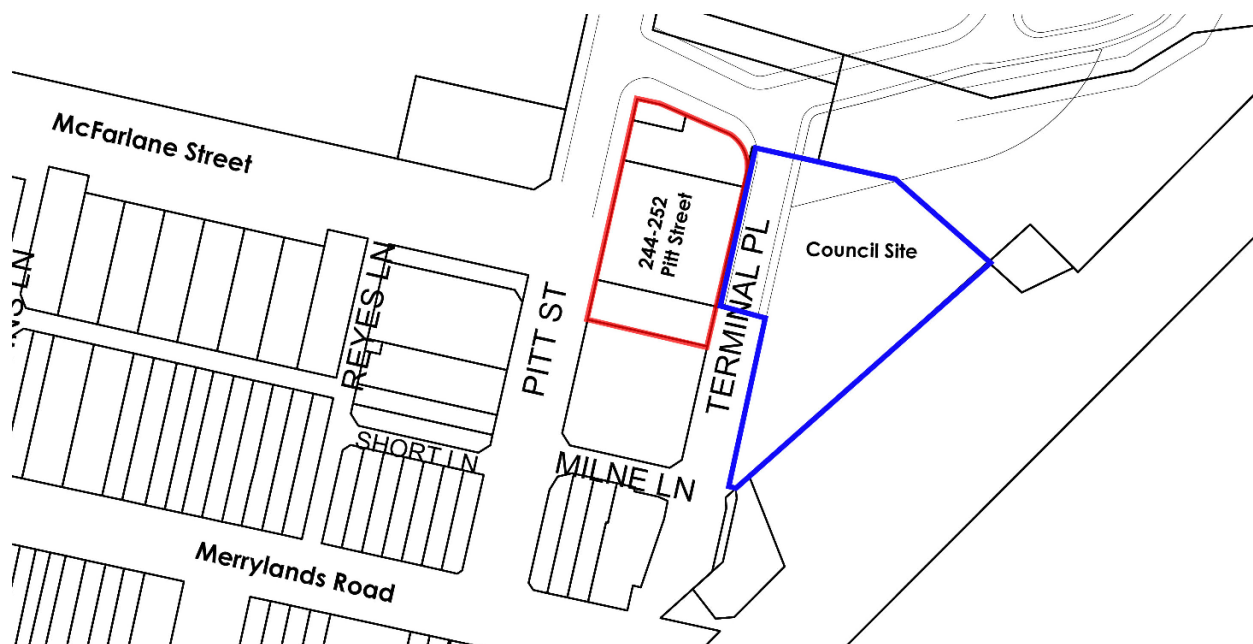


Figure 2 – No.244-252 Pitt Street and Bus Terminus Site, Merrylands

Given that these sites provide transition/connection between the two Precincts; it is recommended that the area subject to the Merrylands Station and McFarlane Street Precinct Planning Proposal include No. 244 – 252 Pitt Street and the Council land at Merrylands Station.

A comparison of the current controls, the controls in the exhibited Proposal, both suggested options provided in the submission and planning officer recommendations are included in Table 1 below.

		LEP 2013 (HCC)	Proposal (SJB)	Submission Suggestions (DMPS)		Recommended (HCC)
				Option 1	Option 2	
<i>Station Entrance Landmark Sites</i>						
Site 1: 135-141 Merrylands Rd	FSR	8.5:1	8.5:1	8.5:1	8.5:1	8.5:1
	HOB	65m (20st)	84m (26st)	84m (26st)	103m (32st)	84m (26st)
Site 2: 254 Pitt Street	FSR	9:1	9:1	9:1	9:1	9:1
	HOB	65m (20st)	84m (26st)	84m (26st)	103m (32st)	84m (26st)
<i>Transition Area – Requested for Inclusion</i>						
244-252 Pitt	FSR	7.5:1	-	9:1	11:1	7.5:1

Street						
	HOB	53m (16st)	-	71m (22st) - 77m (24st)	90m (28st) - 97m (30st)	<u>65m (20st)</u>
	GFA	17,075.5m²	-	20,490.6m²	25,044.4m²	17,075.5m²
Additional dwellings				38	89	0
<i>Neil Street Precinct Proposal for Pitt Street (*Separate Proposal)</i>						
Front 224-240 Pitt St	FSR	6.5:1*	-	-	-	6.5:1*
	HOB	53m (16st)*	-	-	-	54m (16st)*

Table 1: Height of Building and Floor Space Ratio Comparison – No.244-252 Pitt Street Submission

The intention of the Merrylands Station and McFarlane Street Precinct Review as well as the Neil Street Precinct Urban Design Review was not to increase the density (i.e. FSR) controls but to provide greater flexibility in which to deliver the current floor space potential, for improved building design whilst maintaining an appropriate built form. The studies build on the vision and strategies established for the Merrylands Centre under the HBO+EMTB Review that informed the controls in Holroyd LEP 2013 including the building height transition from a lower scale at the fringe of Merrylands Centre to tower elements in the core of the Centre.

In keeping with the above, the Neil Street Precinct Urban Design Review has recommended predominant buildings heights of 8 – 12 storeys increasing to 16 storeys along Pitt Street with strategically located taller buildings (20 storeys) as visual markers and to enhance urban legibility.

As part of the Proposal SJB Architects have recommended a building height of 26 storeys for Site 1 (135-141 Merrylands Road (including 266 Pitt Street)) and Site 2 (254 Pitt Street) given the proximity of the sites to the train station entrance, which is one of the key destinations within Merrylands Centre. The 26 storey towers will identify the location of the train station entrance and emphasise the importance of intersection of Merrylands Road as the primary retail street and Pitt Street as a secondary retail street. The tallest buildings however have been proposed along McFarlane Street adjacent the new City Square to reinforce the core of the Centre and also to instigate significant public domain improvements to help revitalise the Centre.

Generally the objective of built form is to contribute to way finding and legibility; however the requested 32 storey height for Sites 1 and 2 and 30 and 28 Storey height for the subject site under the submission Option 2 is excessive given the immediate context. The 32 storey height for Sites 1 and 2 and 28 and 30 storey height for the subject site will detract from the main activity area i.e. the City Square. The extent of additional heights for the submitters' site at 244-252 Pitt Street would weaken the effectiveness of the

markers adjacent the City Square and the train Station and are not necessary to achieve a suitable level of flexibility in which to deliver the current FSR yields.

As noted in the submission, a DA has been lodged for the 'Rositano' site north of the subject site (224-240 Pitt Street), which is yet to be determined. The DA incorporates a 19 storey tower along Pitt Street, to deliver that sites current FSR potential. Council's site testing determined that under the current height controls, the 'Rositano' site would be unlikely to achieve the current maximum FSR. So, although there is a variation to the maximum building height control proposed on this site; no changes are proposed to the FSR (density) controls.

Both the options in the submission propose increases in the FSR for the site, which is contrary to Council's objective for the Review. The FSRs requested equate to an increase of at least 3,415.09m² in gross floor area over and above what can be achieved under the existing provisions in Holroyd LEP 2013. The current building heights and FSR for No. 244-252 Pitt Street are generally considered sufficient given that the current controls for maximum height of buildings are able to deliver the current maximum FSR. Nevertheless, given the height increases that are proposed around the site, it is recommended that the height of building control for No. 244-252 Pitt Street be increased to 20 storeys but the FSR remain unchanged. This will allow a similar degree of flexibility for the site to deliver the current FSR as others within the subject area.

A limit of 20 storeys for this site is appropriate as it conveys a transition in heights to the site to the north, and does not detract from the emphasis in height that is proposed to apply to buildings marking the entrance to Merrylands Station (26 storeys) to the south. However, in relation to the Council site currently being used as the bus terminus adjacent to the station, it is not recommended that the heights increase over the current 16 storey limit. In this regard, the bus terminus site also should provide a transition to the north, but has a closer relationship to the buildings that will abut the railway line that are proposed to be 12 storeys under the Neil Street Precinct Urban Design Review.

Issue: *The development potential of No.193-201 Merrylands Road bounded by Finns Lane (to the east), Main Lane (to the north), the City Square expansion and Merrylands Road (to the south) is compromised due to the proposed expansion of the City Square.*

Response: The submission notes that other sites nearby have less area yet have a higher maximum potential FSR. The area subject to the submission is referred to as Site 11 in the exhibited Proposal and is identified in Figure 3 below.

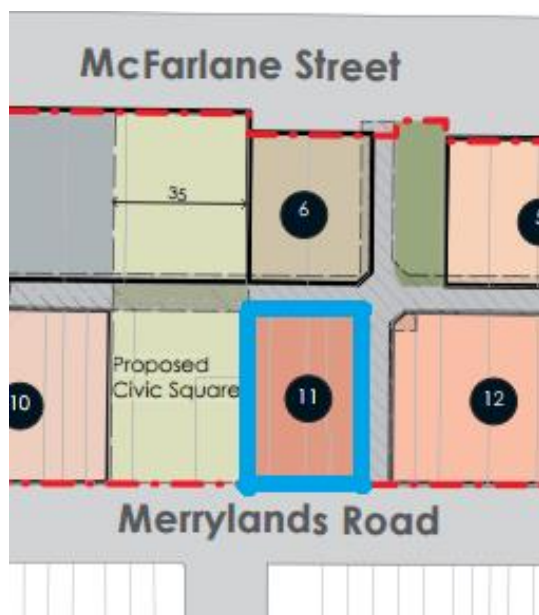


Figure 3: No.193-201 Merrylands Road

Due to the proposed City Square to the immediate west of Site 11 (including No.197 Merrylands Road), the ability for it to amalgamate to achieve the maximum potential FSR under clause 4.4 of Holroyd LEP 2013 is removed. It is therefore reasonable to consider a partial offset of the forgone development potential of the site through a slightly larger building footprint.

Some initial site testing has been undertaken which suggests that an increase in the footprint of the tower component modelled on the site from 22m depth (as per the SJB model) to 27m depth (similarly to other recommended envelopes in the SJB model) can deliver an FSR of 8:1 within the recommended maximum building height. This is the same standard that could have been achieved with amalgamation under the LEP 'sliding scale' FSR provisions that currently apply to the site. More detailed site testing is required in order to fully ascertain potential impacts of an expanded tower footprint, particularly in relation to overshadowing impacts. Nevertheless, it is recommended that the FSR for Site 11 be increased to 8:1 as part of the Proposal recommended to be submitted to the DP&E for Gateway determination, and further site testing be undertaken prior to finalisation of the revised DCP controls. An increase in FSR for this site of this nature would not result in a substantial increase in overall density within the Merrylands Centre.

Issue: *The current floor space potential of the "Stockland Court Site" (233-259 Merrylands Road and 52-54 McFarlane Street) is not able to be achieved. The lane network should be included in DCP 2013 and not included in LEP 2013. There is a mismatch between the proposed number of storeys and the proposed building heights in metres.*

Response: The site subject to the submission is indicated in Figure 4 below. This Figure identifies the site as Parcel A with a current FSR of 5:1 and Parcel B with a current FSR of 6.5:1.

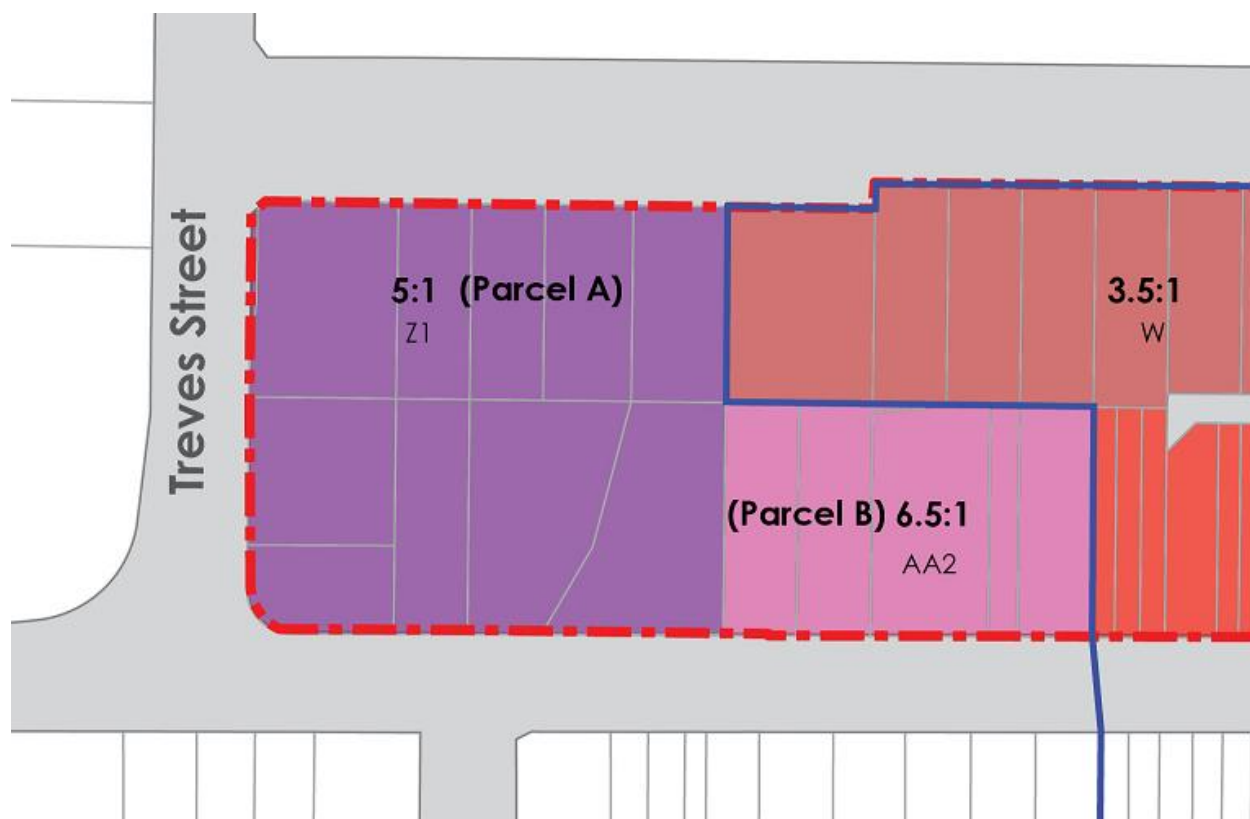


Figure 4: Stockland Site - 233 and 249-259 Merrylands Road and 52-54 McFarlane Street

The new proposed laneway alignment changes the areas of Parcel A and Parcel B on the Floor Space Ratio (FSR) Maps in LEP 2013 as indicated in Figure 5 below.

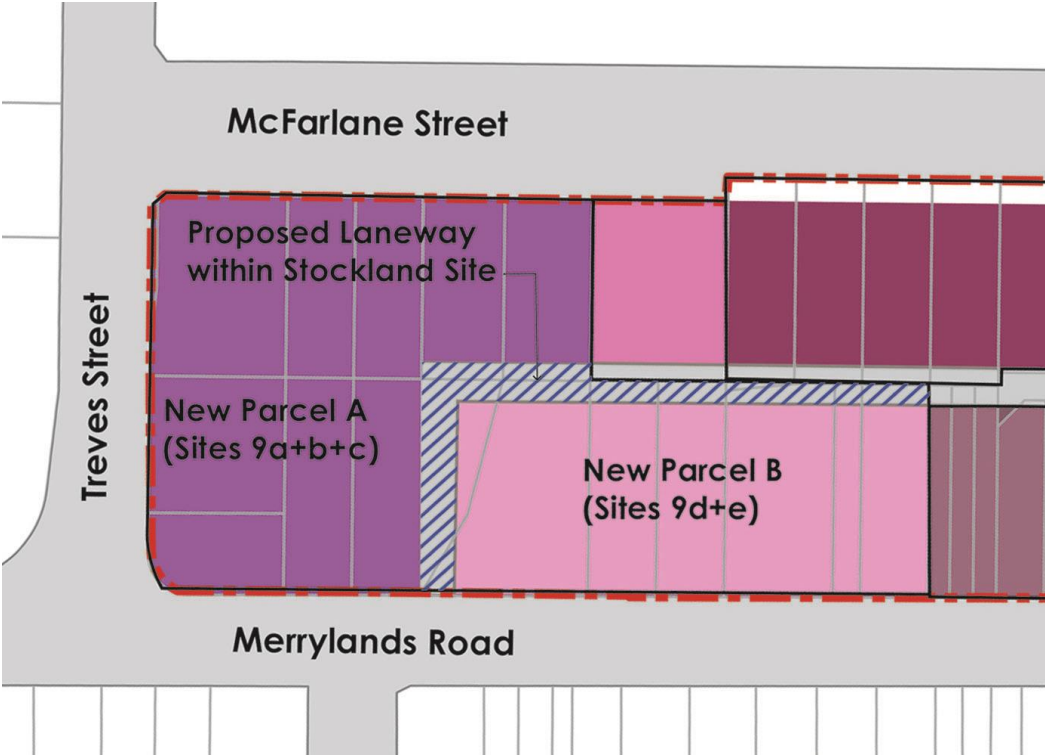


Figure 5: Proposed Laneway inclusion in LEP 2013

Table 2 below provides a breakdown of the current floor space potential of the Stockland Court Site both including (gross) and excluding (net) the required laneway extension through the site (see Figure 4 and 5). It also provides recommended FSRs and their resulting gross and net GFAs.

Site	Stockland Site 9			LEP 2013			HCC Recommendation		
	Gross Site Area	Laneway	Net Site Area	FSR	Gross GFA	Net GFA	FSR	Gross GFA	Net GFA
	m ²	m ²	m ²		m ²	m ²		m ²	m ²
Parcel A									
Site 9a									
Sub Total	1,538	169	1,369	5	7,690	6,846	5.5	8,459	7,530
Site 9b									
Sub Total	2,436		2,436	5	12,179	12,179	5.5	13,396	13,396
Site 9c									
Sub Total	2,957		2,957	5	14,783	14,783	5.5	16,261	16,261
Parcel B									
Site 9d									
	1,849	567	1,282	5	9,244	6,409	6	11,093	7,691
	725	70	655	6.5	4,713	4,258	6	4,350	3,930
Sub Total	2,574	637	1,937		13,956	10,666		15,443	11,621
Site 9e									
Sub Total	2,911	275	2,636	6.5	18,922	17,134	6	17,466	15,816
TOTAL	12,415	1,081	11,334	5.44	67,529	61,607		71,025	64,624

Table 2: Floor space Distribution – Stockland Site

In relation to the issues raised in the submission the following is noted:

- The FSR's recommended by the HBO+EMTB Study for the Holroyd LEP 2013 were modelled on the net site area (excluding the laneway) but currently apply to the gross site area.
- The extent of laneway on the subject site has been increased due to the new alignment with the culvert.
- Only the portion of the laneway (north-south Main Lane + east-west link between the Main Lane and Merrylands Road) critical for the infrastructure works has been identified in the LEP map. The laneway between the Main Lane and McFarlane Street, though important, will be included as a requirement under DCP 2013 for dedication as part of any development.
- The laneway area required for infrastructure works on the site measures 1,080.9m². The Stage 1 laneway (to the eastern boundary of the northern part of the site) is approximately 342.7m² of this.

- Under the current Holroyd LEP 2013 controls the GFA based on the Gross Site Area will be 67,529m². However, if Council were to acquire the land required to construct the laneway and the property owner were compensated for the value of the land (and lost development potential), the resulting net site area would be 11,334m² and the maximum GFA permitted under the current controls for the net site area would be 61,607m².
- The recommended controls will allow the Stockland Court Site to achieve a GFA of 64,624m² (based on the net site area) which is reasonably comparable to the GFA potential that could be achieved under the gross site area within the current LEP controls (67,529 m²).
- The GFA of 64,624m² is an increase on the current net site area potential of 61,607m², noting that land acquired for laneway is generally compensated, unless agreed otherwise.

Following further site testing and modelling, revised maximum building heights as requested by Stockland are generally considered acceptable. In reviewing the proposal to consider this request, Council's urban designer identified that the tower on Site 9b (closest to the residential zone on the opposite side of Treves Street) was too high and could be reduced to 16 storeys; offset by an increase to site 9a up to 23 storeys.

Figure 6 below identifies the maximum achievable FSR for the individual sites tested as part of the SJB modelling.



Figure 6: Stockland Court Site – Maximum Achievable FSR (SJB Recommendations)

Table 3 below provides the recommended height of building (HOB) and FSR controls for the site. It is noted that the recommended FSRs for sites 9a-c increases from 5.0:1

under the current controls to 5.5:1, and the recommended FSRs for Sites 9d-e decreases from 6.5:1 to 6:1.

The total proposed GFA can still be achieved so it does not equate to a loss of developability. More specifically, average FSRs are mapped across more than one individual site, therefore a higher FSR could be achieved on part of a property within this area if development on another part of the property with the same area is comparatively less dense to ensure the overall FSR is not exceeded. In the case of the Stockland Court Site, a more dense development of 23 storeys can be achieved on site 9e as a less dense development of 16 storeys is proposed on site 9d. This equates to an average FSR of approximately 6:1 but does not result in a loss of overall yield that could otherwise be achieved under the net floor area in the current LEP 2013 controls.

Site	Net Site Area	Recommended HOB	Potential GFA		Potential FSR
			Comm	Resi	
	m ²		m ²	m ²	
Site 9a	1,369.14	23	2,283.18	6,087.00	6.11
			8,370.18		
Site 9b	2,435.71	16	4,418.85	10,224.75	6.01
			14,643.60		
Site 9c	2,956.51	12	5,289.09	8,935.24	4.81
			14,224.33		
Total 9a+b+c	6,761.36		37,238.10		5.51
Site 9d	1,936.78	16	3,448.37	7,286.99	5.54
			10,735.36		
Site 9e	2,636.00	23	4,558.90	11,973.78	6.27
			16,532.68		
Total 9d+e	4,572.78		27,268.03		5.96
Total	11,334.14		19,998.38	44,507.76	
TOTAL 9a + 9b + 9c + 9d + 9e			64,506.14		5.69

Table 3: Proposed Height of Buildings and Floor Space Ratios – Stockland Site

Stockland have previously indicated to Council that the Stage 1 part of this laneway extension could potentially be dedicated at no cost to Council if development potential was maintained on the remaining land. The Stage 1 section of laneway is approximately 342.7m², which under the current FSR standard would equate to approximately 2,126m²

of GFA (equating to 0.2:1 of the overall net site or 0.4:1 of new Parcel B). The proposed FSR standards on the Stockland Court site will deliver an overall average FSR of 5.7:1 and approximately 64,600m² GFA, compared to the current average of 5.4:1 and 61,600m² GFA (an increase of approximately 3,000m²). On this basis it would be reasonable for Council to pursue an agreement for the free dedication of the Stage 1 laneway land, resulting in a savings to public works costs and contribution rates.

The Main Lane extension and its southern extension to Merrylands Road is proposed to be identified in the Land Reserved for Acquisition Map in LEP 2013 due to the critical nature of this infrastructure to the effective operation of the traffic network in the Merrylands Centre. In addition, the alignment of the laneway in this location accords with essential drainage infrastructure that must be included in this location.

However, it is not expected that there would be any need for Council to acquire the northern extension of Main Lane to McFarlane Street ahead of any development of the Stockland Court site and as such it is proposed to be included in DCP 2013. This would also allow the flexibility for Council to consider, as part of a development application, the merits of a variation to the ideal straight alignment in this location, which depend upon the detailed design. The calculations in the table above are based on the assumption that the alignment of the laneway will be straight and the site is able to achieve the maximum FSR.

Table 4 below articulates the floor to ceiling heights that have been recommended under the NSW Department of Planning and Environments Apartment Design Guide (ADG):

Level	Floor to Ceiling Height	Total (Including Slab and Services Assumption)
Ground Floor (Café/Restaurant Ceilings)	4.0m	4.4m
First and Second Floor (Mixed Use)	3.3m	3.7m
Residential Floors (Habitable Rooms)	2.7m	3.1m

Table 4: Apartment Design Guide Floor to Ceiling Heights

In determining the height of building controls, the following assumptions are also included:

- 0.4m per floor for structure, services, set downs and finishes
- 1m to the total to allow for rooftop articulation (and lift overrun)
- Up to 2m to the total to allow for topographic changes

The floor to ceiling heights and assumptions on which the proposed heights are based are consistent with the ADG. Nevertheless, it is noted that Clause 4.6 within Holroyd LEP 2013 allow for reasonable variations to the height of building standards to be considered on merit.

Issue: *The Design Excellence potential FSR bonus should be 10%. The proposed FSR map contained in section 6.3 of the Urban Design Consultants recommendations should not include any bonus provisions because by definition a bonus must be provided in addition to the FSR indicated on the FSR Map.*

Response: The proposed design excellence provision allows for a potential bonus of an additional 0.5:1 FSR which is considered reasonable given the base upon which the FSRs are calculated.

The proposed FSR Map contained in the SJB recommendations (Section 6.3) is not an official LEP map, but rather provides a clear and accurate indication of the maximum potential FSR that could be achieved if all bonus provisions can be achieved. An FSR Map to be included in Holroyd LEP 2013 that reflects a base FSR will be drafted should the Proposal proceed to Gateway.

Endeavour Energy

Issue: *No objection to the Proposal was raised, however a range of matters that must be considered as part of any future development proposals were provided. The submission noted the potential for asbestos to be located within their infrastructure assets in the Centre.*

Response: All matters raised in the submission will be considered as part of any development application lodged in the study area. These include network capacity/connection, asset relocation, easement management/network access and excavation. Careful consideration of electrical assets in the Merrylands Centre is essential for viable development of the Centre in the future. Any matters relating to the removal of asbestos on any site (including those within the subject area) will be subject to the Holroyd Asbestos Policy 2014. The Policy will ensure all appropriate measures are taken to safely remove any asbestos from any site.

Conclusion:

An independent review of building heights pertaining to the B4 Mixed Use zone in the Merrylands Centre has identified the merit to increasing building heights to provide greater flexibility in delivering the current floor space potential and improved building design. Following pre-Gateway consultation of the Proposal, seven submissions were received and the following changes are recommended:

- The area subject to the Merrylands Station and McFarlane Street Precinct Planning Proposal be expanded to include No. 244 – 252 Pitt Street and the Council land adjacent to Merrylands Station (Lot 1 Terminal Place).
- The height of buildings proposed for No. 244-252 Pitt Street be increased to 65m (20 storeys).
- The FSR for Site 11 (193-201 Merrylands Road) be increased from 6:1 to 8:1 subject to further site testing to confirm the site can accommodate the revised footprint.
- The height of buildings proposed for the 'Stockland Court' site (233-259 Merrylands Road and 52-54 McFarlane Street) be revised as follows:
 - Site 9a – 77m (23 storeys)
 - Site 9b – 55m (16 storeys)
 - Site 9c – 43m (12 storeys)
 - Site 9d – 55m (16 storeys)
 - Site 9e – 77m (23 storeys)

A Planning Proposal is required to be prepared and referred to the NSW Department of Planning and Environment seeking a Gateway determination prior to commencing the community consultation process for the proposed LEP amendments.

Consultation:

Upon receipt of the Gateway determination, a Planning Proposal will be publicly exhibited for 28 days. The consultation will include notification in the Council Corporate Page in the Parramatta Advertiser and in the Council Announcements section in the Holroyd Sun. All consultation material will be available to view at the Council Administration Building and Merrylands Library and will be available to view on the Council website. Notification letters will be sent to subject and opposite property owners. Following completion of the community consultation period a report will be prepared for Council in response to any public submissions received.

Financial Implications:

Strategic Planning staff will be responsible for preparing any Planning Proposal relating to the subject area. The recommended changes to the LEP standards would likely result in a number of landowners being able to achieve their floor space potential through more flexible design parameters. It is understood this would have positive financial implications across the Centre. The costs associated with the Planning Proposal process will extend over the current and following financial year and can be accommodated.

Policy Implications:

Following adoption of a Planning Proposal, relevant amendments will be made to the Holroyd LEP 2013 and the Building Height maps and Holroyd DCP 2013.

Communication / Publications:

The planning proposal would be notified in the local newspapers and on Council's website.

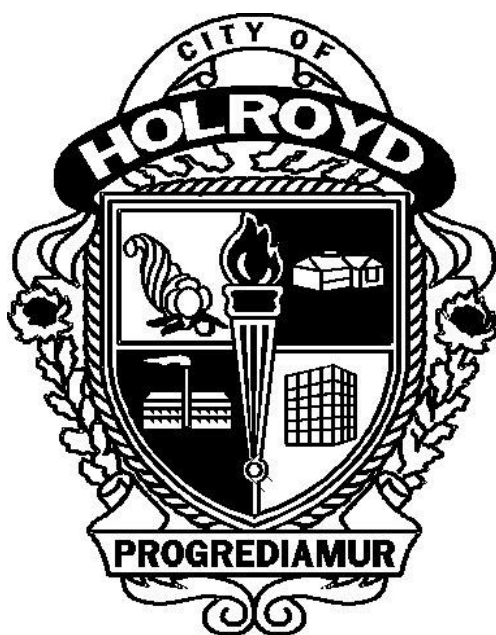
Report Recommendation:

- i) That Council resolve to forward a Planning Proposal to amend Holroyd Local Environmental Plan 2013 in accordance with the exhibited Merrylands Station and McFarlane Street Precinct Proposal to the Department of Planning & Environment for Gateway Determination with the following changes:
 - The area subject to the Merrylands Station and McFarlane Street Precinct Planning Proposal be expanded to include No. 244 – 252 Pitt Street and the Council land adjacent to Merrylands Station (Lot 1 Terminal Place).
 - The height of buildings proposed for No. 244-252 Pitt Street be increased to 65m (20 storeys).
 - The FSR for Site 11 (193-201 Merrylands Road) be increased from 6:1 to 8:1 subject to further site testing to confirm the site can accommodate the revised footprint.
 - The height of buildings proposed for the 'Stockland Court' site (233-259 Merrylands Road and 52-54 McFarlane Street) be revised as follows:
 - Site 9a – 77m (23 storeys)
 - Site 9b – 55m (16 storeys)
 - Site 9c – 43m (12 storeys)
 - Site 9d – 55m (16 storeys)
 - Site 9e – 77m (23 storeys)
- ii) That the Planning Proposal incorporate the resolution of 17 March 2015 in relation to Land Reservations in the study area, including adjustments to FSR maps with the exception of the northern arm of the Main Lane extension.
- iii) That Council advise the Department of Planning & Environment that it wishes to exercise its plan making delegations for the Planning Proposal.

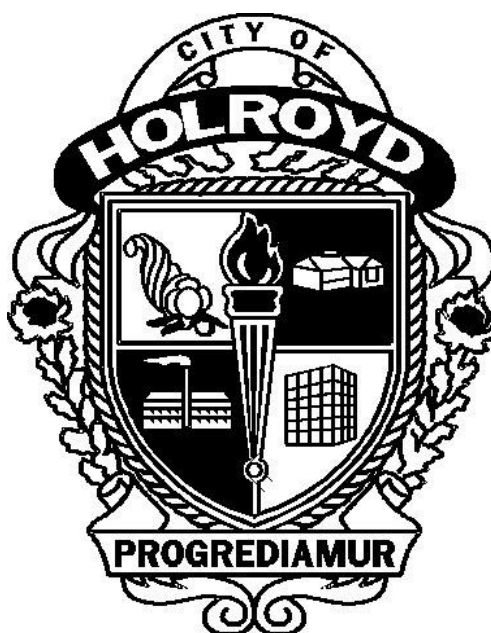
- iv) That a further report be provided to Council following the exhibition of the Planning Proposal.
- v) That Council pursue an agreement with Stockland for the free dedication of the Stage 1 laneway land on the basis of the FSR standards in the Planning Proposal and the resulting GFA potential, as well as the mutual direct benefit to Stockland.

Attachments:

1. Merrylands Station and McFarlane Street Precinct Review - Pre-Gateway Draft Proposal



FINANCE AND WORKS COMMITTEE



FINANCE AND WORKS COMMITTEE

**Index of the Meeting of the Finance and Works
Committee of the Council of the City of Holroyd,
held in Council Chambers, Memorial Ave,
Merrylands on Tuesday, 3 May 2016.**

Summary:

FW015-16	SUBJECT: 2015/2016 BUDGET - QUARTERLY REVIEW AS AT 31 MARCH 2016 BP16/451.....	83
FW016-16	SUBJECT: DRAFT 2013-2017 LIVING HOLROYD DELIVERY PROGRAM (INCORPORATING THE 2016/2017 OPERATIONAL PLAN) AND RELATED DOCUMENTS BP16/434	87
FW017-16	SUBJECT: YOUTH ACHIEVEMENT PROGRAM - REQUEST FOR FINANCIAL ASSISTANCE - HARRISON REVAI BP16/445	97

2015/2016 Budget - Quarterly Review as at 31 March 2016

Responsible Department: Corporate and Financial Services
 Executive Officer: Director of Corporate & Financial Services
 File Number: INFOC/16 - BP16/451
 Delivery Program Code: 19.1.1 Maintain Council's financial position

FW015-16

Summary:

This report presents the March Quarterly Budget Review for the 2015/2016 Financial Year in accordance with Part 9, Division 3, Section 203 of the Local Government (General) Regulation 2005.

Report:

A review of the 2015/2016 Budget for the quarter ending 31 March 2016 was carried out by Budget Managers, Chief Financial Officer and the Management Accountant in conjunction with the Senior Management Team (SMT).

A summary of the original adopted budget and subsequent variations follows:

2015/16 Quarterly Budget Review – 31 March 2016 Budget Reconciliation

	Council Report	Total Income	Expenditure & Reserves	Net Effect on Budget
		\$	\$	\$
Adopted - Original Budget	CCL042-15	(160,810,237)	160,810,237	0
July to September Review	FW047-15	(214,633)	214,633	0
October to December Review	FW004-16	(521,628)	521,628	0
Items voted by Council since adoption of Original Budget				
Section 94 Project - Acquisition of 5 Harvey Place and 9 Linden street	COTW011-15	(2,276,180)	2,276,180	0

Toongabbie				
Section 94 Project – Acquisition of 213 Merrylands Road Merrylands	COTW015-15	(1,650,000)	1,650,000	0
Section 94 Infrastructure Priority Works	FW033-15	(2,197,000)	2,197,000	0
Carry Forward Requests for Year ended 30/06/2015	FW048-15	(18,080,104)	18,080,104	0
Public Car Park Land Acquisition	COTW022-15	(12,897,500)	12,897,500	0
Merrylands City Centre Revitalisation Project	FW049-15	(8,800,000)	8,800,000	0
Merrylands Road to McFarlane Street Trunk Drainage Work – Stage 1	FW049-15	(6,500,000)	6,500,000	0
Neil Street/Sheffield Street to Holroyd Gardens – Trunk Drainage & New Road – Stage 2 and Terminal Place to Neil Street - Trunk Drainage & New Road – Stage 3	FW049-15	(23,500,000)	23,500,000	0
Gipps Road/Hyland Road Sporting Complex work (Total \$3.4 mil - \$2.2 mil reallocated)	FW049-15	(1,200,000)	1,200,000	0
Australian Govt Stronger Community Program 2015/16	FW003-16 FW005-16 FW008-16	(116,500)	116,500	0
NSW Government's Community Building Partnership Program 2015	FW052-15	(117,500)	117,500	

January to March Review		(809,462)	809,462	0
Revised Budget - as at 31 March 2016		(239,690,744)	239,690,744	0

The major budget adjustments in the March 2015-16 Budget Review are:

Item	Amount	Description
Holroyd Sports Ground - Car Park Extension	\$120k	Transferred from Reserve
McCredie Park – Construction of Dual Court	\$147k	Transferred from Reserve

Statement by Responsible Accounting Officer (Darrell Jefferys – Chief Financial Officer):

"Pursuant to Part 9, Division 3, Section 203 of the Local Government (General) Regulation 2005, I believe that the financial position of Council in relation to the 2015/2016 Budget is satisfactory having regard to the estimates of income and expenditure, and that no adverse trends are evident, subject to the adjustments contained in this report."

Conclusion:

As at 31 March 2016 there were no unfunded income or expenditure budget variations. All variations identified by Budget Managers have been funded within the budget(s) under their control.

The 31 March 2016 Quarterly Budget Review maintains a balanced budget position.

Consultation:

There are no consultation processes for Council associated with this report.

Financial Implications:

The variations identified within this report present, as at 31 March 2016, a balanced budgetary position.

Policy Implications:

There are no policy implications for Council associated with this report.

Communication / Publications:

There are no communication / publication issues for Council associated with this report.

Report Recommendation:

That the March 2015/2016 Quarterly Budget Review be received and variations adopted.

Attachments:

1. Budget Department Summary
2. Budget Resource Summary

Draft 2013-2017 Living Holroyd Delivery Program (incorporating the 2016/2017 Operational Plan) and Related Documents

Responsible Department: Corporate and Financial Services
 Executive Officer: Director of Corporate & Financial Services
 File Number: INFOC/16 - BP16/434
 Delivery Program Code: 18.2.1 Implement Integrated Planning and Reporting
 across all departments of Council
 19.1.1 Maintain Council's financial position

Summary:

The purpose of this report is to present the Draft 2013-2017 Delivery Program (incorporating the Draft 2016/2017 Operational Plan) and related documents for adoption to go on public exhibition for the period from 4 May 2016 to 2 June 2016.

Report:

Council in considering its annual Delivery Program is required to publicly exhibit the related documents for comment and consider any submissions received before they can be adopted. In accordance with Section 404 and 405 of the Local Government Act 1993, the following documents are presented for Council's consideration to be placed on public exhibition for the period from 4 May 2016 to 2 June 2016 for comment as set out below:

Documents for comment:

- Draft 2013-2017 Delivery Program (incorporating the Draft 2016/2017 Operational Plan, Draft 2016/2017 Capital Works Program, Draft 2016/2017 Stormwater Management Program);
- Draft 2016/2017 Operational Budget (reflected in the Draft Delivery Program);
- Draft 2016/2017 Revenue Policy including Draft 2016/2017 Fees and Charges.

A copy of each of the above documents, for consideration by Council at its meeting of 3 May 2016 prior to public exhibition, is made available at Council's website <http://www.holroyd.nsw.gov.au/your-council/council-meetings/> and hardcopies will be made available at Council's Customer Service Unit and Council's Libraries and on the night of the meeting.

All documents will be exhibited at Council's Civic Centre in the Exhibition Kiosk, Council Libraries, on Council's website (www.holroyd.nsw.gov.au) and on Council's Facebook and Twitter pages.

A copy of Due to the detailed nature and extremely high volume of information contained within the above documents, they have been made available to the community electronically via Council's website (see Business Paper Section) and are available in hardcopy through Council's Customer Service Unit upon request.

Draft 2013-2017 Delivery Program (incorporating the 2016/2017 Operational Plan) and supporting documents

The Draft Living Holroyd Delivery Program outlines the principle actions to be initiated by Council over the 2013-2017 periods. Each action corresponds with the long term community outcomes as contained within the Living Holroyd Community Strategic Plan and works towards attainment of the long term City Targets.

The Draft 2016/2017 Operational Plan is incorporated within the Draft 2013-2017 Delivery Program, and provides clear linkages to the principle actions of the Delivery Program. The actions within the Draft Delivery Program to be completed by Council over the 2016/2017 Operational year are identifiable from the column highlighted in yellow.

The Draft 2016/2017 Operational Plan outlines the detailed activities to be completed in the next 12 months, responsibility for delivery, completion time, performance measure and link to the Resource Strategy for each activity.

The Draft 2016/2017 Operational Plan incorporating the Draft 2016/2017 Budget is set out under each of the five 'Living Holroyd' Values – Active, Growing, Balanced, Connected and Dynamic and is discussed below.

Draft 2016/2017 Operational Budgets

The Draft 2016/2017 Operational Budget is reflected in the Draft 2016/2017 Operational Plan which in turn is incorporated in the Draft 2013-2017 Delivery Program (incorporating the 2016/2017 Operational Plan).

The Draft 2016/2017 Budget has been prepared in accordance with the following parameters:

- Balanced Budget
- 8% Special Rate Variation in accordance with IPART's approval (inclusive of the rate peg limit of 1.8%)

- 2.8% increase in Fees and Charges
- 2.8% increase in Salaries and Wages in July 2015
- \$40 million loan (funded from S94 Contributions) as approved by Council

Budget Summary

In summary, the Draft 2016/2017 Budget is as follows:

	\$	\$
Income		
Rates and Charges	66,229,551	
Fees and Charges	14,470,955	
Interest and Investment Income	2,253,442	
Grants and Contributions - Operating	12,967,903	
Grants and Contributions – Capital	14,634,973	
Other Revenue	38,218,017	
Capital Funding	13,918,308	
Total Income		162,693,149
Expenses		
Employee costs	50,506,079	
Materials and Contracts	21,238,029	
Depreciation	13,917,998	
Other expenses	21,874,464	
Capital expenses	55,156,579	
Total Expenses		162,693,149
Budget Surplus/ (Deficit)		

Draft 2016/2017 Fees and Charges

The Draft 2016/2017 Fees and Charges have been prepared on an average basis of a 2.8% increase over the prior year fees and charges unless specific statutory or other reasons warrant a different percentage increase or decrease.

Domestic Waste/Recycling Service Charge

Council's Domestic Waste/Recycling Service Charges for 2015/2016 were reviewed on the basis of maintaining the existing level of service.

The proposed charge for 2016/2017 is \$447 per service (occupied site) which represents a decrease from the 2015/2016 charge of 0.02%.

The proposed charge for 2016/2017 is \$150 per service (vacant land) which represents a nil increase from the 2015/2016 charge.

Stormwater Management Levy

The Stormwater Management Levy provides a major vital funding source to aid in managing Council's stormwater infrastructure.

In 2016/2017 Council will generate an estimated \$1,280,000 from the Stormwater Management Levy for stormwater management works. A copy of the Stormwater Management Plan has been included in the 2013-2017 Delivery Program.

Rating Policy

It is recommended that Council adopt a rating structure for 2016/2017 as follows:

- a) The rating increase be 8.0% as approved by the Independent Pricing and Regulatory Tribunal (IPART);
- b) For Ordinary Rates:
 - The Residential Sector to pay 69% of the total levy and the Business Sector to pay 31% of the total levy.
 - The Residential Sector component to comprise a base and ad valorem levy, each comprising 50% of the total residential levy.
 - The Business Sector component be comprised of a ad valorem levy subject to minimum levy.
- c) For Special Infrastructure Rates:
 - The Residential Sector to comprise 69% and the Business Sector 31% of the total levy.
 - The Residential and Business Sectors to be based on land values, i.e. an ad valorem levy.
- d) That the following rates be made for the 2016/2017 rating year in accordance with Chapter 15, parts 4 and 5 of the Local Government Act 1993:
 - An ordinary residential rate of 0.185361 cents in the dollar on the land value of all rateable land categorised as Residential in the City, together with a residential base rate of \$450.44 per assessment be made and levied for the rating year of 1 July 2016 to 30 June 2017.
 - An ordinary business rate of 0.728398 cents in the dollar on the land value of all rateable land categorised as Business in the City subject to a minimum charge of \$1,026.25 per assessment be made and levied for the rating year 1 July 2016 to 30 June 2017.

- A special infrastructure rate of 0.023207 cents in the dollar on the land value of all rateable land categorised as Residential in the City be made and levied for the rating year 1 July 2016 to 30 June 2017.
 - A special infrastructure rate of 0.046510 cents in the dollar on the land value of all rateable land categorised as Business in the City be made and levied for the rating year 1 July 2016 and 30 June 2017.
- e) That the short names of each form of rate and charge pursuant to Section 453 of the Act, shall be as follows:

Ordinary Rates

- Residential Ordinary Rate
- Residential Base Amount
- Business Ordinary Rate
- Business Minimum Rate

Special Rates

- Infrastructure Special Rate Residential
- Infrastructure Special Rate Business

Stormwater and Waste Management Service Charges

- Stormwater Management Service Charges for Residential and Business parcels of land shall be known by the name of Stormwater Management Charge
- Waste Management Service Charges for Residential rateable land shall be known by the name of Domestic Waste Management Charge.

Pensioner Rebate

The pensioner rate rebates continue to apply with eligible pensioners receiving a rebate on their Rates and Domestic Waste Management Charge, to a maximum of \$250, plus an additional \$15 from Council, in accordance with Council's Policy.

Stormwater Management Levy

Council maintains a Stormwater Management Levy on all residential and business properties within the City to fund critical drainage infrastructure items.

The proposed Stormwater Management Levies for 2016/2017 are:

Residential	\$25.00 p.a. per property
Residential (Strata lots)	\$12.50 p.a. per property
Business	\$25.00 per 350sqm capped at \$500.00
Business (Strata Lots)	\$12.50 p.a. per property

The Stormwater Management Levy will yield an estimated \$1,280,000 in 2016/2017.

Mayor and Councillor' Fee for 2016/2017

Holroyd City Council is currently classified as a 'Metropolitan' Council for the purposes of determining levels of Mayoral and Councillor Remuneration.

The remuneration levels determined by the NSW Local Government Remuneration Tribunal for Category – 'Metropolitan' for 2016/2017 are as follows:

	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Metropolitan	\$8,540	\$18,840	\$18,180	\$41,090

**This fee must be paid in addition to the fee paid to the Mayor as a Councillor (s249 (2))*

The existing Mayoral Fee (\$40,090 per annum) and Councillor Fee (\$18,380 per annum) are based on the maximum allowable.

Based on the current Mayor/Councillor Fee Structure, it is recommended that the Mayoral and Councillor Fees for 2016/2017 be set at:

Mayoral Fee \$41,090 per annum

Councillor Fee \$18,840 per annum

The proposed Fees for 2016/2017 represent an increase of \$1,000 (2.5%) per annum for the Mayoral Fee and \$460 (2.5%) per annum for the Councillor Fee.

Conclusion:

The following documents are recommended for adoption and to be placed on public exhibition for 28 days from 4 May 2016 to 2 June 2016:

Documents for comment:

- Draft 2013-2017 Delivery Program(incorporating the Draft 2016/2017 Operational Plan, Draft 2016/2017 Capital Works Program, Draft 2016/2017 Stormwater Management Program);
- Draft 2016/2017 Operational Budget (reflected in the Draft Delivery Program);
- Draft 2016/2017 Revenue Policy including Draft 2016/2017 Fees and Charges.

The above mentioned documents can be viewed on Council's website <http://www.holroyd.nsw.gov.au/your-council/council-meetings/> and hard copies can be viewed at Council's Administration Building.

Consultation:

Pursuant to Section 404(4) and 405(6) of the Local Government Act 1993, Council must adopt and give public notice of its Draft Delivery Program and Draft Operational Plan and allow no less than 28 days for public exhibition before final adoption.

The draft documents referenced in this report and tabled at this meeting will be placed on public exhibition from 4 May 2016 to 2 June 2016 for a period of 28 days. Following exhibition, all documents will be re-submitted to Council for adoption, after consideration of any submissions, at the Council meeting of 7 June 2016.

The Draft 2013-2017 Delivery Program (incorporating the Draft 2016/2017 Operational Plan) and associated documents will be exhibited at Council's Civic Centre in the Exhibition Kiosk, Council Libraries, on Council's website (www.holroyd.nsw.gov.au), and Council's Facebook and Twitter pages.

Advertisements will also appear in the Corporate Pages of the Local Newspapers for the duration of the exhibition period.

Financial Implications:

This report presents a balanced Draft 2016/2017 Operational Budget which takes into account the approved Special Rate Variation and Council's Long Term Financial Plan.

Policy Implications:

There are no policy implications for Council associated with this report.

Communication / Publications:

The relevant draft Documents will be placed on public exhibition as referred to in this report:

- Draft 2013-2017 Delivery Program(incorporating the Draft 2016/2017 Operational Plan, Draft 2016/2017 Capital Works Program, Draft 2016/2017 Stormwater Management Program);
- Draft 2016/2017 Operational Budget (reflected in the Draft Delivery Program);
- Draft 2016/2017 Revenue Policy including Draft 2016/2017 Fees and Charges.

The above mentioned documents can be viewed on Council's website <http://www.holroyd.nsw.gov.au/your-council/council-meetings/> and hard copies can be viewed at Council's Administration Building.

Report Recommendation:

- i) That Council resolve to place on public exhibition, for the period from 4 May 2016 to 2 June 2016, the following documents pursuant to Section 405 of the Local Government Act 1993:
 - Draft 2013-2017 Delivery Program(incorporating the Draft 2016/2017 Operational Plan, Draft 2016/2017 Capital Works Program, Draft 2016/2017 Stormwater Management Program);
 - Draft 2016/2017 Operational Budget (reflected in the Draft Delivery Program);
 - Draft 2016/2017 Statement of Revenue Policy including Draft 2016/2017 Fees and Charges.
- ii) That Council propose in the Draft 2016/2017 Statement of Revenue Policy, a rate levy for 2016/2017 as follows:
 - a) The rating increase be 8.0% as approved by the Independent Pricing and Regulatory Tribunal (IPART);
 - b) For Ordinary Rates:
 - The Residential Sector to pay 69% of the total levy and the Business Sector to pay 31% of the total levy.
 - The Residential Sector component to comprise a base and ad valorem levy, each comprising 50% of the total residential levy.
 - The Business Sector component be comprised of a ad valorem levy subject to a minimum levy.
 - c) For Special Infrastructure Rates:
 - The Residential Sector to comprise 69% and the Business Sector 31% of the total levy.
 - The Residential and Business Sectors to be based on land values, i.e. an ad valorem levy.

- d) That the following rates be proposed for the 2016/2017 rating year in accordance with Chapter 15, parts 4 and 5 of the Local Government Act 1993:
- An ordinary residential rate of 0.185361 cents in the dollar on the land value of all rateable land categorised as Residential in the City, together with a residential base rate of \$450.44 per assessment be made and levied for the rating year of 1 July 2016 to 30 June 2017.
 - An ordinary business rate of 0.728398 cents in the dollar on the land value of all rateable land categorised as Business in the City subject to a minimum charge of \$1,026.25 per assessment be made and levied for the rating year 1 July 2016 to 30 June 2017.
 - A special infrastructure rate of 0.023207 cents in the dollar on the land value of all rateable land categorised as Residential in the City be made and levied for the rating year 1 July 2016 to 30 June 2017.
 - A special infrastructure rate of 0.046510 cents in the dollar on the land value of all rateable land categorised as Business in the City be made and levied for the rating year 1 July 2016 and 30 June 2017.
- e) That the short names of each form of rate and charge pursuant to Section 453 of the Act, shall be as follows:

Ordinary Rates

- Residential Ordinary Rate
- Residential Base Amount
- Business Ordinary Rate
- Business Minimum Rate

Special Rates

- Infrastructure Special Rate Residential
- Infrastructure Special Rate Business

Stormwater and Waste Management Service Charges

- Stormwater Management Service Charges for Residential and Business parcels of land shall be known by the name of Stormwater Management Charge
- Waste Management Service Charges for Residential rateable land shall be known by the name of Domestic Waste Management Charge.

- iii) That the pensioner rate rebates continue to apply with eligible pensioners receiving a rebate on their Rates and Domestic Waste Management Charge, to a

maximum of \$250, plus an additional \$15 from Council, in accordance with Council's Policy.

- iv) That the following Stormwater Management Levy be proposed:

Residential - \$25.00 per property

Residential (Strata lots) - \$12.50 per Strata Unit

Business - \$25.00 per 350 sqm capped at \$500 per property maximum

Business (Strata lots) - \$12.50 per Strata Unit

- v) That Council include in the Draft 2016/2017 Operational Budget, a Domestic Waste/ Recycling Service Charge for 2016/2017 of \$447 per annum for each parcel of rateable occupied residential land for which a service is available and \$150 per annum for each parcel of vacant rateable residential land for which a service is available.
- vi) That the Mayor and Councillor Fees for 2016/2017 be set at \$41,090 per annum for the Mayor and \$18,840 per annum for Councillors.
- vii) That Council at its meeting on 7 June 2016 consider any public submissions and considering adopting the Draft 2013-2017 Living Holroyd Delivery Program and associated documents.

Attachments:

Nil

Youth Achievement Program - Request for Financial Assistance - Harrison Revai

Responsible Department: Library and Community Services
Executive Officer: Director of Library & Community Services
File Number: INFOC/16 - BP16/445
Delivery Program Code: 2.4.1 Manage the range of grant funding programs

Summary:

An application for financial assistance under the Youth Achievement Program has been received from Mr Harrison Revai requesting a donation to assist with the costs associated with competing in the 2016 World Junior Ultimate Championships Under 20 Boys Ultimate Frisbee Team that will be held 31 July- 6 August 2016.

Report:

An application for financial assistance under the Youth Achievement Program was received from Mr Harrison Revai on 13 April 2016. Mr Revai is 18 years old, lives in Greystanes, and was selected to participate in the Australian Under 20 Boys Ultimate Frisbee Team for the 2016 World Junior Ultimate Championships in Poland. He has requested \$500 to assist with travel and tournament fees associated with competing in the 2016 World Junior Ultimate Championships that will be held 31 July- 6 August 2016.

Conclusion:

The Youth Achievement Program offers donations of up to \$500 for individual eligible applicants. This application meets the requirements of the Youth Achievement Program, and the applicant has provided the necessary information. It is recommended that the application be approved.

Consultation:

There are no consultation processes for Council associated with this report.

Financial Implications:

Funds are available in the 2015/2016 budget for the Youth Achievement Program.

Policy Implications:

There are no policy implications for Council associated with this report.

Communication / Publications:

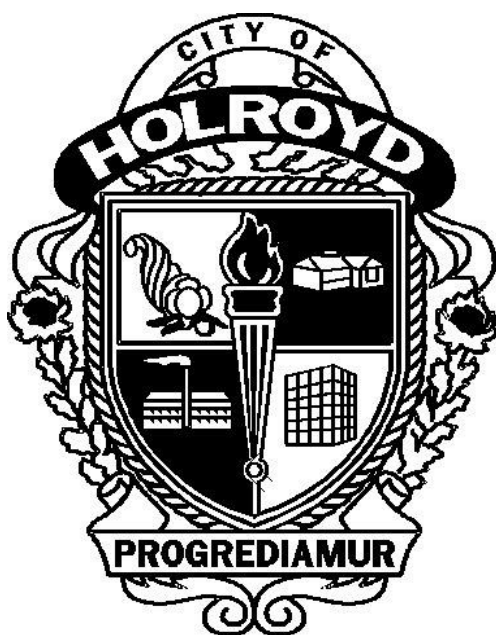
There are no communication / publication issues for Council associated with this report.

Report Recommendation:

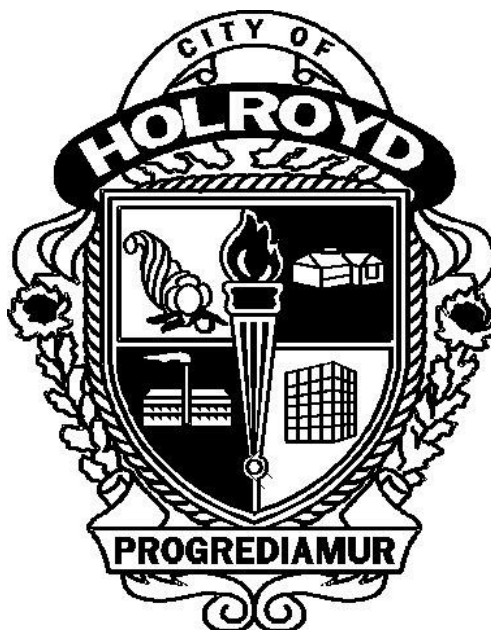
That \$500 be donated under Council's Youth Achievement Program to Mr Revai to assist with travel and tournament fees involved in competing in the 2016 World Junior Ultimate Championships Under 20 Boys Ultimate Frisbee Team held in Poland on 31 July- 6 August 2016.

Attachments:

Nil



COUNCIL



COUNCIL

**Index of the Meeting of the Council of the City
of Holroyd, held in Council Chambers,
Memorial Ave, Merrylands on Tuesday, 3 May
2016.**

Summary:

CCL025-16	SUBJECT: REGISTRATION OF RESTRICTION ON THE USE OF LAND AND POSITIVE COVENANT ON VARIOUS DEVELOPMENT SITES BP16/453	103
CCL026-16	SUBJECT: REGISTER OF REPORTS TO BE CONSIDERED BY COUNCIL BP16/488	105
CCL027-16	SUBJECT: NOTICE OF MOTION OF RESCISSION - CLRS. NASR KAFROUNI, CLR. DR. BRODIE AND CLR. WHITFIELD BP16/487	107

Registration of Restriction on the Use of Land and Positive Covenant on Various Development Sites

Responsible Department: Engineering Services
 Executive Officer: Director of Engineering Services
 File Number: INFOC/1 - BP16/453
 Delivery Program Code: 6.3.2 Implement floodplain management actions/plans

CCL025-16

Summary:

Approval is sought to affix the Common Seal of Council on the Restriction on the Use of Land and Positive Covenant relating to the Stormwater Management and overland flowpath.

Report:

A number of development sites require the provision of an On-site Stormwater Detention (OSD) system as a condition of consent. The following sites are:

Development Consent	Address	Stormwater Management (OSD, CL)	Lot and Deposited Plan
2014/369	7 Boronia Street, South Wentworthville	OSD	Lot 42, DP 9267
2014/224	11-15 Robilliard Street, Mays Hill	OSD	Lot 1, DP 1216102

As the detention systems are now complete, the owner of the properties listed above are required to lodge a Restriction on the Use of Land and Positive Covenant with the Department of Lands NSW, to ensure protection and ongoing maintenance of the detention systems.

An applicant for a Section 68 Activity Application for a charged line stormwater system (CL) in relation to a Complying Development Certificate is also required to lodge a Restriction on the Use of Land and Positive Covenant with the Department of Lands NSW.

S68	Address	Stormwater Management (CL)	Lot and Deposited Plan
2015/5179	77 Edna Avenue, Merrylands West	CL	Lot 76, DP 27096

All the above Restriction On Use and Positive Covenant documents are required to be executed by Council under its Common Seal.

Consultation:

There are no consultation processes for Council associated with this report.

Financial Implications:

There are no financial implications for Council associated with this report.

Policy Implications:

There are no policy implications for Council associated with this report.

Communication / Publications:

There are no communication / publication issues for Council associated with this report.

Report Recommendation:

That the Common Seal of Council be affixed to the "Request Forms (13RPA & 13PC)" in respect of the following properties:

Development Consent	Address	Stormwater Management (OSD, PCD, OF)	Lot and Deposited Plan
2014/369	7 Boronia Street, South Wentworthville	OSD	Lot 42, DP 9267
2014/224	11-15 Robilliard Street, Mays Hill	OSD	Lot 1, DP 1216102

S68	Address	Stormwater Management (CL)	Lot and Deposited Plan
2015/5179	77 Edna Avenue, Merrylands West	CL	Lot 76, DP 27096

Attachments:

Nil

Register of Reports to be Considered by Council

Responsible Department: Corporate and Financial Services
Executive Officer: Director of Corporate & Financial Services
File Number: INFOC/1 - BP16/488
Delivery Program Code: 17.2.1 Deliver efficient administrative support and governance on a corporate basis for Councillors, staff and community

Summary:

The purpose of this report is to provide Councillors with a Register of Reports to be considered by Council as at 3 May 2016.

Report:

The Register of Reports to be considered by Council for the period as at 3 May 2016 is attached to this report.

Consultation:

There are no consultation processes for Council associated with this report.

Financial Implications:

There are no financial implications for Council associated with this report.

Policy Implications:

There are no policy implications for Council associated with this report.

Communication / Publications:

There are no communication / publication issues for Council associated with this report.

Report Recommendation:

That the report be received.

Attachments:

1. Register of Outstanding Reports

Notice of Motion of Rescission - Ctrs. Nasr Kafrouni, Clr. Dr. Brodie and Clr. Whitfield

Responsible Department: General Manager
 Executive Officer: General Manager
 File Number: INFOC/1 - BP16/487
 Delivery Program Code: 17.2.1 Deliver efficient administrative support and governance on a corporate basis for Councillors, staff and community

We, Councillors Nasr Kafrouni, Dr. John Brodie and Yvette Whitfield, hereby GIVE NOTICE that at the next Ordinary Meeting of Council to be held on Tuesday, 3 May 2016 we shall move the following Motion of Rescission:

"That Council rescind its decision set out in Item No. DCS010-16 dated 19 April 2016, namely:

- i) Council proceed with preparing a revised planning proposal for the Bonds Spinning Mills site, which rezones the site for R4 High Density Residential, B2 Local Centre and RE1 Public Recreation as per the land use zoning map in Attachment 3.*
- ii) In relation to maximum building height and FSR development standards for the planning proposal, Council resolve in accordance with Option 2 in Attachment 3, to read as follows:*
 - "i) Maximum building heights of 14m (approx. 3-4 storeys) between Dunmore Street and the proposed park, 39m (adjusted to ADG heights for approx. 12 storeys) in the centre of the site, 12.5m (approx. 3 storeys) along the southern boundary and 27m (adjusted to ADG heights for approx. 8 storeys) for the remainder of the southern part of the site.*
 - ii) Maximum floor space ratio of 0.7:1 for the B2 business zone, 1.2:1 for the northern R4 residential zoned part of the site and 1.9:1 for the southern R4 residential zoned part of the site calculated at approximately 1,260 dwellings."*
- iii) Council endorse the Draft Conservation Management Plan for the purpose of public exhibition following the inclusion of suitable acknowledgement of the site's State heritage significance and the Addendum providing diagrammatic guidance for built form and interpretation strategies, to the satisfaction of the Director Environmental and Planning Services.*
- iv) Council endorse the Traffic and Transport Report and Planning Proposal report for public exhibition subject to identification of a preferred option to address the traffic capacity issues at the Gilba Road/Pendle Way intersection, to be approved by the*

Holroyd Traffic Committee and any revised costings/works included in the revised Section 94 Plan.

- v) *The following be provided to Council for endorsement prior to public exhibition of the proposal:*
 - a) *A Conservation Management Plan fully incorporating the addendum and acknowledgement of the site's State significance.*
 - b) *A revised Development Control Plan incorporating the amendments recommended in this report.*
 - c) *Updated traffic report, Planning Proposal report and any other relevant documentation reflecting the preferred intersection upgrade option, correct parking provision in accordance with SEPP 65 and Holroyd DCP 2013 for both residential and commercial uses and indicating that all visitor parking for the residential development would be provided on private land."*

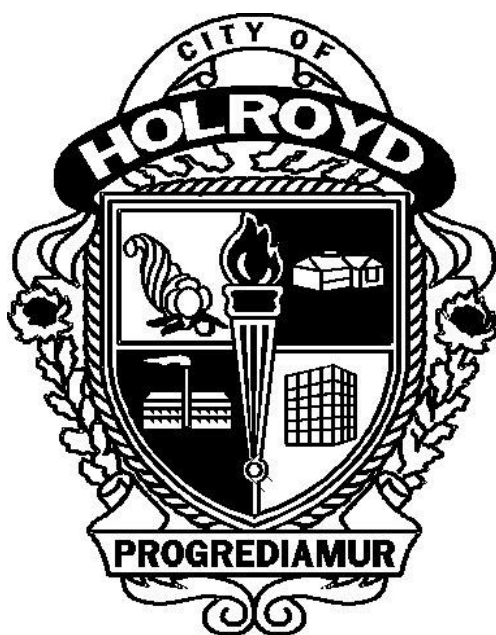
In the event that the Motion above is adopted, we move the following substitute motion:

- "i) *That Council proceed with preparing a revised planning proposal for the Bonds Spinning Mills site, which rezones the site for R4 High Density Residential, B2 Local Centre and RE1 Public Recreation as per the land use zoning map in Attachment 3.*
- ii) *That, in relation to maximum building height and FSR development standards for the planning proposal, Council resolve in accordance with Option 2 in Attachment 3.*
- iii) *That Council endorse the Draft Conservation Management Plan for the purpose of public exhibition following the inclusion of suitable acknowledgement of the site's State heritage significance and the Addendum providing diagrammatic guidance for built form and interpretation strategies, to the satisfaction of the Director Environmental and Planning Services.*
- iv) *That Council endorse the Traffic and Transport Report and Planning Proposal report for public exhibition subject to identification of a preferred option to address the traffic capacity issues at the Gilba Road/Pendle Way intersection, to be approved by the Holroyd Traffic Committee and any revised costings/works included in the revised Section 94 Plan.*
- v) *That the following be provided prior to public exhibition of the proposal:*
 - a) *A Conservation Management Plan fully incorporating the addendum and acknowledgement of the site's State significance.*

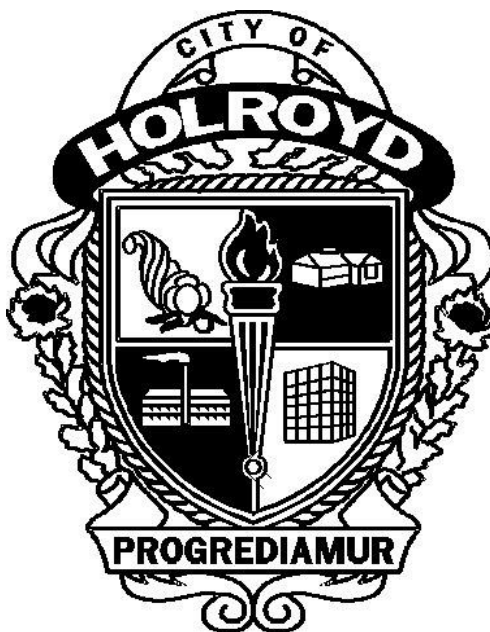
- b) *A revised Development Control Plan incorporating the amendments recommended in this report.*
- c) *Updated traffic report, Planning Proposal report and any other relevant documentation reflecting the preferred intersection upgrade option, correct parking provision in accordance with SEPP 65 & Holroyd DCP 2013 for both residential and commercial uses and indicating that all visitor parking for the residential development would be provided on private land."*

SIGNED:

COUNCILLOR NASR KAFROUNI
COUNCILLOR DR. JOHN BRODIE
COUNCILLOR YVETTE WHITFIELD



CLOSED COUNCIL



CLOSED COUNCIL

**Index of the Meeting of the Closed Council of
the Council of the City of Holroyd, held in
Council Chambers, Memorial Ave, Merrylands
on Tuesday, 3 May 2016.**

Summary:

COTW011-16 SUBJECT: MERRYLANDS CITY CENTRE CARPARK
STRATEGY - IDENTIFICATION OF ADDITIONAL LAND
BP16/493