

Proposal: Demolition of existing structures; consolidation of 3 lots into 1 lot; construction of a 5 storey residential flat building containing 41 units over 1 level of basement parking consisting of 36 carparking spaces and associated strata subdivision, pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

Location:

Lot 12, DP 9748	70 O'Neill Street
Lot 13, DP 9748	72 O'Neill Street
Lot 14, DP 9748	74 O'Neill Street

Owner/

Proponent: Richmond PRA

**Capital
Investment**

Value: \$7,300,000.00

File No: DA 2014/398/1

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RECOMMENDATION

1. Demolition of existing structures; consolidation of 3 lots into 1 lot; construction of a 5 storey residential flat building containing 41 units over 1 level of basement parking consisting of 36 carparking spaces and associated strata subdivision, pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 be approved subject to conditions as outlined in Attachment H of this report.

SUPPORTING DOCUMENTS

ATTACHMENT- A Site Locality Plan
ATTACHMENT- B Architectural Plans
ATTACHMENT- C Statement of Environmental Effects (incl. Annexure 1: Clause 4.6 Variation)
ATTACHMENT- D Design Verification Statement
ATTACHMENT- E Preliminary Site Investigation Report
ATTACHMENT- F Arborist Report
ATTACHMENT- G Submissions
ATTACHMENT- H Draft Determination Notice

EXECUTIVE SUMMARY

The development application proposes the demolition of existing structures; consolidation of 3 lots into 1 lot; construction of a 5 storey residential flat building containing 41 units over basement parking containing 36 carparking spaces under State Environmental Planning Policy (Affordable Rental Housing) 2009.

This report summarises the key issues associated with the development application and provides an assessment of the relevant matters of consideration in accordance with the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No. 65 – Residential Flat Development, State Environmental Planning Policy (Affordable Rental Housing) 2009 AHSEPP, Holroyd Local Environmental Plan (HELP) 2013 and Holroyd Development Control Plan (HDCP) 2013.

The application was placed on public exhibition for a period of 21 days, from 24 September 2014 to 15 October 2014, wherein letters were sent to adjoining and surrounding owners and occupiers, an advertisement was placed in the local paper and a notice was placed on site. One submission was received in response. The application as amended was placed on public exhibition for a period of 14 days from 16 March 2015 to 30 March 2015, wherein letters were sent to adjoining owners and occupiers. One submission from the previous objector was received in response to this re-notification.

The application was referred to Council's internal sections including Development Engineering, Traffic, Landscaping, Waste Management and Community Services (Social Planning and Accessibility) and Environmental Health unit. In addition, the application was referred externally to Holroyd Police. No objections were raised to the development, subject to conditions.

The application is referred to the Sydney West Joint Regional Planning Panel for consideration pursuant to Clause 23G of the Environmental Planning & Assessment Act 1979. The development is for affordable housing with a capital investment value in excess of \$5 million, therefore falls under Part 6 of Schedule 4A of the Act.

The proposed development complies with the maximum floor space ratio permitted under Holroyd LEP 2013 and the AHSEPP, however the proposal results in a minor non-compliance with the maximum the height standard permitted under the Holroyd LEP 2013 and some non-compliances with the numeric provision under the HDCP 2013. These non-compliances are considered minor and are acceptable under the circumstances of the case given that the objectives of the relevant provisions have been satisfied.

It is considered that the proposed development is appropriate for the site and for the locality and will have minimal impact on the surrounding environment. Based on an assessment of the application, it is recommended that the application be approved subject to conditions as outlined in Attachment H of this report.

SITE DESCRIPTION AND LOCALITY

The subject site includes 3 allotments, which are identified as follows:

Lot 12, DP 9748	70 O'Neill Street
Lot 13, DP 9748	72 O'Neill Street
Lot 14, DP 9748	74 O'Neill Street

The subject site is situated on the eastern side of O'Neill Street, between Grove Street and Guildford Road. Adjoining to the north is a single storey brick dwelling (known as 68 O'Neill Street). Adjoining to the south is a single storey fibro dwelling (known as 76 O'Neill Street). To the east and south-east are 2 and 3 storey residential flat buildings which face Military Road (known as 109-110 Military Road and 111 Military Road). To the north-east is a single storey brick dwelling which fronts Military Road (known as 108 Military Road). The opposite side of O'Neill Street is occupied by 2 and 3 storey residential flat buildings.

The site is irregular in shape and has a combined area of 2304.9m². It has a frontage of approximately 42.9 metres.

The site currently accommodates 3 single storey dwellings with associated garages. There are several trees on site.



Site Location Plan

PROPOSAL

Demolition of existing structures; consolidation of 3 lots into 1 lot; construction of a 5 storey residential flat building containing 41 units over basement parking containing 36 carparking spaces.

Specific details of the proposed development are as follows:

The proposal incorporates the construction of 41 residential units as follows:

- Ground floor containing 2 x studio units, 3 x 1 and 4 x 2 bedroom units – total of 9 units.
- Level 1 containing 2 x studio units, 6 x 1 and 2 x 2 bedroom units - Total 10 units.
- Level 2 containing 2 x studio units, 6 x 1 and 2 x 2 bedroom units - Total 10 units.
- Level 3 containing 4 x 1 and 8 x 2 bedrooms, which includes 1x1 bedroom unit and 1x2 bedroom units entirely on this level, plus the lower level of 10 maisonette units (8x 2 bedroom and 4 x 1 bedroom unit) – total 12 units.
- Level 4 containing the upper level of 10 maisonette units.

All 41 units are affordable housing units. The proposal also includes 7 adaptable housing units, which are Unit No's 201, 204, 205, 206, 304, 305 and 306.

The total gross floor area of the units is 3038.3m².

Parking

A total of 36 parking spaces are proposed, with the following breakdown:

- 36 residential spaces, which includes 1 visitor and 7 accessible parking spaces (to service the 7 adaptable units).
- 25 bicycle spaces
- 1 carwash bay

The proposal includes one level of basement parking under the building. Two lifts and two stairwells provide access to residential floors above.

Bin Storage

A bin storage room is located in the rear backyard.

Communal Open Space

The proposal includes about 695m² of communal open space (COS), which includes the podium and deep soil COS at the sides and rear.

SECTION 79C OF THE EP&A ACT

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:

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) *the provisions of:*

(i) *Any environmental planning instrument*

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

A BASIX Certificate (No. 559792M_04, dated 29 April 2015) has been submitted with the application and demonstrates that the proposed development meets the required water, thermal comfort and energy targets. The BASIX Commitments specified in the BASIX Certificate and nominated on the architectural drawings will need to be incorporated into the construction and fit-out of the development. A condition to require the BASIX commitments to be implemented in the construction of the development will be included in the recommended conditions of consent.

State Environmental Planning Policy No. 55 – Remediation of Land

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 Preliminary Site (Contamination) assessment report was submitted with the application that indicates that the site is suitable or could be made suitable for the proposed development.

The report indicates that the site has been used for residential purposes and potentially contaminating activities that may have occurred on the site include:

- The placement of filling on the site;
- Contaminants associated with the incineration of site-generated waste (e.g. polycyclic aromatic hydrocarbons (PAHs) in ash, charcoal, slag etc.);
- Contaminants associated with demolition activities (e.g. lead and asbestos);
- Contaminants associated with maintenance of the buildings on the site (e.g. pesticides and herbicides); and
- Naturally occurring elements in the soils and rock underlying the site (e.g. heavy metals).

The report concludes that:-

On the basis of the results of this Preliminary Site Investigation, there is little to suggest that activities with a high potential for causing soil and groundwater contamination have been undertaken on the site to date. The filling across the majority of the site will be removed as part of the basement excavation and therefore the contaminant characteristics of the filling in the basement footprint is somewhat irrelevant from a land-use perspective. The filling in areas outside the basement will need to be assessed following demolition of the current buildings, which has the potential to cross-contaminate the site, in order to determine its suitability to remain on site as part of the proposed residential development.

It is therefore considered that the site either is suitable or could be made suitable for the proposed development. Further assessment of the filling that will remain on site should be undertaken following demolition of the current buildings. Any materials deemed unsuitable will need to be removed as part of the construction process. It is anticipated that this process could be imposed as a condition of development approval that requires a site validation report to be submitted with the application for the Occupancy Certificate confirming that the soils remaining on the site are suitable for the residential land use.

Council's Senior Environmental Health Officer has reviewed the report to be satisfactory, subject appropriate conditions to require the recommendations of the report to be implemented during construction and a validation certificate to be submitted prior to the issue of an occupation certificate.

Accordingly appropriate conditions to require the recommendations of the Preliminary Site assessment report are included within the draft Notice of Determination.

As such, Council can be satisfied that the requirements under the SEPP have been met.

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 a suite 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. A design verification statement has been submitted from the registered architect who designed the building. The architect states that he directed the design of the project, and that the design quality principles set out in Part 2 of the SEPP 65 policy are achieved.

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

Part 1 – Local Context

Primary Control	Guideline	Provided	Compliance
Building height	To ensure the proposed development responds to the desired scale and character of the street and local area and to allow reasonable daylight access to all developments and the public domain.	Holroyd LEP stipulates a maximum height of 15 metres and 4 storeys. The proposed development has a maximum height of 16.28 metres and 5 storeys.	No, but acceptable as discussed later in this report.

Building depth	Generally, an apartment building depth of 10 – 18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	The depth of each axis of the building is 14.5m. Individual units are less than 18m deep	Yes
Building separation	<p>Up to 4 storeys -</p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies; • 19m 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><u>East (rear):</u> 1st to 4th storeys (ground level to level 3) More than 6m setback is provided to balconies and unit walls from east boundary. 5th storey (level 4) Minimum 14.9m setback is provided to unit wall from east boundary.</p> <p><u>South (side):</u> 1st to 4th storeys (ground level to level 3) Minimum of 7.1m setback is provided to habitable room (living room) windows & 6.5m to balcony edges. 5th storey (level 4) At least 11.75m setback is provided to habitable room (bedroom) windows.</p> <p><u>Northern side:</u> 1st to 4th storeys (ground level to level 3) A 6m setback or more is provided to all walls, windows and balconies along this elevation, except for balconies edges of units 205, 305, encroaches by 735mm (as edge setback 5.265m) and balcony edges of Unit, 406 409 and 410 encroaches by 500mm. These balconies have been provided with privacy screens along the edge for extra privacy as the site to north has a single dwelling.</p> <p>5th storey (level 4) 10.4m setback to bedrooms.</p>	<p>Yes</p> <p>Yes</p> <p>No but minor encroachment considered acceptable on amenity grounds as privacy screens provided.</p> <p>Yes</p>

		Building separation complies except for minor encroachment into northern setback by balconies of units 205,305, 406, 409 and 410.	
Street setbacks	To establish the desired spatial proportions of the street and define the street edge. To relate setbacks to the area's street hierarchy.	Street setback of 6m or more provided to walls, except 600m encroachment by balconies (permitted 600mm articulation zone)	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.	Side setbacks consistent with Part B of the Holroyd DCP 2013 of 3m setback. Rear setback does not fully meet DCP 20% & 30% of site depth, however satisfies the building separation requirements. Rear setback seeks variation Site depth averages 54.51m Required =20%=10.90 =30%= 16.35 Provided= 9m, 9.9m & 15m	Yes No but minor encroachment considered acceptable on amenity grounds as complies with RFDC.
Floor Space Ratio (FSR)	To ensure that development is in keeping with the optimum capacity of the site and the local area. (FSR is not specified in the Design Code).	The Holroyd LEP 2013 stipulates an FSR of =1.2:1. The AHSEPP allows bonus floor space where at least 20% of the GFA is for affordable housing = +0.5:1 The maximum permitted FSR permitted $1.2 + 0.5 = 1.7:1 = 3918.3m^2$ Proposed FSR is = $1.31:1=3038.3m^2$	Yes

Part 2 – Site Design

Primary Control	Guideline	Provided	Compliance
Deep soil zones	A minimum of 25% of the open space area of a site should be a deep soil zone, more is acceptable.	About $656m^2$ deep soil zone is proposed. This represents 28.45% of the site.	Yes
Fences and walls	To define the edges between public and private land.	Front fence details provided to confirm with DCP requirements.	Yes
Landscape design	To add value to residents' quality of life within the development in the forms of privacy, outlook and views,	The landscape design has been assessed by Council's Landscaping and Tree Management Officer, who	Yes

	and provide habitat for native indigenous plants and animals.	has recommended approval subject to conditions.	
Open space (Communal)	Provide a communal open space which is appropriate and relevant to the context of the buildings setting. An area of 25% to 35% of the site is to be provided as communal open space.	695m ² of communal open space area is provided which is 30.15% of the site area.	Yes
Orientation	To protect the amenity of existing development, and to optimise solar access to residential apartments within the development and adjacent development.	<p>All units have North, NE or NW facing private open space (POS), which will receive good solar access to the POS.</p> <p>All units have North, NE or NW facing kitchen or living room to receive good solar access internally.</p> <p>Shadow impact upon the existing dwelling to the south (No. 76, Guildford Road) is such that it will not allow for 3 hours sunlight to north facing windows. It is noted that No 76 has west facing window to the living room and this will allow to the afternoon sun from 1pm to 4pm.</p>	<p>Yes</p> <p>Yes</p>
Stormwater management	To ensure adequate stormwater management.	The drainage design has been assessed by Council's Development Engineer and is considered satisfactory subject to proof that the subject properties (No 70, 72 and 74) benefit from the indicated downstream easement. This has been conditioned to be provided prior to CC.	Yes
Safety	To ensure residential developments are safe, and contribute to public safety.	The application has been assessed by the NSW Police and found satisfactory subject to the implementation of the recommended design features to enhance safety and security. These are imposed within the development Consent as conditions.	Yes
Visual privacy	To provide reasonable levels of visual privacy externally and internally, during the day and	Building separation complies except for minor encroachment by balconies	Yes

	<p>Width of cross-over or cross through apartments over 15 metres deep should be min 4 metres.</p> <p>Apartment sizes:</p> <table> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> </tr> <tr> <td>Studio</td> <td>40m²</td> </tr> <tr> <td>1 bedroom</td> <td>50m²</td> </tr> <tr> <td>2 bedroom</td> <td>70m²</td> </tr> </table>	Dwelling Type	Minimum Area	Studio	40m ²	1 bedroom	50m ²	2 bedroom	70m ²	<p>back of kitchen <8m)</p> <p>14 units are cross through, but they are less than 15m deep, & are at least 4m wide.</p> <p>The studio units are at least 40m². The one bedroom units are over 50m². The 2 bedroom units are over 70m². There are no 3 bedroom units</p>	<p>Yes</p> <p>Yes</p>
Dwelling Type	Minimum Area										
Studio	40m ²										
1 bedroom	50m ²										
2 bedroom	70m ²										
Apartment mix	To provide a diversity of apartment types, which cater for different household requirements now and in the future.	A mix of studio, 1 & 2 bedroom units are provided, including adaptable & affordable units.	Yes								
Balconies	Minimum 2 metres in depth.	All primary balconies are at least 2 metres wide.	Yes								
Ceiling heights	Minimum ceiling height of 3.3m for ground floor commercial and 2.7m for residential floors above.	Minimum floor to ceiling heights of 2.7m provided except 5 th storey (upper floor of maisonettes) is 2.5m which complies with BCA.	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.	<p>The building has two lifts plus 3 stairwells. The lift & front stairwell serve the corridor, which accesses 7 units for levels 1 and 2. The second lift & rear stairwell serve the corridor, which accesses 3 units for levels 1 and 2.</p> <p>Level 3 has 12 units on one connected corridor but is accessed by 4 cores (2 lifts & 2 x stairs) so 4 units per core.</p> <p>Level 4 is the upper floor of maisonettes and has access internally for each unit.</p>	Yes								
Storage	<p>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.</p> <p>At least 50% of required storage should be within each apartment.</p>	39 store rooms in basement and Units 403 & 404 have a store room in unit.	Yes								

	<table><tr><th>Dwelling Type</th><th>Minimum Area</th></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	6m ³	2 bedroom	8m ³	All units provided with storerooms either in the basement or within the unit in addition to the cupboard and wardrobes.	
Dwelling Type	Minimum Area								
1 bedroom	6m ³								
2 bedroom	8m 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.	Some noisy areas of one unit (living room) being next to quiet areas of adjoining unit (bedroom). 11 units adjoin only one other unit & 30 units adjoin 2 other units. The lift adjoins non-habitable areas of units (laundry, bath, kitchen). Standard construction methods in accordance with the BCA will ensure acoustic privacy between units.	Yes						
Daylight access	Optimise the number of apartments receiving daylight access to habitable rooms and principal windows.	All units have a North, NE or NW exposure to living rooms, so good solar access internally.	Yes						
	Ensure daylight access to habitable rooms and private open space, particularly in winter	All balconies & courtyards have a north, NE or NW orientation, so good solar access to private open space.	Yes						
	Design for shading and glare control, particularly in summer using shading devices, such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting	All POS partly roofed, thus achieving a good level of shading during summer.	Yes						
	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.	100% of units have North, NW or NE facing living rooms & balconies, thus achieve more than 3 hours.	Yes						
	Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed.	9 units are single aspect but none are south facing (all north or west facing)	Yes						
Natural ventilation	Limit building depth from 10 to 18 metres.	The depth of the building from glass line to glass line is less than 18m on each axis.	Yes						

	60% should be naturally cross ventilated.	14 units are cross through, 10 are dual aspect & 8 are tri aspect so 34 or 82.9 % have good cross-ventilation.	Yes
	25% of kitchens should have access to natural ventilation.	14 (34%) kitchens have a window. The remainder have the back of kitchen less than 8m to a window.	Yes
Facades	Facades should define and enhance the public domain.	The 3m stepped setback provided for 4 th storey and 5 th storey.	Yes
Roof design	To integrate the design of the roof into the overall façade.	Flat roof concealed behind parapets, which is considered satisfactory.	Yes
Energy efficiency	To reduce the necessity for mechanical heating and cooling.	Basix Certificate submitted	Yes
Maintenance	To ensure long life and ease of maintenance for the development.	Considered satisfactory	Yes
Waste management	Provide waste management plan Allocate storage area.	WMP provided. Amended plans referred to Council's Waste Management Officer, who has no objection subject to conditions. WMP provided is satisfactory Bin storage and collection satisfactory.	Yes
Water conservation	Reduce mains consumption, and reduce the quantity of stormwater runoff.	Basix Certificate submitted.	Yes

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across the State. The ISEPP also contains provisions with respect to roads and traffic, including development in or adjacent to road corridors and road reservations. Clauses 85-87 and 101-102 apply to development on sites that are likely to be affected by rail noise and/or road noise. Not applicable in this case.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP) was introduced on 31 July 2009 to increase the supply and diversity of affordable rental and social housing throughout NSW. The AHSEPP promotes infill affordable rental housing in existing residential areas that are accessible by public transport. Developments are required to be well located and to be designed to be compatible with the character of the locality.

The subject DA falls under Part 2 New affordable rental housing, Division 1 In-fill affordable housing. An assessment against the relevant AHSEPP clauses is provided in the table below:

Standard	Required/Permitted	Provided	Compliance
10	<p>This division applies to RFBs if:</p> <ul style="list-style-type: none"> RFB is permitted with consent under another EPI, & Is on land not containing a heritage item <p>In Sydney region must be within an accessible area (ie. includes sites within 400m walking distance of land Zone B2 Local Centre and Zone B4 Mixed Use)</p>	<p>RFB s are permitted within R4 zone under HLEP 2013</p> <p>Land does not contain a heritage item</p> <p>The site is 150m walking distance from B2 Local Centre and 250m from Guildford Railway station.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
13	<p>Floor space ratios</p> <p>At least 20% of GFA must be for affordable housing.</p> <p>Where existing max FSR is 2.5:1 or less, & percentage of GFA used for affordable is less than 50%, the max permitted FSR is existing plus bonus based upon % proposed</p>	<p>All units are nominated for affordable house.</p> <p>The Holroyd LEP 2013 stipulates an FSR of 1.2:1. The AHSEPP allows bonus floor space where at least 20% of the GFA is for affordable housing.</p> <p>As all units are affordable housing, the maximum FSR can be $1.2 + 0.5 = 1.7:1$.</p> <p>The proposed FSR is $3038.3m^2 = 1.31:1$</p>	<p>Yes</p>
14	<p>Standards that cannot be used to Refuse Consent</p> <p>1) Site & Solar Access</p> <p>b) site area if at least 450m²</p> <p>c) Landscaped area if by non-social housing provider - at least 30% of site is landscaped</p> <p>d) Deep soil zone if 15% of site area is deep soil, with 3m dimension.</p> <p>e) Solar access if living rooms & private open spaces for at least 70% of units receive a minimum of 3 hours direct sunlight between 9am & 3pm</p>	<p>Site Area is 2304.9m²</p> <p>921m² is landscaped which is 40%</p> <p>656m² is deep soil only counting 3m wide sections, which is 28.45% of site area</p> <p>100% of units have North, NE or NW facing living rooms & balconies, thus achieve more than 3 hours.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

2) General	in mid winter.		
	<p>a) Parking - if by non-social housing provider – if at least the following is provided: 0.5 space per 1 bedroom unit 1 space per 2 bedroom unit</p> <p>b) dwelling size if units have GFA of: 35m² per studio unit 50m² per 1 bedroom unit 70m² per 2 bedroom unit</p>	<p>0.5 x 25 = 12.5 1 x 16 = 16 Total required=28.5</p> <p>Provided= 36</p> <p>Unit floor areas all meet minimum required.</p>	<p>Yes</p> <p>Yes</p>
15	<p>Design Requirements</p> <p>If SEPP 65 applies, do not need to consider <i>Seniors Living Policy</i></p>	SEPP 65 applies & has been considered, thus do not need to consider <i>Seniors Living Policy</i> .	Yes
16A	<p>Character of local area</p> <p>Must take into account whether the design is compatible with the character of the local area</p>	<p>The character of the local area is defined primarily by an existing mix of detached dwellings and residential flat buildings. Further, the character of the area is likely to continue to change to reflect the R4 - High Density Residential zone pursuant to the Holroyd Local Environmental Plan (LEP) 2013. The proposed development is in keeping with the existing and the desired future character of the area and adopts a simple building form, with extensive new deep soil landscaping designed to enhance the landscaped setting of the site and surrounds.</p> <p>The test for compatibility in this context would also depend upon whether the overall height of the building is satisfactory with regard to visual privacy, solar access, overshadowing, etc. On merit assessment of these amenity issues, the proposed development is considered appropriate.</p>	Yes

		In this regard, it is considered that the proposed RFB fits in with the desired future character of the area.	
17	Must be used for affordable housing for 10 years Condition must be imposed to ensure that the affordable units will be used as such for 10 years from issue of Occupation certificate, & will be managed by a registered community housing provider	Appropriate conditions will be placed upon any forthcoming development consent	Yes
18	Subdivision Land may be subdivided with consent	Strata subdivision has been applied for and can be approved.	Yes

Holroyd Local Environmental Plan 2013

Holroyd Local Environmental Plan 2013 applies and the site is zoned R4 – High Density Residential. The proposal falls under the definition of a *residential flat building*, which is permissible within the zone.

The objectives of the R4 zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*

The RFB provides 41 dwellings where 3 once stood, thus an additional 38 dwellings will be provided on site. This area has recently been rezoned for high-density residential development, which reflects the future desired pattern of development. It has a mix of studio, 1 and 2 bedroom units. 7 adaptable units have been provided, and all units will be retained as Affordable Rental Housing. The development is considered to be consistent with the zone objectives.

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

Standard	Required/Permitted	Provided	Compliance
2.2	Demolition requires consent.	Consent is being sought for demolition of the existing dwellings & outbuildings on the site.	Yes
4.3	Height of Buildings - Max. 15 metres	The proposed maximum building height is 16.28 metres, 8.5% variation	No Clause 4.6 Variation submitted.
4.4	Floor Space Ratio - Max. 1.2:1	The proposed floor space ratio is 1.31:1	Yes

		FSR of 1.7:1 permitted under AHSEPP	
	Minimum Lot Size - 900m ²	The subject site has an area of 2304.9m ² .	Yes
5.10	Heritage	The site is not listed as a heritage item and is not located within the vicinity of a heritage.	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	Council's records indicate that an overland flow path inundates the site in the 1% Annual Exceedance Probability (AEP) storm event. The drainage design has been assessed by Council's Development Engineer and is considered satisfactory.	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. Standard conditions of consent shall be imposed to address this should consent be granted.	Yes

As demonstrated above, the proposal is considered to comply with the requirements of the Holroyd LEP 2013, with the exception of compliance with the height standard, which is discussed below:

Height

The maximum height limit for the subject site is 15m. The proposed development incorporates a maximum height of 16.28m, which is 8.5% greater than the permitted height limit.

A Clause 4.6 Statement was submitted justifying the variation and is discussed below:

Clause 4.6 Exceptions to Development Standards

Development consent must not be granted for development that contravenes a development standard unless Council has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard; and*

- (c) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for the development within the zone in which the development is proposed to be carried out.*

The applicant has submitted a Clause 4.6 variation to justify that compliance with the height standard in this instance is unreasonable and unnecessary as the additional height is due to the flood affectation of the site and despite this non-compliance, the proposed development meets with the as objectives of the height standard and the objectives of the R4 High Density Zone.

The objectives of the height standard are as follows:

- (a) *to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,*
(b) *to ensure development is consistent with the landform,*
(c) *to provide appropriate scales and intensities of development through height controls.*

The objectives of the R4 High Density Residential zone are as follows:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*

The following summary has been provided by the applicant in support of the height variation:-

- *the variation to the building height control is reasonably minor, and generally limited to portions of the upper level roof structure, primarily through the central portion of the site;*
- *the variation to the height control only arises as a consequence of the need to raise the finished floor level 0.5 metres above the 1% AEP flood level, and the proposed development would otherwise comply with the maximum building height of 15 metres;*
- *the variation to the building height control does not contribute to any significant additional impacts on the amenity of surrounding land in terms of overshadowing, loss of privacy or loss of views;*
- *strict compliance with the building height control would be unreasonable and unnecessary to the extent that the upper level would need to be deleted, and the contribution of the development towards the provision of affordable rental housing in the locality would be unnecessarily diminished; and*
- *the proposed development is generally consistent with the objectives of the building height control, notwithstanding the numerical variation.*

Council Officer's Comment

The proposed variation to the height standard is acceptable due to the following reasons:-

- The variation to the height control only arises largely as a consequence of the need to raise the finished floor level 0.5 metres above the 1% AEP flood level, and the proposed development would otherwise comply with the maximum building height of 15 metres.
- The 1.28m variation to the proposed height applies to the central section of part of the building; the rest of the building complies with the development standard.

- The height exceedance does not result in any floor space ratio (FSR) exceedance. It should be noted that the proposed FSR of development does not achieve the permitted FSR of 1.7:1 under the *State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP)*, rather the proposed FSR is 1.31:1, which is 944m² less than the allowable limit.
- Adequate separation distances are maintained to the adjoining site and the solar access is maintained to the adjoining development to the south (76 Guildford Road, Guildford) as it achieves 3 hours of solar access in mid-winter.
- The development generally meets with the controls under the AHSEPP 2009, HLEP 2013 and HDCP 2013 and the non-compliance with the height standard does not result in any adverse impacts to the adjoining properties.
- The development meets with the objective of the height standard and the overall objectives of the zone.

It is considered reasonable to allow the minor variation to the height, as requested. Only the central section of the building does not comply i.e. the roof of the upper level of maisonette units.

Council has in the past supported variations to the maximum height limit where the site is flood affected, meaning that the finished floor level is elevated to comply with Council's flood policy. The subject development is affected by overland flow and would be consistent with this precedent.

Holroyd Development Control Plan 2013

The Holroyd Development Control Plan (DCP) 2013 came into effect on 5 August 2013 replacing the Holroyd DCP 2007. 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 Development Control Plan 2013:

Part A – General Controls			
Standard	Required/Permitted	Provided	Compliance
3.1	Car Parking: <ul style="list-style-type: none"> - 0.8 spaces per studio or 1 b/r unit (25 units) = 20 spaces - 1 space per 2 b/r unit (16 units) = 16 spaces - Visitor parking 0.2 spaces per unit (41 units) = 8.2 spaces = 9 Required: 36 resident & 9 visitor spaces = 45 total	36 total plus one carwash	No, but Council is unable to refuse consent since the proposed parking is in accordance with the AHSEPP.
	<u>Bicycles</u> Studio – N/A 0.5 spaces per 1 & 2 bed unit, so	25 Bicycle spaces provided	Yes

	0.5 x 35 = 17.5 0.1 per unit for visitors, so 0.1 x 41 = 4.1 = 21.6 = 22 required.		
3.3	Dimensions of Car Parking Facilities, Gradients, Driveways, Circulation and Manoeuvring.	Car parking spaces to comply with AS 2890.1.2004	Yes
3.5	Driveways Driveways shall be setback a minimum of 1.5m from the side boundary.	The 1.5m landscape strip along driveway provided.	Yes
6.1	Retaining walls - Generally <1m in height.	Retaining walls less than 1m in height	Yes
6.3	Erosion and Sediment Control	A detailed sediment & erosion control plan was submitted & is considered to be acceptable.	Yes
7.4	Stormwater Management	Council's Development Engineer has reviewed the Stormwater Drainage Plans and calculations to be satisfactory.	Yes
11	Site Waste Minimisation and Management Plan (SWMMP)	Council's Waste Officer has reviewed the proposed waste and recycling arrangements and SWMMP and has advised that the plans are acceptable.	Yes
Part B – General Residential Controls			
1.1	Building Materials Schedule of Colours & Finishes to be submitted.	Materials, colours and finishes acceptable.	Yes
1.2	Fences Front fences to be solid ≤1m and be ≥50% transparent to 1.5m	Achieved	Yes
1.3	Views Minimise obstruction of views	No significant views will be affected.	Yes
1.5	Landscaping Max. 50% of provided landscaped area shall be forward of the front building line. Majority of landscaped area to be at the rear of the building.	Achieved	Yes

1.8	<p>Sunlight Access</p> <p>1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.</p> <p>Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June</p>	<p>Shadow impact upon the existing dwelling to the south (No. 76, Guildford Road) is such that it will not allow for 3 hours sunlight to north facing windows, however it is noted that No. 76 has a west facing window to the living room which allows the afternoon sun from 1pm to 4pm.</p> <p>At least 50% of POS of No.76 O'Neill St will receive 3 hours sunlight.</p>	<p>Yes</p> <p>Yes</p>
1.9	<p>Cut & Fill</p> <p>Cut: max. 1m; max. 0.45m within 0.9m of side/rear boundary. Cut controls are not applicable where basement parking is proposed.</p> <p>Fill: max. 0.3m within 0.9m of side/rear boundary; $\geq 0.6m$ to be contained within the building; if $> 0.15m$ shall occupy max. 50% of the landscaped area.</p>	<p>Basement parking is proposed.</p> <p>Minimal cut and fill within 900mm of the rear and side boundary.</p>	<p>Yes</p> <p>Yes</p>
1.11	<p>Carparking & Roads</p> <p>New driveways shall be 1.5m from boundary.</p> <p>Max gradient 1:20 first 6m then 1:5, with intermediates</p> <p>Access from basement to units to be accessible for wheelchair users</p>	<p>Driveway is 1.5m from the boundary</p> <p>Achieved</p> <p>A lift provides access from the basement to all 41 units.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
1.12	<p>Universal Housing & Accessibility</p> <p>15% of units shall be adaptable units Class B.</p>	<p>7 required and 7 are proposed. Council's Access Consultant has assessed the Post Adaptation plans to be satisfactory.</p>	<p>Yes</p>
Part 6 - Residential Flat Buildings			
6.1	<p>Min. lot frontage is 24m if in Appendix I, otherwise 28m or 45m for 6 plus storeys</p>	<p>Site is highlighted in Appendix I that requires a 24m frontage. Site has</p>	<p>Yes</p>

		3m step back from front is from edge of balconies below.	
6.4	Building Height The minimum floor to ceiling heights shall be 2.7m for habitable rooms & 2.4m for non habitable rooms. Max number of storeys for 15m height limit shall be 4	2.7m provided to all rooms, except upper floor of maisonette units, which are 2.6m and complies with BCA. 5 storeys proposed. Variation requested	Yes No, but acceptable as the fifth story contains maisonette levels for the units below.
6.6	Open Space COS to be behind BL, in one unbroken parcel with minimum dimension of 4m. COS shall allow for active & passive recreation through facilities such as seating, pergolas, BBQ Ground floor units should have courtyard 10m ² & 2.5m min depth	Cos is behind BL & is in one parcel. Just counting 4m wide or more COS is 849.6m ² The COS provided has a deep soil area & a podium area. The podium area has bench seating & picnic table. Common WC required under BCA and is provided Ground floor terraces are all at least 10m ² & 2.5m wide	Yes Yes Yes Yes
6.7	Building Appearance Appropriate scale, rhythm and proportion, responding to the building use and contextual character. Walls to street to be articulated by windows, verandahs, balconies or blade walls. Max. projection of 600mm forward of building line. Roofs shall relate to the built	The proposed front setbacks are varied, with large openings to living rooms with balconies. A wide & well-defined main entrance foyer is also proposed. Walls facing street are articulated by windows, balconies, terraces. Some balconies project 600mm into the front building line Flat roof proposed satisfies	Yes Yes Yes

	<p>form, context and character of the street. Pitched roofs will not be permitted where land has been rezoned high density.</p> <p>Max. 3m height for roofs from ceiling line to ridge.</p>	<p>desired future character of street.</p> <p>Approx. 700mm from ceiling to ridge.</p>	Yes
6.8	<p>Building Entry</p> <p>Shall be clearly identifiable, sheltered, well lit & visible from the street.</p>	<p>The entry is directly from the street and is well defined.</p>	Yes
6.9	<p>Parking & Vehicular Access</p> <p>Parking shall be maintained to a basement.</p> <p>Vehicle entries shall be setback from the main façade and security doors shall be provided to car park entries to improve the appearance of vehicle entries</p> <p>One car wash bay shall be provided for all developments having 10 or more dwellings (not a visitor space).</p> <p>Direct access shall be provided from the car park to the lobby.</p>	<p>Basement parking provided</p> <p>Basement entry setback from front façade (faces side) & ramps down.</p> <p>Carwash bay provided</p> <p>Two lifts from basement to front lobby on each level.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
6.10	<p>Dwelling Mix</p> <p>Combined number of studio & one bedroom units shall not exceed 20% of total</p>	<p>6 studio plus 19x 1 bedroom = 25 / 41 = 61%</p>	No, but acceptable as discussed below.
6.11	<p>Internal Circulation</p> <p>All common facilities must be accessible.</p> <p>All staircases are to be internal.</p>	<p>Podium COS and rear COS is accessible.</p> <p>Staircases are internal.</p>	<p>Yes</p> <p>Yes</p>
6.12	<p>Facilities & Amenities</p> <p>Each unit shall have a laundry</p> <p>Open air clothes drying facilities shall be provided in a sunny, ventilated area, screened from the public domain by 1.5m high walls.</p>	<p>Laundry in each unit</p> <p>Open air clothes drying facilities shall be provided in a sunny area</p>	<p>Yes</p> <p>Yes</p>

	Mailboxes to be close to the street, shall not require postman to enter site & be integrated with the design.	Mailbox provided close to the street	Yes
	Common WC required for 12 or more units under BCA	Common WC provided	Yes
	Meter box room for utilities to be in basement	Meter box room provided in the basement	Yes
	Garden maintenance & storage area.	Maintenance & storage areas provided in the basement	Yes
6.15	Waste Management Bin storage must: - Be located behind the building line and screened from the street and any public place. - Be accessible and relatively close to each dwelling. - max 1:8 grade to wheel bins to street - Not impact upon the amenity of adjoining premises or dwellings within the development, i.e. odour.	Bin bay is located at ground level, with a level path to the street and to the lobby. An acoustic wall is proposed to minimise any noise generated during the wheeling of the bins to the street. Conditions are also applied to provide a roof over the garbage storage area to minimise any amenity impacts to the adjoining property at No. 68 O'Neil Street.	Yes
Part E – Public Participation			
1.3	To be advertised for 21 days	The DA was placed on public exhibition for 21 days from 24 September 2014 to 15 October 2014 And the amended plans were notified from 16 March 2015 to 30 March 2015. 1 submission each was received during this time.	Yes

As demonstrated above, the proposal is considered to comply with the requirements of the Holroyd DCP 2013, with the exception of the following:

i. Dwelling layout/mix

The proposed building has a mix of 6 x Studio units, 19x 1 bedroom units and 16 x 2 bedroom units. 10 units (20%) have been nominated as adaptable units. Although, the DCP requires that the one-bedroom units shall not exceed 20% of the total number of dwellings, the proposal has 61% of studio and 1-bedroom units and 39% of 2 bedroom units proposed within the development. The applicant has submitted the following justification in this regard to vary the DCP requirements for increased number of studio/1 bedroom units:-

“The proposed development provides a total of 41 apartments, including 6 x studio apartments and 19 x 1 bedroom apartments, representing a combined total of 61% of the total number of apartments.

In that regard, the proposed development has been designed as “Affordable Rental Housing” pursuant to SEPP (Affordable Rental Housing) 2009, and the mix of apartments specifically responds to the demand for that type of accommodation.

Further, the SEPP provides minimum dwelling sizes for each type of apartment (which the proposed development complies with), but does not seek to regulate the mix of apartment types within a single development.

Further, the relevant objectives of the dwelling mix control are expressed as follows:

- C3. To accommodate a variety of household activities and varied occupants.*
- C4. To ensure a mix of residential dwelling types to accommodate a range of family types.*
- C5. To ensure the provision of adaptable housing to meet a broad range of occupants needs over time.*

In that regard, the proposed development will specifically contribute to the variety of household and dwelling types in the locality, and capitalise on the sites proximity to Guildford Railway Station and the surrounding retail/commercial centre.

Further, the proposed mix of apartments is consistent with the objectives of the SEPP in terms of facilitating the “effective delivery of new affordable rental housing”. Finally, the proposed mix of apartments is consistent with (or not antipathetic to) the objectives of the dwelling mix control incorporated in the DCP.”

The apartment mix is considered acceptable given that the development is designed as affordable rental housing and meets the objectives of the control and the objectives of State Environmental Planning Policy (Affordable Rental Housing) 2009.

(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

No planning agreement that has been entered into under section 93F. The developer has not offered to enter into any draft planning agreement under section 93F.

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

There are no specific matters prescribed by the Regulations that apply to this development.

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

Not applicable to Holroyd LGA.

(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,

The proposed development is within a R4 High Density Residential zone, which aims to provide a variety of housing types within a high-density residential environment. The proposed affordable housing development results in an increase in the supply of affordable housing and mixed housing types, that meets the objectives of this zone.

With regard to context and setting, it is important to note that the test for compatibility in this context is whether the overall bulk, scale and height of the building is satisfactory with regard to visual privacy, solar access, overshadowing, etc and on merit assessment of these amenity issues, the proposed development is considered appropriate.

The elevations are sufficiently articulated and provide visual interest through articulation and variety in finishes. The overall design, bulk and scale is considered to be appropriate and will be a positive attribute for the local area.

With regards to environmental impacts on the natural environment, the applicant has submitted an Arboricultural Impact Assessment report, which indicates that a total of 31 trees are required to be removed to accommodate the development. None of these tree species are listed under the NSW Threatened Species Conservation Act.

Twelve of the subject tree species (i.e. Tree No's 4, 5, 6, 11, 19, 22, 23, 24, 25, 32, 39 and 40 are listed under the NSW Act 1993 of undesirable species and one tree is a dead tree.

The proposed development includes the retention of two (2) existing trees on the site, and the proposed landscaping includes the planting of an additional 29 replacement trees across the site, including within the setbacks to the front, side and rear boundaries.

Furthermore, the existing and proposed trees on the site will be supplemented by a hierarchy of lower level trees, shrubs and groundcovers, all of which will contribute to the overall landscaped setting of the site and surrounds.

Council's Landscaping and Tree Management Officer has reviewed the Arboricultural Impact Assessment report and the landscape plans submitted with the application and has raised no objection to the removal of the trees, subject to recommended conditions.

The development exceeds the total parking spaces required under AHSEPP provisions and complies with residents car parking requirement under HDCP 2013, however visitors parking is not provided as per the DCP's requirements. The off street parking provided for the proposed development is considered to be adequate as it exceeds the Affordable Rental Housing SEPP 2009 requirements.

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

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

The site is considered suitable for a proposed affordable housing infill development, as it is zoned R4 and is compatible with the character of the local area. The site is affected by an overland flow and therefore results in a minor non-compliance with the height standard, which is acceptable due to this flooding constraint.

The site is suitable for the purposes of infill affordable rental housing in the existing residential area and has an easy access to public transport and local shops. The proposed development is well located and is designed to be compatible with the character of the locality.

The site has been assessed during the comprehensive LEP process as being able to sustain a 15m height and 1.2:1 density development. AHSEPP allows a further FSR bonus of 1.7:1, which has not been exceeded in this case.

(d) *any submissions made*

In accordance with the Holroyd Development Control Plan 2013, the application was notified to adjoining and surrounding owners and occupiers for a period of 21 days. An advertisement was placed in the local newspaper and a notice was placed on the site. During this time, one submission was received raising the some concerns with the proposed development.

The amended application has been re-notified for 14 days and one submission was received from the previously objector (refer to Attachment “G”).

The issues raised in the submissions are discussed below: -

Issue: The survey plan submitted with the application is incorrect as it shows only 2 windows instead of 4 windows to the southern elevation of No. 68 O’Neil Street.

Comment:

A revised survey plan has been submitted to reflect all 4 windows to the southern elevation of No. 68 O’Neil Street.

Issue: 1.8m fence with additional 550m lattice screen on top of the fence and planting of trees along the shared boundary to No. 68 O’Neil Street.

Comment:

In addition to a 1.8m high boundary fence, the application provides for a 2.4m high acoustic wall along the shared boundary to No 68. O’Neil Street as requested under further correspondence received by the objector.

Issue: Visual impact/privacy

Comment:

Concern was raised in relation to the privacy impacts from the north facing balconies of the proposed development. The amended plans provide for louvered screens to the balconies of Unit No’s 206, 207, 208,209, 306, 307, 308, 309, 409 and 410 as shown on the plans in order to minimize any overlooking impacts on the adjacent building at No 68 O’Neil Street.

A concern was also raised with regard to the noise generated as a result of the pedestrian path located along the northern boundary and the garbage bins being wheeled along this pathway.

In relation to concerns regarding potential noise generation from the bins being wheeled to the street for garbage collection, an acoustic wall in consultation with the next-door neighbour has been provided along the northern property boundary in order to mitigate any potential noise impact to the adjacent property at No 68 O’Neil Street. Furthermore, a condition is recommended to require the garbage collection room to be roofed and provided with solid walls with no openings, into the north, west and east facing walls of the garbage room.

It is considered that the applicant has satisfactorily addressed the above concerns.

(e) *the public interest*

Long term positive benefits of the proposal include the provision of accessible, affordable and Adaptable Housing within close proximity to the Guildford Town Centre and the local shops.

Short term benefits include the provision of employment for tradespersons, builders, landscapers and the like who will undertake physical construction of the development. It is acknowledged that there will be some short term disruption to the amenity of nearby residents (truck movements, deliveries, noise of construction work, etc.) but it is considered that the long term positive benefits outweigh the short term impacts.

INTERNAL REFERRALS

During the assessment process, comments were sought from a number of sections within Council, as detailed below:

Development Engineering Section	No objection, subject to conditions.
Traffic Section	No objection, subject to conditions.
Landscaping Section	No objection, subject to conditions.
Environmental Health Unit	No objection, subject to conditions.
Waste Management Section	No objection, subject to conditions.
Community Services Section (Social Planning and Accessibility)	No objection, subject to conditions.

EXTERNAL REFERRALS

Comments were sought from NSW Police (Holroyd LAC) who raised no objection subject to standard recommendations.

SECTION 94 CONTRIBUTIONS

Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 94 of the Environmental Planning and Assessment Act 1979 and Holroyd Section 94 Development Contributions Plan 2013, for 41 units (25 x 1 studio/1 bedroom and 16 x 2 bedroom units, minus 3 credits) is to be paid to Council. At the time of this development consent, the current rate of the contribution is \$379,403. The amount of the contribution will be determined at the time of payment in accordance with the relevant s94 Contributions Plan in force at that time.

RECOMMENDATION

The proposed development involves the construction of a 5 storey residential flat building containing 41 units over 1 level of basement parking consisting of 36 carparking spaces.

The Development Application has been assessed under the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979 (The EP&A Act), State Environmental Planning Policy No. 65 – Residential Flat Development (SEPP 65), State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP), the Holroyd Local Environmental Plan 2013 (HLEP 2013) and Holroyd Development Control Plan 2013 (DCP 2013).

The proposed development adequately addresses the objectives and requirements of the abovementioned Environmental Planning Instruments and Development Control Plan. Where the proposed development seeks to vary controls under Council's DCP, suitable justification

has been provided to support the variations and on balance, the proposal represents an acceptable and appropriate scale of development in close proximity to the Guildford Town Centre.

The development results in an increase in the supply of much needed affordable housing and mixed housing types, maintenance of social diversity, reinforcement in the viability of the Guildford Town Centre, and improvement to the built environment. It is considered that these positives outweigh any perceived negative aspects of the proposed development.

The proposed 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 JRPP approve the Development Application, subject to the conditions provided within the Draft Determination Notice.

Attachment “H” – Draft Determination Notice