

4-14 Welsford Street, Merrylands

Responsible Department:	Environmental and Planning Services
Executive Officer:	Director of Environmental & Planning Services
File Number:	INFOC/19 - BP13/299
Delivery Program Code:	B3.2.1 - Ensure development is consistent with LEP and DCP requirements and vision
Application Number:	2012/413/1
Property:	4-14 Welsford Street, Merrylands
Proposal:	Demolition of existing structures; consolidation of land into 1 lot; construction of 19 dwellings, being 2 x 1 bedroom, 13 x 2 bedroom, 3 x 3 bedroom and 1 x 4 bedroom, with 12 parking spaces and removal of trees under the Affordable Rental Housing SEPP 2009
Applicant:	NSW Land and Housing Corporation
Owner:	NSW Land and Housing Corporation
Land Zoning:	Residential 2(a) under Holroyd Local Environmental Plan 1991 and R2 Low Density Residential under Proposed Holroyd Local Environmental Plan 2013

Summary:

This Crown Development Application (DA 2012/413) proposes the demolition of 6 existing public housing dwellings and associated outbuildings; consolidation of land into 1 lot; construction of 19 dwellings, being 2 x 1 bedroom, 13 x 2 bedroom, 3 x 3 bedroom and 1 x 4 bedroom, with 12 parking spaces and removal of trees under the Savings and Transitional provisions of Clause 54A of the Affordable Rental Housing SEPP 2009.

The application was placed on public notification from 7/11/12 to 28/11/12 and 6) submissions objecting to the proposed development were received. The issues raised in the submissions are discussed in the body of the report.

Council engaged a Town Planning Consultant to undertake an assessment of the application under the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Holroyd Local Environment Plan 1991, Proposed Holroyd Local Environmental Plan 2013 and Holroyd Development Control Plan 2007.

The proposed development is considered to be an acceptable infill affordable housing development consistent with the local built character. The proposed development complies with the provisions of the Affordable Rental Housing SEPP and is consistent

with the relevant provisions of Holroyd Local Environmental Plan 1991, Proposed Holroyd Local Environmental Plan 2013 and Holroyd Development Control Plan 2007. The application is referred to Council for determination and is recommended for approval.

As a Crown Development Application, Section 89 of the Environmental Planning & Assessment Act 1979 stipulates that Council, as the consent authority, cannot impose a condition of consent, except with the approval of the applicant or the Minister. Further, Council cannot refuse a Crown Development Application, except with the approval of the Minister. In this regard, should Council resolve to support the application, then the recommended conditions of consent will need to be forwarded to the applicant and/or the Minister for concurrence prior to the issue of a Notice of Determination (it is noted that in this instance, the Minister's delegates have reviewed the conditions of consent in the draft notice of determination attached hereto). However, should Council be of a mind to refuse the application, then the application will need to be referred to the applicable regional panel (i.e., The Sydney West Joint Regional Planning Panel). If the regional panel also resolves to refuse the application, then the application must be referred to the Minister for determination.

As previously mentioned, an independent planning consultant has been engaged to prepare an independent assessment and report to Council on the matter. In this regard, the subject report and recommendations contained herein have been prepared by Andrew Robinson Planning Services.

Critical Dates/Application History

Date	Action
24/10/12	DA 2012/413 lodged.
25/10/12	Deferral letter sent on the following grounds: • Drainage easement • BASIX Certificate 14 days given to respond.
25/10/12	Referrals sent.
07/11/12 – 28/11/12	Public notification of the proposal. 6 submissions received.
08/11/12	Application referred to Independent Consultant Planner for assessment.
13/11/12	Additional information and amended plans received.
28/11/12	Referrals completed.
20/12/12	Deferral letter sent on the following grounds: • On Site Detention • Traffic and parking • Waste management • Statement of Environmental Effects 21 days given to respond.
31/01/13 – 12/02/13	Additional information and amended plans received.
13/02/13	Referrals sent.
06/03/13	Referrals completed.
19/03/13 – 08/04/13	Land & Housing Corporation reviewing conditions in consultation with Council.
07/05/13	DA 2012/431 referred to Council for determination.

Locality

The subject site, known as Nos. 4-14 Welsford Street, comprises 6 allotments (Lots 40-45, DP 12655) and is located on the western side of Welsford Street in Merrylands, approximately 1.6km north-west of the Merrylands Town Centre. The site has a frontage to Welsford Street of 91.44m, a depth of 45.72m and an overall area of 4,180m². The land slopes away from Welsford Street towards the rear, with fall of approximately 2m and a slight cross-fall to the south-west.

The site is currently occupied by 6 free standing single storey fibro and tile roof dwellings of average condition. Concrete strip driveways provide vehicular access from Welsford Street. One of the properties has a detached fibro sheet and metal roof garage and another has an aviary and metal sheds in the rear garden. The dwellings are all owned by Land and Housing Corporation and have been used as affordable housing.

There are a total of 26 trees across the entire site, none of which are local indigenous species, or have any special ecological or heritage significance.

The surrounding built form is typical of an established low density residential neighbourhood, comprising single and two storey dwelling houses and ancillary outbuildings, together with some newer two storey dwellings and in-fill villa and townhouse developments.

Adjoining either side of the development site at Nos. 2 and 16 Welsford Street are single storey fibro dwellings. Opposite the site, the eastern side of Welsford Street contains a mix of single and two storey dwellings, interspersed with several villa developments. To the rear of the site there are single and two storey dwellings that have frontage to Frances Street.

Existing affordable (public) housing developments in the locality are at No. 5 Welsford Street and to the south at Nos. 53-61 Hilltop Road.

No. 13 Frances Street (Lot 58, DP 12655) that adjoins the rear boundary of the site, is burdened by a 1.25m wide drainage easement into which a drainage pipe is to be installed in order to drain stormwater from the site to Council's stormwater drainage system in Frances Street. A copy of the registered easement was submitted with the application.

Background

In 2010 the NSW Land and Housing Corporation lodged a development application (DA 2010/642) for an affordable housing development on this site comprising 23 dwellings and 26 parking spaces. However, following an initial assessment and the public notification period, a number of issues of concern were raised. After consideration of the issues raised by Council and the community, the Land and Housing Corporation chose to withdraw the application.

However, the scheme for the site has now been redesigned and constitutes the current application being considered in this report.

Proposal

This application seeks consent to:

- Demolition of 6 existing dwelling houses and associated structures, including sheds, fences and driveways;
- Removal of 26 trees, 17 of which require approval to remove and 9 which are listed as 'exempt' under Council's Tree Preservation Order;

- Construction of 19 in-fill affordable housing dwellings consisting of 2 x 1 bedroom, 13 x 2 bedroom, 3 x 3 bedroom and 1 x 4 bedroom, in 2 blocks (Blocks A & B);
- Car parking for 12 vehicles;
- Associated site works and landscaping; and
- Consolidation of 6 lots into 1 allotment.

The built form consists of eight free standing buildings in 2 blocks, one and two storeys in height. 15 of the dwellings are single level, with 5 of these single level dwellings located at the upper level. The remaining 4 dwellings are 2 storey dwellings. The dwelling sizes range between 64m² and 134m². 6 of the 19 dwellings (1 x 1 bedroom, 4 x 2 bedroom & 1 x 4 bedroom) have been nominated as 'adaptable' dwellings (i.e., Unit Nos. 1, 5, 6, 9, 10 and 13). Each of the ground floor dwellings is provided with a private courtyard / patio that are directly accessible from the living area. The upper level dwellings are each provided with balconies with a minimum dimension of 2m.

A total of 5 driveway crossings are proposed from Welsford Street, with 2 common driveways and 3 individual driveways direct to the garages of 3 of the dwellings. 7 of the dwellings have integrated garages, 1 has a carport and there are 4 open stand spaces. Of the 4 open stand spaces, 2 are designated as accessible spaces.

Assessment

Section 79C (1) Matters for Consideration

An assessment against the relevant matters referred to in Section 79C (1) of the Environmental Planning and Assessment Act 1979 is provided below:

(a) the provisions of:

(i) any environmental planning instrument, and"

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) is the principle environmental planning instrument guiding affordable rental housing in NSW. In this regard, the provisions of the SEPP prevail over other environmental planning instruments.

The SEPP defines affordable housing as *housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument*. The SEPP goes on to say that residential development is taken to be for the purposes of affordable housing

if the development is on land owned by the Land and Housing Corporation. The land to which this application relates is owned by the Land and Housing Corporation and therefore constitutes affordable housing.

The proposed development is permissible with consent under Division 1 – Infill Affordable Housing of the ARH SEPP. However, the application relies on the Savings and Transitional provisions at Clause 54A of the SEPP which allows the Land and Housing Corporation to continue to carry out development proposals before changes were made under the amending SEPP in May 2011, provided that the developments are commenced no later than 2 years after the amendment (i.e. prior to 20 May 2013). The NSW Land and Housing Corporation has advised it intended to commence this development prior to that date.

Subclause 54A(3) of the SEPP states that *if an existing application relates to development to which Division 1 or 3 of Part 2 applied, the consent authority must not consent to the development unless it has taken into consideration whether the design of the development is compatible with the character of the local area*. Accordingly, a discussion on the compatibility of the proposed development in the context of the existing local character is provided below:

The existing built character in the surrounding locality bounded by Frances Street to the west, Janet Street to the north, Coleman Street to the east and Hilltop Road to the south of the site is predominately low density single and two storey free standing residential development interspersed with a number of more contemporary medium density housing developments in the form of single and two storey townhouse and villa style developments. As such, although the locality is predominantly an established residential neighbourhood of older style dwellings, the built form and streetscape character is beginning to change, as newer homes and medium density developments are constructed and the densities increase. Therefore, the proposed development, which combines an appropriate mix of single and two storey buildings broken into 8 separate buildings will be compatible with the emerging built form and character and will make a positive contribution to the built form and character of the locality.

The provision of 4 driveway crossings and the architectural expression of the 4 buildings that front Welsford Street maintains an acceptable streetscape rhythm and character. Although introducing two storey built form into a site that currently contains only single storey buildings, two storey buildings are acceptable in terms of their scale and relationship to adjoining buildings in a low density residential setting. The introduction of considerable landscaping, together with the retention of the existing street trees will soften the visual impact of the buildings and present an attractive setting, improving the overall landscape quality of the locality.

An assessment of the proposed development against the relevant provisions of the ARH SEPP is provided in the Table below:

Clause	Comment	Compliance
<i>Cl. 10 Land to which Division applies:</i>		
(1) Division applies to a development site within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of dwelling houses, multi-dwelling housing or residential flat buildings is permissible within the zone: (a) R1 General Residential, (b) R2 Low Density Residential, (c) R3 Medium Density Residential, (d) R4 High Density Residential.	The site is Zoned No 2(a) (Residential 'A' Zone) under HLEP 1991 and dwelling houses and medium density housing are permissible within the zone. The Residential 2(a) zone is considered to be equivalent to the R2 Low Density Residential zone under the Standard Instrument.	Yes
(2) Despite subclause (1), this Division does not apply to a development site in the Sydney region unless all or part of the development site is within:		
(a) 800m walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or	The site is not located within 800m walking distance to a railway station or wharf.	N/A
(b) 400m walking distance of a public entrance to a light rail station or in the case of a light rail station with no entrance, 400m walking	The site is not located within 400m walking distance of a light rail station.	N/A

distance of a platform of the light rail station, or (c) 400m walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 18.00 each day from Monday to Friday (both days inclusive). (3) Despite subclauses (1) and (2), this Division does not apply to land identified in an environmental planning instrument as being within a scenic protection area unless development with a building height of 8.5 metres or more is permitted on the land.	The site is within 400m walking distance from a bus stop served by Westbus Routes 810 and 811. Services run along Hilltop Rd, providing public transport to Parramatta, Liverpool and Merrylands commercial centres. These services operate regularly (at least 1 per hour between 6am and 6pm) Monday to Friday (both days inclusive). Not applicable, as the site is not located within a scenic protection area identified in an environmental planning instrument.	Yes N/A
<i>Cl. 11 Development to which Division applies</i> This Division applies to the following development types: (a) development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings where at least 50% of the dwellings will be used for affordable housing, but only if:	The proposal is for both multi dwelling housing and a residential flat building and is being carried out by the L&HC. Accordingly, 100% of the dwellings will be used for affordable housing.	Yes

i. the development does not result in a building with a building height of more than 8.5 metres, and	The development does not propose a building height of more than 8.5m.	Yes
ii. in the case of development for the purposes of a residential flat building— residential flat buildings are not permissible on the land otherwise than because of this Policy,	Residential flat buildings are not permissible on the subject land otherwise than because of the ARH SEPP.	Yes
(b) development for the purposes of residential flat buildings where at least 20% of the dwellings will be used for affordable housing, but only if:	The development is being undertaken by the LAHC and accordingly, 100% of the dwellings will be used for affordable housing.	Yes
i. residential flat buildings are permissible on the land otherwise than because of this Policy, and	Residential flat buildings are not permissible on the subject land otherwise than because of the ARH SEPP.	Yes
ii. the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register.	No heritage items are located on the site.	Yes
<i>Cl. 12 Development may be carried out with consent</i> Development to which this Division applies may be carried out with consent.	The proposed development complies with Clauses 10 & 11 of ARH SEPP and therefore, may be carried out with consent.	Yes

<i>Cl. 13 Residential flat buildings where such buildings permissible</i> (1) This clause applies to development referred to in clause 11(b).	Residential Flat Buildings are not permissible in the 2(a) zone. Therefore, Cl. 13 of the ARH SEPP does not apply.	N/A
<i>Cl. 14 Standards that cannot be used to refuse consent:</i> (1) A consent authority must not refuse consent to development referred to in Clause 11(a) on any of the following grounds: (a) density and scale: in respect of a development application lodged before 30 June 2011 — if the density and scale of the buildings when expressed as a floor space ratio are not more than the higher of: i. the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which it is proposed to carry out the development, or ii. 0.75:1, and in respect of a development application lodged on or after 30 June 2011 — if the density and scale of the buildings when expressed as a floor space ratio are not more than the higher of: iii. the existing maximum	This does not apply as the DA for the subject development is being lodged after 30 June 2011. Not applicable. Not applicable. This applies as the application was lodged after 30 June 2011. HLEP 1991 does not prescribe a	N/A N/A Yes Yes Yes

floor space ratio for any form of residential accommodation permitted on the land on which it is proposed to carry out the development, or iv. 0.5:1,	maximum floor space ratio for any form of residential accommodation permitted on the land.	
	Holroyd DCP 2007 prescribes a maximum FSR of 0.5:1. The proposed FSR is 0.40:1, which satisfies the FSR requirement under HDCP 2007, and complies with the FSR of 0.5:1 specified under the ARH SEPP.	Yes
(b) site area: if the site area on which it is proposed to carry out the development is at least 450m²,	The site area is 4,180.6m².	Yes
(c) landscaped area if, in the case of a development application made by a social housing provider—at least 35m² of landscaped area per dwelling is provided,	The NSW L&HC is a social housing provider and the proposed 19 dwellings require 665m² of landscaped area. The development provides for 1,475m² of landscaping equivalent to 77.6m² per dwelling.	Yes
(d) deep soil zones: if, in relation to that part of the site that is not built on, paved or otherwise sealed:		
i. there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and	The proposed development includes a total deep soil zone of 732m², which is equivalent to 17.5% of the site area.	Yes

ii. each area forming part of the deep soil zone has a minimum dimension of 3 metres, and	The area of the deep soil zone has been calculated only utilising areas with dimensions of 3m or greater.	Yes
iii. if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,	Two thirds of the deep soil requirement for the site is 417m ² . A deep soil area of 660m ² is provided at the rear of the site.	Yes
(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	79% (15 of the 19) of the dwellings will receive more than 3 hours of direct sunlight between 9am and 3pm in mid-winter.	Yes
(2) General		
A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:		
(a) parking if:		
i. in the case of a development application made by a social housing provider—at least 1 car space is provided for each 5 dwellings, or	The NSW L&HC is a social housing provider and therefore 4 car spaces are required. A total of 12 spaces have been provided.	
ii. in any other case—at least 0.5 car spaces are provided for each dwelling,	Not applicable.	
(b) dwelling size if each dwelling has a gross floor area of at least:		
i. 35m ² in the case of a	Not applicable.	

bedsitter or studio, or		
ii. 50m ² in the case of a dwelling having 1 bedroom, or	The 1 bedroom dwellings have a minimum floor area of 64m ² .	Yes
iii. 70m ² in the case of a dwelling having 2 bedrooms, or	The 2 bedroom dwellings have a minimum floor area of 78m ² .	Yes
iv. 95m ² in the case of a dwelling having 3 or more bedrooms.	The proposed 3 bedroom dwellings have a minimum floor area of 95m ² and the 4 bedroom dwelling has a floor area of 134m ² .	Yes
(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).	The development complies with the standards set out in subclause (1) or (2).	Yes
<i>Cl. 15 Design requirements</i>		
(1) A consent authority must not consent to development unless it has taken into consideration the provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.	The provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> have been taken into consideration and an assessment of the proposal against these provisions is summarised in a Table later in this report.	Yes
(2) This clause does not apply to development for the purposes of a residential flat building if <i>State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development</i> applies to the development.	SEPP 65 applies to development of 3 or more storeys with 4 or more dwellings. However, the proposed development is only 2 storeys in height. Therefore the provisions of SEPP 65 do not apply.	N/A

Cl. 16 Continued application of SEPP 65 Nothing in this Policy affects the application of <i>State Environmental Planning Policy No 65—Design Quality of Residential Flat Development</i> to any development to which this Division applies.	As the proposed development is 2 storeys in building height, SEPP 65 does not apply.	N/A
Cl. 18 Subdivision Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.	The application includes the consolidation of the 6 existing allotments into one lot.	Yes

As can be seen from the table above, the proposed development meets the relevant criteria under the ARH SEPP.

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

Commencing in July 2004, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP) requires all new development applications for BASIX affected buildings to be accompanied by a BASIX Certificate, in order to demonstrate that proposals will meet the NSW State government targets for sustainability, including water, thermal comfort and energy efficiency.

The application is accompanied by a BASIX Certificate which indicates that the sustainability targets will be met, provided that the development is constructed in accordance with the BASIX Commitments specified in the Certificate.

Seniors Living Policy: Urban Design Guidelines for Infill Development

Clause 15 of the ARH SEPP requires consideration of the design requirements of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* for all infill affordable housing development proposals. The Guidelines were prepared to assist in the design and assessment of development applications for infill development under the ARH SEPP.

Accordingly, the proposed development has been assessed against the relevant guidelines of this Policy and this assessment is summarised in the following Table:

Guideline	Comment
1. Responding to Context	
New development that increases residential densities must be compatible with and make a positive contribution to the character of the local area.	The mix of single and two storey elements maintains the prevailing scale and built form in Welsford Street and the surrounding streets. The use of single storey closest to the adjoining single storey dwellings, as well as some single storey elements at the rear of the site will minimise the impacts of the increased densities in this location. Overall the proposed development is considered to be consistent with the existing built character of the area.
2. Site Planning & Design	
Site design should minimise impacts on neighbours; provide a mix of dwelling sizes both with and without parking; maintain the landscape character of the area; and minimise the impacts of stormwater runoff.	As mentioned above, the use of single storey form adjacent to the neighbouring properties assists in minimising the impacts of bulk and reduces the impact of the increased residential density. The proposal offers a mix of 1, 2, 3 & 4 bedroom dwellings. The Guidelines and the ARH SEPP both prescribe a relatively low parking requirement so as to allow some dwellings without parking. The scheme proposes 12 parking spaces to service the development, which exceeds the parking requirement under the ARH SEPP. Notwithstanding, this is considered acceptable as this reduces the potential for adverse impacts on the available kerbside parking in the local area.
At least 10% of the site area, preferably at the rear of the site, should be available for deep soil planting, so as to create mid-block corridor of trees within the neighbourhood.	The proposal development provides 17.5% of the site area for deep soil planting. Approximately 90% of this deep soil zone is provided at the rear of the site.

3. Impacts on Streetscape	
Pedestrian entries that are separate from vehicular entries should be provided for access to residences towards the rear of the site.	Pedestrian pathways are provided along the edge of the 2 common driveways, providing pedestrian access to the dwellings at the rear of the site.
Minimise the impact of entries to basement garages.	All of the parking is provided at grade in the form of single car garages, a carport and open stand spaces.
4. Impacts on Neighbours	
Where side setbacks are less than 1.2m, a maximum of 50% of the development should be built to this alignment.	Various side setbacks are provided, with a small portion at less than 1.2m. However, less than 50% of the overall development is built closer than 1.2m to the side boundaries.
The length of unrelieved walls on narrow side or rear setbacks is to be a maximum of 8m.	Where unrelieved sections of wall exceed 8m, two different varieties of bricks are proposed to add visual interest and minimise the visual impact of these sections of wall. This satisfies the intent of this guideline.
Provide a minimum 3 hours of sunlight between 9am to 3pm in mid-winter to living rooms of neighbouring dwellings. Solar access to private open space areas shall not be unreasonably reduced.	The proposed development provides a minimum 3 hours solar access to the adjoining properties living rooms potentially affected by the proposed development. The private open space areas of adjoining properties are not unreasonably deprived of sunlight.
5. Internal Site Amenity	
Provide useable private open space area	The proposed development provides generous private open space areas directly accessible from the living areas of the dwellings, which are in direct sunlight as per the standards of solar access under the ARH SEPP. Where private open space is provided as a balcony at the upper level, the size of these balconies is of a useable area.
Provide a 1.2m separation between habitable rooms and driveways or carpark.	The required 1.2m separation is provided.

Holroyd Local Environmental Plan 1991

Holroyd Local Environmental Plan 1991 is the principal environmental planning instrument applying to the Holroyd LGA. However, as set out at Clause 8 of the ARH SEPP, where there is an inconsistency between the SEPP and an environmental planning instrument, the provisions of the SEPP prevail over the provisions of Holroyd LEP.

Accordingly, the proposed development is permissible under the Savings and Transitional provisions of Clause 54A, Division 1 of the ARH SEPP. Notwithstanding, a discussion on the relevant provisions of Holroyd LEP is provided below:

Zoning

The site is zoned 2(a) Residential under Holroyd Local Environmental Plan 1991. Under Holroyd LEP, the proposed development is characterised as partly 'medium density housing' and partly as a 'residential flat building'. Medium density housing is permissible with consent in the 2(a) zone. However, residential flat buildings are prohibited. Notwithstanding, the provisions of the ARH SEPP prevail and the proposed development is permissible with consent under the Savings and Transitional provisions at Clause 54A of Division 1 of the SEPP.

The objectives of the 2(a) zone are:

- (a) *"to provide and maintain the amenity of a predominantly low density living area and to enable sensitive infill of medium density housing styles;*
- (b) *to allow people to carry out a reasonable range of activities from their homes while maintaining neighbourhood amenity;*
- (c) *to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character; and*
- (d) *to restrict development which is of a traffic generating, offensive, hazardous, noisy, intrusive or environmentally inappropriate nature."*

The proposed development is consistent with the 2(a) zoning objectives as it proposes an infill medium density development that is of single and two storey form, consistent with the prevailing built form in the locality; has been designed so as to minimise impacts on adjoining and neighbouring properties and is not likely to create unreasonable traffic impacts to the local road network.

Clause 18 – Tree Preservation

Council's adopted Tree Preservation Order (TPO) prohibits the removal of trees specified in the TPO except with the consent of Council. A total of 26 trees are proposed to be removed from the site. 9 of these trees are species that are exempt under the TPO. However, consent is being sought for the remaining 17 trees that are subject to the TPO.

A Tree Assessment Report that identified all of the 26 trees, assessed their current health and condition, estimated remaining life expectancy and suitability for retention/preservation was submitted with the application. This assessment concluded:

"A total of 26 trees stand within the site and in close proximity to the boundaries on adjoining properties. These are a predominantly exotic species in fair to good health and condition. There are no remaining locally indigenous species within the site. None of the trees have any special ecological or heritage significance, although a number of trees make a fair contribution to the amenity of the site and surrounding properties."

Council's Landscape Officer has reviewed the proposal to remove the trees in conjunction with the Landscape Plan detailing the proposed landscaping scheme for the site and has no objection to the removal of the trees on the basis that suitable replacement landscaping will be provided.

Clause 30 - Medium Density Housing in Zone No. 2(a)

Clause 30 of the LEP provides the following matters for consideration for any medium density housing in Residential 2(a) zone:

The council shall not grant consent to development for the purposes of medium density housing on land within Zone No. 2(a) unless it is satisfied that:

- (a) *"the development will not unreasonably deprive adjoining buildings of sunlight or privacy;*
- (b) *the development will generally be compatible with its setting, having regard to the nature and use of adjoining buildings and to the streetscape;*
- (c) *the design of the development will be compatible with the existing character of the neighbourhood; and*
- (d) *the development will make a necessary contribution to the supply of housing in the City of Holroyd."*

The proposed development is considered to satisfy the above controls as demonstrated by the assessment described in this report.

*(ii) any draft environmental planning instruments**Proposed Holroyd Local Environmental Plan 2013*

Proposed Holroyd Local Environmental Plan 2013 was gazetted by the Department of Planning & Infrastructure on 4 April 2013. The proposed LEP has a deferred commencement clause that provides it will not start/commence (i.e., will not apply) for 4 months. Accordingly, the “start date” will be 5 August 2013.

Under the proposed LEP, the site is proposed to be zoned R2 - Low Density Residential. The proposed development is defined as ‘multi dwelling housing’ which is prohibited in the R2 zone.

*(iii) any development control plan, and**Holroyd Development Control Plan 2007*

Holroyd Development Control Plan 2007 contains a number of controls applicable to the proposed development. The following table provides a summary of the assessment of the proposed development against these controls:

Part A – Introduction and General Guidelines			
Control	Required	Proposed	Compliance
Cl. 4.3 – 4.10 Parking	Medium Density Housing - 1 space per 1 or 2 bedroom dwelling = 9 spaces - 2 spaces per 3 or more bedroom dwelling = 8 spaces - Visitor parking 0.2 spaces per dwelling = 3 spaces (rounded up) Residential Flat Buildings - 1.2 spaces per dwelling = 8 spaces (rounded up) Total = 28 spaces	12 spaces	No, however the parking rates under the ARH SEPP prevail
Cl. 7.1 – 7.3 Landscaping, Tree Protection	Applicants are required to submit details of proposed landscaping, prepared by	A Landscape Plan has been submitted and following some minor	Yes

& Biodiversity	suitably qualified persons.	amendments, Council's Tree Management Officer has advised that the proposed landscaping scheme is satisfactory.	
Cl. 7.4 Cut & Fill	Generally cut & fill is to be limited to a maximum of 900mm.	Cut & fill is generally limited to 900mm. Retaining walls are proposed where cut & fill exceeds 500mm.	Yes
Cl. 8.0 Erosion & Sediment Control	Applications are to be accompanied by an Erosion and Sediment Control Plan that details erosion and sediment controls to be implemented during construction.	An Erosion and Sediment Control Plan was submitted with the application and Council's Development Engineer has advised that this plan is satisfactory.	Yes
Cl. 9.0 Waste Management	Details of the proposed methods of waste management both during and post construction are to be submitted with development applications.	A Waste Management Plan detailing the proposed management measures for the collection, storage, recycling and disposal of waste during and post construction was submitted with the application. Council's Waste Officer has advised that the proposed waste management measures are satisfactory.	Yes
Cl. 10.0 Services	The design, construction and location of utility services is to conform to Council's standards and the specific standards of the relevant service provider.	Utility services are available to the site. The applicant will be required to consult with the relevant authorities regarding the provision of utility services. Council's standard conditions regarding	Yes

		services will be imposed in the event of approval being granted.	
Cl. 11 Water Management	Applications are to be accompanied by a Stormwater Management Plan that details the proposed methods of stormwater management and minimise impacts to adjoining properties and downstream stormwater discharge.	A Stormwater Management Plan detailing the methods for collecting, storing, re-using and disposing of stormwater was submitted with the application. Following some amendments to the Plan Council's Development Engineer has advised that the proposed stormwater management for the site is acceptable.	Yes
Part B – Residential Controls			
Cl. 3.1 Streetscape & Site Analysis	A comprehensive streetscape analysis is to be submitted with development applications.	A Site/Streetscape Analysis Plan was submitted with the application and provides a satisfactory assessment of the site context and relationship to adjoining development.	Yes
Cl. 4.0 Views	Where views are currently enjoyed, or where views may be reasonably created, development should minimise obstruction. The retention of views, however, should not preclude reasonable development rights.	The proposed development will not obstruct any significant views and there is no potential to create views from or onto the site.	Yes
Cl. 5.1 Visual Privacy	Windows should be placed to minimise direct viewing between dwellings. Mechanisms that can be employed to help maintain privacy are:		Yes

	a) Using windows which are narrow, translucent or obscured or have window sills a minimum of 1.5m above the floor level; b) Rear balconies are generally discouraged unless privacy issues have been appropriately addressed through the careful design, location and screening of rear balconies; c) No decks that directly overlook living areas of adjacent dwellings unless suitable screening is provided to the satisfaction of Council; d) Appropriate landscaping should be designed to provide screening and filtering for control of privacy and to reduce overlooking of dwellings;	Obscure windows are to be provided to the bathroom and toilet windows. The balconies have been located so that they will avoid or minimise any privacy issues and a condition will be included to require privacy screening. Overlooking from balconies within the development will be minimised due to the proposed setbacks and privacy screening. Where there is a potential to overlook other units or adjoining dwellings, privacy screens and/or landscaping will be provided in order to minimise a loss of privacy. In particular, the selected screen planting between Dwelling 2 and the adjoining property, as well as across the full width of the rear of the site, will reach a mature height of 4.5m, providing effective privacy screening, combined with the	
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	e) Any finished floor levels 500mm above natural ground level must be justified;	1800mm high timber fencing. Dwelling 1 has a finished floor level up to 900mm above natural ground level. This is considered acceptable as the windows that face the side boundary are to Bedroom 4 and a bathroom. Combined with the proposed Murraya hedge that will grow to 3m between the dwelling and side boundary, the impact of this finished floor height will be acceptable in terms of its relationship to the adjoining property. Dwelling 2 has a finished floor level that is up to 700mm above natural ground level. However, this is considered to be acceptable as there is a 3.2m separation between the dwelling and the side boundary, a 2.7m separation between the dwelling and the rear boundary and the selected screen planting along these boundaries will reach a mature height of 4.5m. A condition of consent requires privacy screens to the western rear side of the patio for Unit 2. As such, an acceptable	Yes
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		degree of privacy to the adjoining properties will be maintained.	
	f) Placing of windows based on the detailed site analysis attached to the DA; and	The placement of window has sufficient regard for minimising overlooking of adjoining properties, particularly in relation to the adjoining properties to the north and south of the site.	
	g) Not placing any balconies or verandahs on the first floor on side or rear elevations, in the case of a 2 storey dwelling.	Balconies have been provided at first floor level on the rear of Dwellings 7, 8, 11, 12 & 14. However, this provides the private open space for these dwellings and sufficient screen planting and the absence of windows to habitable rooms in the adjoining dwellings at the rear of the site will allow for sufficient privacy. A condition of consent requires privacy screens to the northern side of the balcony for Unit 8.	
	Screening for Residential flat buildings: Where windows or balconies of dwellings are within 12 metres of windows or balconies of other dwellings, some	A condition of consent requires privacy screens to be provided to the balconies of Dwellings 11 and 14 where the balconies are within 12m of other dwellings and there is the	

	form of screening or reduction in window areas should be provided to ensure visual privacy. Windows and balconies of dwellings should be separated or screened from communal areas such as paths, driveways, active open space, etc. Screens may include courtyard walls, hedges and fences. Separation may be either distance or changes in level.	potential for overlooking. As shown on the landscape plans, landscape screening is to be provided between the Dwellings that comprise the residential flat development at the front of the site and the Dwellings at the rear of the site, where the selected screening shrubs will reach a mature height of 3m.	
Cl. 5.2 Acoustic Privacy	It will be necessary for dwellings to comply with the requirements of the Building Code of Australia which deal with noise transmission. In order to minimise problems with noise, the following should be considered: a) Where the property is on a busy road or close to a railway line, rooms that will be used a lot and outdoor areas should be located away from the noise source; b) Air conditioners and swimming pool pumps should be placed in locations least likely to create noise for occupants and neighbours; the	The applicant indicates that the dwellings will be constructed in compliance with the deemed-to-satisfy provisions of the BCA that relate to noise transmission. Vehicular noise will not be unreasonable as the car parking has been well distributed across the site so that all vehicles are not relying on a single entry/exit point or driveway. Acoustic amenity both within the site and to adjoining properties will be acceptable due to the siting and distribution of buildings	Yes

	driveway, carport or garage should be located away from bedrooms; c) Design communal courtyards and paved areas, such as vehicle driveways to minimise reflected noise; d) Avoid noisy walking surfaces, such as suspended timber or metal decks, and reflective internal surfaces to hallways or other communal areas; e) Eliminate plumbing noise between dwellings and between buildings; f) Where necessary, sources of noise must be screened by walls or otherwise be appropriately treated; g) To minimise the reflection of sound, the maximum amount of planting and grassed areas should be provided around the dwelling and where a large amount of hard paving is necessary in connection with driveways, turning or parking areas, such should, if practicable, be broken up by planting and grassing;	across the site and separation distances between adjoining properties. A reasonable amount of soft landscaping, turf and planting throughout the site means that that the overall amount of hard paving is not excessive.	
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Cl. 6.0 Landscaping & Open Space	Retention of existing trees on site: Existing trees should be retained and incorporated into the development wherever possible. Tree retention is based, amongst other things, on: a) the location of the tree on the lot or the footpath adjacent to the lot, or on adjoining land within 5m of the boundary; b) whether the structure of the tree is sound (or diseased, or infested with insects); c) if the tree is healthy; and d) whether the tree is significant for historic, aesthetic, ecological or cultural reasons.	There are 26 trees across the site that are proposed to be removed. Of these, 9 trees are species that are listed as 'exempt' under Council's Tree Preservation Order. Approval is being sought for removal of the remaining 17 trees. A Tree Assessment report was submitted with the application stating that none of the existing trees on-site are of high value and that given the context, it would be appropriate for these trees to be removed and replaced with species specifically selected and located to suite the new dwelling layout. Council's Landscape Officer has assessed the Landscape Plan submitted with the application, has approved the plan and agreed to the removal of the existing trees.	Yes
Cl. 7.0 Waste Management	Waste management measures that meet the objectives of the Waste Avoidance and Resource Recovery Act 2001 are to	A Waste Management Plan was submitted with the application. Council's Waste Management Officer has	Yes

	be applied to all applications.	reviewed the WMP and advised that satisfactory waste management procedures will be put in place.	
Cl. 8.0 Safety & Security	Surveillance: Good surveillance means that people can see what others are doing in the public arena. In terms of the design of dwelling houses, this means that wherever possible, and providing other controls within this DCP can be met, the following should apply: a) The front door should be at least partially visible and ideally wholly visible from the street, overlooked by a window, and should be clearly visible from the driveway. b) Blank walls along street frontages are actively discouraged. c) Avoid landscaping that may allow would-be intruders to hide. d) Use sensor lights to detect movement at night whilst saving on lighting costs.	The main entry door to each dwelling fronting Welsford Street is visible or partially visible from the street and is adjacent to a window or a porch area. There are no blank walls presenting to the street frontage. The proposed landscaping does not provide any substantial concealment opportunities. Sensor lights are not proposed. However, the L&HC has advised that sensor lighting can be used if deemed necessary.	Yes

	Access control:		Yes
	By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise occupants and property. This can be achieved through a number of measures. Council encourages the use of the following: a) Viewers/peepholes and chains on the entry door in order to monitor visitors and increase the feeling of security; b) Fences (side access); c) Solid-core exterior doors; d) Solid door-frames with proper strike plates; e) Install quality locks on doors and external windows; f) Consider a monitored alarm system; and g) Ensure side and/or rear accessway gates are lockable.	The proposed common area is only accessible internally at the rear of the site. The front dwellings will have window outlook onto the access pathway. The L&HC advises that appropriate security measures such as those listed in the DCP will be included at construction stage in order to provide appropriate levels of security.	
	Ownership:		
	Ensure your property is		Yes

	clearly identified by street number which can be easily seen from a car in the street. Property lines and private areas should be defined.	Street / house numbers will be clearly displayed at the Welsford Street frontage. Landscaping and fencing will ensure that there is a clear delineation between public and private space across the site.	
Cl. 9.0 Building Sustainability	BASIX: Water - a minimum score of 40% is required by BASIX. Energy - a minimum score of 40% is required by BASIX. Thermal Comfort - PASS or FAIL. Roof and surface water: All roofing shall be provided with adequate gutter and downpipes connected to the roof water drainage systems. Full details of the rainwater tanks must be submitted with the development application for approval by Council. These details must include the following information	The BASIX Certificate submitted with the application indicates that the required sustainability targets have been met. All roofing will be provided with gutters and downpipes connected to the roof water drainage system. Water is to be recycled for use in toilets and irrigation. Stormwater management plans detailing the proposed rainwater / detention tanks and stormwater management and reuse system were submitted	Yes Yes Yes

	as a minimum: a) tanks shown on all plans, including floor plans and elevations; b) the configuration of inlet/outlet pipe and overflow pipe; c) storage capacity, dimensions, structural details and proposed materials; and d) the purposes for which the tank is intended to be used, that is for washing machine use, toilet use and outdoor watering use.	with the application. Council's engineers have reviewed the plans and advised that they are satisfactory.	
Cl. 11.2 Cut & Fill	Generally, cut or fill is limited to a maximum of 900mm (0.9 metres). Council may consider exceptions to this if the applicant can demonstrate necessity, and why other design options which would reduce the amount of cut are not appropriate.	Cut and fill will not exceed 900mm.	Yes
Cl. 11.3 Finished Floor Levels	Generally, FFL's more than 500mm above natural ground level are discouraged.	With the exception of Units 1 & 2 on the southern boundary, the proposed FFLs are <500mm above natural ground level. The FFLs of dwellings 1 & 2 are up to 900mm above natural ground level. The extent to which the FFLs of dwellings 1 & 2 encroach above 500mm	Yes

		is acceptable on the basis that the combination of setback, placement of windows and landscape screening will provide a suitable level of privacy. As discussed previously, Dwelling 1 has a finished floor level up to 900mm above natural ground level. This is considered acceptable as the windows that face the side boundary are to bedroom 4 and a bathroom. Combined with the proposed Murraya hedge that will grow to 3m between the dwelling and side boundary, the impact of this finished floor height will be acceptable in terms of its relationship to the adjoining property. Dwelling 2 has a finished floor level that is up to 700mm above natural ground level. However, this is considered to be acceptable as there is a 4.2m separation between the dwelling and the side boundary, a 4.3m separation between the dwelling and the rear boundary and the selected screen planting along these boundaries will reach a mature height of 4.5m.	
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Cl. 11.4 Building Standards	All building work must be carried out in accordance with the provisions and standards of the Building Code of Australia	The development will need to be constructed in accordance with the deemed-to-satisfy provisions of the BCA. Where the deemed-to-satisfy provisions cannot be met, an alternative solution will need to be considered by the certifying authority.	Yes
Cl. 11.5 Demolition	Strict compliance with Council's policy on the safe removal and disposal of asbestos cement is required.	The Land and Housing Corporation have accepted Council's standard conditions of consent.	Yes
Cl. 11.8 Building Materials		The selected building materials and colour scheme is considered to be acceptable, given the varied materials and colours of the existing built environment.	Yes
Cl. 12.2 Footpaths, kerb and guttering	Where the footpath and/or kerb and guttering exists but is in poor condition, Council requires it to be fully reconstructed at full cost to the developer. Any construction / reconstruction is to be at the full cost of the developer / applicant / owner.	The Land and Housing Corporation have accepted Council's standard conditions of consent.	Yes
Cl. 12.5 Vehicular access	For safety reasons, access to a property from a public road must clearly avoid items such as sewer vents, service poles, existing trees, street construction,	Entries to the car parking areas have been located to avoid obstructions.	Yes

	light standards, telecommunications areas, transformer units and the like which may be located in the footway area, unless the applicant is able to make arrangements for the relocation of equipment not owned by Council at no expense to Council. A full width plain concrete (not patterned or coloured) vehicle crossing with a minimum width of 3m and a maximum width of 5m at the boundary line shall be constructed at the vehicle entrance to the property.	Vehicular crossings will be constructed at each of the vehicular entrances to the property in accordance with Council's requirements.	Yes
Cl. 12.6 Adaptable housing	Developments should be designed to minimise any barriers to less mobile persons. Designing the dwelling or addition to Australian Standard 4299 – Adaptable Housing is encouraged as it will minimise retro-fitting costs which may be required at a later date if the house is to be retained through lifestyle changes. The entry should be level where possible and enable wheelchair access. For Residential Flat Buildings, 35% of any ground level dwelling shall be of a standard compliant with AS 4299 –	The paths of travel across all publically accessible areas of the site will be constructed in accordance with AS 1428. All 3 (100%) of the ground floor dwellings in the 'residential flat building' component of the development have	Yes Yes

	Adaptable Housing.	been nominated as being adaptable. 6 of the 19 (32%) dwellings have been nominated as adaptable. Each of these dwellings will need to be constructed so as to meet the requirements of AS 4299.	
Cl. 12.7 Driveways	All new driveways shall be located at least 1m away from side property boundaries, or 1.5m in the case of Residential Flat Buildings. The area between the driveway and the property boundary shall be suitably landscaped to Council's satisfaction. Sight distances for all driveways must be in accordance with Australian Standard 2890.1 – Parking facilities-off street parking. Council encourages muted earth coloured paving material for the driveway finish to avoid glare and to ensure the driveway colour does not detract from the development and character of the street. Driveways shall be designed and constructed in materials to avoid large	Each of the driveways adjacent to the side boundaries are located more than 1m from the boundary and the area between these driveways and the side boundaries will be sufficiently landscaped. Sight distances for the driveways will be in accordance with relevant Australian Standard. The driveways are to consist of concrete paving and will be compatible with the plain concrete footpath.	Yes Yes Yes

	expanses of plain concrete, however the vehicle crossing must be concrete to ensure compatibility with the footpath.		
Villa/Townhouse Development			
Cl. 16.1.2 Two storey development in 2(a) zone	Two storey development in 2(a) zone is permissible adjacent to the principal street front only.	The provisions of the ARH SEPP take precedence over this DCP control.	N/A
Cl. 16.2 Minimum allotment size	Minimum allotment size in 2(a) zone - Minimum 1300m ² - Minimum 20m frontage	The proposed development has a site area of 4,180.6m ² and frontage to Welsford Street of 91.4m.	Yes
Cl. 16.3 Density	Floor space ratio in 2(a) zone - Maximum = 0.4:1	The proposed floor space ratio is 0.4:1.	Yes
Cl. 16.4 Setbacks	Front Setback - 6.0m to principal boundary	Minimum front setback 6m.	Yes
	Rear and Side Setbacks - Average minimum setback = $2.25m + \text{Height} / 4$ provided that an elevations within 3m of a boundary shall have no openings associated with the main living area - Minimum 1m for detached dwellings where there are no openings in connection with the main living areas.	Dwelling 1 (detached dwelling): Required side setback = 1m Provided setback = Min. 1m This is a detached dwelling with no openings to living areas in the wall to the side boundary.	Yes
	- Minimum 1m for attached dwellings within the first 14m behind the building line, provided no opening are maintained to main living areas within	Dwelling 2 (detached dwelling): H = 3m (approx) Required setbacks = 3m Provided setbacks = 4.28m (side) & 4.36m(rear). Dwelling 3 (attached dwelling): H = 3m	Yes Yes

	3m.	(approx) Require rear setback = 3m Provided setback = 4.36m Dwelling 15 (detached dwelling): H = 3m (approx) Required rear setback = 3m Provided setback: min 3.5m Dwelling 17 (2 storey): H = 5.7m Required side setback = 3.675m Provided setback: 4.74m Dwelling 19 (2 storey): H = 5.7m (approx) Required side setback = 3.675m Provided setback = min 1.17m (side – garage only, 4.28m to dwelling)	Yes Yes Yes
Cl. 16.5 Building height	- Two storey development: - 7.2m to ceiling - 10m to ridge - Single storey development: - 3.6m to ceiling - 7m to ridge	Two storey: <7.2m to ceiling and < 10m to Ridge Single storey: <3.6m to ceiling and < 7.0m to ridge	Yes
Cl. 16.6 Open Space	Private Courtyard Space: - Single storey = 30% of total floor area + 15m²	Single storey dwellings (Units 1, 2, 3, 15 & 16): Unit 1 required = 55m² Provided = 43m² Comprising a principal area of 18m² + two areas with minimum	No, but acceptable.

		dimensions of 3m and 2m and areas of 11m² and 14m² respectively. Dwelling 1 is the largest and only 4 bedroom dwelling in the development. However, the 43m² of private open space comprises a large patio and substantial grassed area that will provide usable areas that will meet the recreational needs of future residents. Unit 2 required = 39m² Provided = 52m² Unit 3 required = 43.5m² Provided = 52m² Unit 15 required = 43.5m² Provided = 55m² Unit 16 required = 43.5m² Provided = 58m² Two storey dwellings (Units 4, 17, 18 & 19) Unit 4 required = 65m² Provided = 52m² - A 33m² principal area with min. 3m dimension is provided, plus 2 areas with min. dimensions of 2.5m and 1.8m with areas of 10m² and 9m².	Yes Yes Yes Yes No, but acceptable.
	- Two storey = 50% of total floor area + 15m ² .		

		Unit 17 required = 65m² Provided = 48m² A 38m² principal area with min. 3m dimension is provided, plus an area with a min. dimension of 2.5m and area of 10m². Unit 18 required = 60m² Provided = 47m² A 37m² principal area with min. 3m dimension is provided, plus an area with a min. dimension of 2.5m and area of 10m². Unit 19 required = 60m² Provided = 54m² Each dwelling is provided with a principal area with a minimum dimension of 3m that provides a large usable area of open space, accessible from the living area and that will receive adequate solar access. Combined with the secondary areas, despite being less than the required minimum based on the DCP formula, each dwelling provides an appropriate amount of private open space to cater for the recreational	
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		needs of future residents in a medium density environment.	
Residential Flat Buildings			
Cl. 18.5 – Height Limits in the 2(a) zone	a) Maximum height limit of 2 storeys;	Proposal is 2 storeys.	Yes
	b) The maximum height of a building at any point should be measured from the natural ground level to the ceiling of the topmost storey and to the ridge of the roof. For a single storey building this height should be not more than 3.6m to the ceiling or 7.0m to the ridge.		
	c) For a two storey building the height should be not more than 7.2m to the ceiling of the topmost storey or 10m to the ridge.	The maximum ceiling height for the 2 storey residential flat building component will not exceed 7.2m to the ceiling of the topmost storey or 10m to the ridge.	Yes
	d) For dormer style development the height should not be more than 3.6m to the eaves of the topmost storey or 8m to the ridge.	No dormer style development is proposed.	N/A
	e) Two storey development will only be considered along the principal street frontage where there are no adverse privacy and overshadowing impacts,	The two storey residential flat component of the development is proposed along the principle street frontage.	Yes

	and where it is compatible within the existing streetscape, otherwise only single storey development will be permitted.		
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As can be seen from the table, there are 2 areas of non-compliance with the DCP with respect to the controls applicable to medium density housing. These are discussed below:

Car Parking

The DCP rates for on-site car parking are considerably greater than those required under the ARH SEPP. 29 spaces would be required under the DCP rates, while only 10 spaces are required under the ARH SEPP rates. 12 on-site spaces are proposed, being 2 spaces in excess of the SEPP requirement. Although this represents a substantial departure from the DCP rates, the provisions of the SEPP prevail over the local planning controls. Further, Clause 14 of the ARH SEPP states that parking cannot be used as a reason to refuse consent, in the case of an application made by a social housing provider, if at least 1 car parking space is provided for each 5 dwellings. As such, the parking shortfall against the DCP rates must be accepted.

Private Open Space

The private open space requirements for Dwellings 1, 4, 17, 18 & 19 do not meet the required areas under the DCP. The departures from the required areas range between 6m² and 17m². However, despite the shortfall in required area, each of these dwellings are provided with usable private open space, with a principal area accessible from the main living area, where it will receive adequate solar access. A variation to the private open space areas for these 5 dwellings is considered warranted in the circumstances.

Part E – Public Participation

The application (DA2012/413) was placed on public notification from 07/11/12 to 28/11/12. 6 submissions were received. The issues raised in these submissions are discussed later in the report.

(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 is no planning agreement in relation to this application.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

The proposal is consistent with matters in the regulations that apply to the land to which the development application relates,

(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,

Natural Environment

The site will be extensively landscaped as part of the development. This will soften the impact of the proposed development on its surrounds and minimise the impact of the development on the natural environment. The development complies with Council's landscaping controls and therefore is considered to be satisfactory with regard to the surrounding natural environment.

Built Environment

The proposed development will have a positive impact on the built environment and is acceptable in its context in terms of streetscape presentation and overall bulk and scale of the development. Although the proposed dwellings are of a more modern design than many of the older style dwellings in the locality, there are also a number of more recently constructed dwellings in the vicinity of the site and there is no dominant architectural style or character in the neighbourhood. It is also likely that the built environment will continue to evolve over the coming years as more of the older dwellings are replaced with new developments.

There will be some minor overshadowing of the adjoining dwelling at No 2 Welsford Street. However, the shadow diagrams indicate that this would primarily affect the bedroom windows and small windows along the side of the dwelling. Notwithstanding, the solar access requirements of the ARH SEPP will be achieved by maintaining the required levels of solar access to the new dwellings and maintaining an acceptable level of amenity to the adjoining dwellings.

Traffic & Parking

Although the provision of on-site parking is lower than required under Council's DCP, it is considered that the traffic and parking impacts associated with the proposed development will not be unreasonable. The parking rates set under the ARH SEPP were determined based on documented studies undertaken by the state government that demonstrate that residents of social / affordable housing have lower car ownership rates and are more reliant on public transport. The site is located approximately 180m

from a bus stop on Hilltop Road that provides a service to Parramatta. The bus stop for the return service is approximately 270m from the site.

Noise

Once occupied, the development will not generate noise levels above and beyond what is to be expected from a medium density residential development, permitted in this location under the provisions of the ARH SEPP. The proposed affordable housing development is appropriate given the zoning, the size of the site and the relationship of the buildings to the adjoining properties. As such, the noise impacts likely to be associated with the increased residential density are considered acceptable.

Social Impacts

Council's Community Development team has reviewed the comments made in the SEE in relation to social impacts and is satisfied that the potential social impacts are largely positive (i.e. additional affordable housing in the LGA, temporary jobs during construction and longer term multiplier benefits such as economic consumption from the expanded population, more efficient use of land and improved water and energy efficiency).

Potential negative social impacts such as traffic/pedestrian control, waste management and construction noise will need to be addressed in a Construction Management Plan. The Community Development team recommends that the requirement for a Construction Management Plan be required as a condition of consent.

(c) the suitability of the site for the development,

Having regard to the characteristics of the site and its location, the proposed affordable housing development is considered appropriate in that:

- based on the locational criteria specified in the ARH SEPP, the site is suitable for this type and form of development;
- the scale and nature of the development is compatible with existing and anticipated future development in the locality;
- the size and dimensions of the land are suitable for the scale of the proposed development;
- the site has access to all utility services to accommodate the additional demand generated by the proposed development;
- the proposal is unlikely to result in any substantive adverse traffic impacts; and
- parking and access have been provided in accordance with the ARH SEPP and Holroyd DCP 2007.

As such, the site is a suitable for the proposed development.

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

6 submissions were received, including a letter from Tony Issa OAM, MP, Member for Granville on behalf of residents in Welsford Street. The issues raised in the submissions are discussed below in the consultation section of this report.

(e) the public interest."

The proposal provides a responsive design in terms of its relationship to adjoining properties and maintains the prevailing 1 and 2 storey built form scale of development in the immediate locality.

The increased density across the site also goes some way to meeting the demand for affordable housing in the Western Suburbs of the Sydney metropolitan area.

On this basis, the proposed development is considered to be in the wider public interest.

Internal Referrals

The following internal referrals were undertaken:

- Engineering
- Traffic
- Building Services
- Environmental Health
- Access
- Landscape & Trees
- Social Planning
- Waste Management

With the exception of the Engineering and Traffic concerns in relation to the stormwater drainage design and driveway design (as discussed earlier in the report), no objections were raised in the internal referral comments. Amended plans were submitted to address these concerns and following re-assessment are now satisfactory. Where conditions have been recommended in the referral comments, these have been incorporated into conditions in the Draft Notice of Determination attached to this report.

External Referrals

- NSW Police

The Crime Prevention Officer from the Holroyd LAC of NSW Police has reviewed the application and has advised that she is satisfied that the necessary Crime Prevention Through Environmental Design (CPTED) principles have been incorporated into the proposal and no objection is raised to the development application.

Consultation:

Exhibition Dates: 07/11/12 to 28/11/12

6 submissions were received, including a letter from Tony Issa OAM, MP, Member for Granville on behalf of residents in Welsford Street. The issues raised in the submissions are discussed below:

Nineteen additional families to the area will increase noise and traffic considerably.

Comment: Any additional noise to be generated by the additional population will be of a residential nature and is unlikely to have an unreasonable impact on the acoustic amenity of the locality.

Insufficient parking for the development is proposed which will mean that there will be additional vehicles 2 against the kerb in Welsford Street, making it narrow and dangerous.

The proposed on-site parking for 12 vehicles well exceeds the parking rate of 1 space per 5 dwellings required for social housing providers under the ARH SEPP. Further, as discussed earlier in the report, on-site parking cannot be used as a reason for refusal of an affordable housing development provided the required parking rate under the SEPP is met.

The 3 garbage bays proposed in the front of the development will ruin the presentation of Welsford Street and will be unhygienic. Could each resident be made responsible for their own garbage and bins kept within their properties?

Comment: The 3 garbage bays towards the front of the development will serve 10 of the 19 dwellings. Individual bin storage areas are provided within the curtilage of the remaining 9 dwellings. However, these bin storage areas are set down approximately 500mm-600mm lower than street level and will be screened by landscaping, such that they will not have a visual impact on the streetscape. Communal bin storage areas such as these are common place in medium density style developments.

The existing street lighting in Welsford Street is relatively limited. Will this be reviewed as part of the development?

Comment: The street lighting is not a matter for consideration as part of the development assessment process.

During construction will Council ensure that heavy vehicles do not block residents' driveways and cause traffic hazards?

Comment: This is a matter that will be addressed in a Construction Management Plan that will need to be prepared and submitted prior to construction commencing. As a government social housing provider, the NSW Land & Housing Corporation will have an established and effective Construction Management Plan that will be implemented to manage construction traffic to and from the site and minimise impacts to surrounding residents.

Due to the ARH SEPP, asbestos removal may not comply with Council's regulations and may pose a threat to the health of residents.

Comment: The NSW Land & Housing Corporation is bound by the requirements of the Occupational Health and Safety Act 2000 in relation to asbestos handling and disposal. This Act is administered by Work Cover Authority and will ensure that there is no threat to residents' health due to the removal of asbestos from the site during the demolition phase. The Land and Housing Corporation have accepted Council's standard conditions of consent.

The proposed development will de-value the existing homes in the street and surrounding area.

Comment: This concern is not supported by any evidence to indicate that the value of existing properties would decrease as a direct result of the proposed development.

Development of this density should not be allowed in a low density residential area.

Comment: One of the aims of the ARH SEPP is to facilitate the effective delivery of new affordable rental housing in established residential neighbourhoods, close to services and employment opportunities. In order to provide adequate housing to meet the ever growing demand, the state government recognizes that the residential densities in low density neighbourhoods need to increase. Accordingly, the density standards for new affordable housing set out in the SEPP reflect a balance between maintaining the amenity of established residential areas, while providing incentives for developers and social housing providers to provide new affordable housing.

The low socio-economic status of future residents will place the safety of existing families at risk.

Comment: This is not a valid planning issue for consideration under S.79C of the EP&A Act and there is no evidence to demonstrate a correlation between socio-economic status and a person's character / social behaviour.

There are discrepancies between the number of bedrooms in each dwelling shown on the plans and what is described by the applicant.

Comment: The Statement of Environmental Effects describes the proposal as 19 dwellings comprising 2 x 1 bedroom, 11 x 2 bedroom, 5 x 3 bedroom and 1 x 4 bedroom. However, the plans indicate 2 x 1 bedroom, 13 x 2 bedroom, 3 x 3 bedroom and 1 x 4 bedroom. An error has been made in the description of the development and an amended Statement of Environmental Effects has been submitted to Council and now refers to the correct dwelling mix as it is shown on the plans submitted with the application.

Conclusion:

This Crown Development Application by the NSW Land & Housing Corporation proposes to replace 6 existing, but dilapidated affordable housing dwellings with 19 new affordable housing dwellings. This represents a significant increase in the residential density in this established low density residential neighbourhood. However, the application is being made under State Environmental Planning Policy (Affordable rental Housing) 2009, which seeks to facilitate the provision of additional affordable housing in established residential areas, in proximity to public transport, services and community facilities.

The proposed development is considered to be an acceptable infill affordable housing development consistent with the existing and likely future local built form and character. The proposed development complies with the provisions of the Affordable Rental Housing SEPP, which takes precedence over the local planning controls. Notwithstanding, the proposal is consistent with the relevant provisions of Holroyd Local Environmental Plan 1991, Proposed Holroyd Local Environmental Plan 2013 and is generally consistent with the relevant controls under Holroyd Development Control Plan 2007.

The heads of consideration under Section 79C of the Environmental Planning and Assessment Act as are of relevance to the application have been taken into consideration and the proposed development is considered suitable and is recommended for approval.

The application is referred to Council for determination.

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.

Political Donations:

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

Report Recommendation:

- i) That Council approve DA2012/413 subject to conditions contained in the Draft Determination Notice of Approval Letter (i.e. "Officers Draft Conditions of Consent") contained in the supplement to the Business Paper.
- ii) That as a Crown Development Application, in accordance with the requirements of Section 89 of the Environmental Planning & Assessment Act, 1979 the Draft Notice of Determination be forwarded to the applicant and/or Minister for concurrence.
- iii) In the event that concurrence is provided by the applicant and/or Minister, the General Manager be given delegated authority to approve the application.
- iv) That following determination of the application, persons who made a submission be advised of the determination of the application.

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

Council Resolution

Note: Clr. Cummings left the Chamber at 7.24 p.m. at the commencement of consideration of this item and did not return until after the item was finalised.

Note: Clr. Monaghan left the Chamber at 7.43 p.m. during this item and did not return until after the item was finalised.

Note: Standing Orders were suspended to permit the following speakers to address the meeting: Ms. Lorraine Kozinski, Ms. Kirsty Mendis and Mr. Gary Gunton.

On resumption, a motion was moved Clr. Sarkis, seconded Clr. Zaiter that the application be refused on the grounds it is out of character for the streetscape and surrounding vicinity of the proposed development.

The Mayor, Clr. Grove, here vacated the Chair.

The Deputy Mayor, Clr. Dr. Brodie here took the Chair at 7.39 p.m. during this item.

The Mayor, Clr. Grove, here resumed the Chair at 7.45 p.m.

Following debate, it was resolved on the motion of Clr. Whitfield, seconded Clr. Colman that the motion be Put.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Ayes

Clr. Grove (Mayor)
Clr. Colman
Clr. Nadima Kafrouni
Clr. Nasr Kafrouni
Clr. Rahme
Clr. Sarkis
Clr. Whitfield
Clr. Zaiter

Noes

Clr. Dr. Brodie
Clr. Lake.

The motion moved Clr. Sarkis, seconded Clr. Zaiter on being Put was declared CARRIED.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Ayes

Clr. Dr. Brodie
Clr. Nadima Kafrouni
Clr. Nasr Kafrouni
Clr. Rahme
Clr. Sarkis
Clr. Zaiter

Noes

Clr. Grove (Mayor)
Clr. Colman
Clr. Lake
Clr. Whitfield.

Note: Clrs. Cummings and Monaghan returned to the Chamber at the conclusion of this item.

Attachments:

1. Location plan
2. Architectural plans
3. Landscape Plans
4. Draft Notice of Determination